CITY OF
CHULA VISTA

ZONING ADMINISTRATOR
NOTICE OF DECISION

Date:	**March I, 2019**
Applicant:	**Nick Goyal (Vintners Distributors, Inc.)**
Case No.:	**DR17-0014 & CUP17-0014**
Address:	**4555 Main Street, Chula Vista, CA 91911**
Project Planner:	**Oscar Romero, Assistant Planner**

Notice is hereby given that on March 1, 2019 the Zoning Administrator considered a combined Design Review DR17-0014 and Conditional Use Permit CUP17-0014 application filed by Nick Goyal ("Applicant"). The Applicant is requesting approval to expand an existing Shell automotive service station and carwash ("Project"). The Project is located at 4555 Main Street within the Crossroads shopping center ("Project Site"). The Project Site is owned by AU Energy LLC ("Property Owner"). The Project Site is zoned Central Commercial (CC) and designated as Commercial Retail (CR) in the General Plan. The Project is more specifically described as follows:

The proposed Project consists of the expansion of the existing automotive service station. The Applicant proposes to expand the existing retail area and carwash by 2,178 square-feet, adding 1,486 square-feet to the retail area, 582 square-feet to the existing car wash, and 110 square-feet to the carwash equipment room. The expansion requires the Applicant to increase the required parking from 8 to 11 spaces, and include improvements to the existing landscaping and associated access and circulation.

The Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. The Project qualifies for a Class 1 exemption because there are no proposed exterior changes or expansion of the existing facility. Thus, no further environmental review is required.

The Zoning Administrator, under the provisions of CVMC Section 19.14.030.A.2, CVMC Section 19.14.080, and C, has made the findings for approval of the Design Review and Conditional Use Permit based upon the following findings of facts:

DESIGN REVIEW FINDINGS:

1. ***The proposed development, as conditioned, is consistent with the development regulations of the Chula Vista Municipal Code and the design regulations contained in the City's Design Manual.***

The Project includes the expansion of an existing commercial building and site improvements consistent with the Chula Vista Municipal Code development regulations relative to building height, setbacks, parking, landscaping, and performance standards and conditions.

2. ***The design features of the proposed development are consistent with, and are a cost effective method of satisfying, the design guidelines contained in the City of Chula Vista Design Manual.***

   The Chula Vista Design Manual does not recommend a particular architectural "style", but it encourages high quality, innovative, and imaginative architecture. Projects are expected to incorporate variations in form, building details, and siting in order to create visual interest. The chosen architectural style should be employed on all building elevations. The proposed building additions are being designed with the same modern architectural style used with the surrounding commercial buildings, which is consistent with the design guidelines of the Design Manual.

   The architectural features of the design will provide varied wall planes both vertically and horizontally to cut relief from a monotous wall. The exterior will be accented with veneer accents as well as metal fascia on the trim of the building to remain consistent with the surrounding design.

CONDITIONAL USE PERMIT FINDINGS:

1. ***That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community.***

   The Project will expand existing service station and carwash services for the surrounding residents. The provision of an automated carwash facility in proximity to nearby residents contributes to the general well-being of the neighborhood and community. By expanding the convenience store the site will also be providing a greater supply of commodities to serve the local neighborhood and community.

2. ***That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.***

   The Project will not create any negative impacts to health, safety or general welfare. The Project will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista, and is consistent with the types of commercial uses that are allowed within the Central Commercial zone.

3. ***That the proposed use will comply with the regulations and conditions specified in the code for such use.***

The Project is a permitted use in the Central Commercial zone, subject to issuance of this Conditional Use Permit, and complies with required development regulations, including setbacks, and parking requirements. Circulation will remain unaffected by the expansion and continue to have the same number of pumps and unaltered ingress and egress access.

4. ***That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City, or the adopted plan of any government agency.***

   The Project Site is designated and zoned for Central Commercial zone uses in the General Plan. The Project at this location is consistent with the stated policies of the General Plan, and is in compliance with the General Plan policy of providing adequate commercial uses within all areas of the city. Therefore, the Project, as proposed, is consistent with the General Plan and the Central Commercial zone.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Design Review DR17-0014 and Conditional Use Permit CUP17-0014, as described above, subject to the following conditions of approval in Sections I, II and III:

I. The following conditions of approval shall be satisfied prior to issuance of the building permit for the Project:

1. The Property Owner and the Applicant shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and Applicant have each read, understood, and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days shall indicate the Property Owner/Applicant's desire that the Project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

_____ _____

Signature of Applicant Date

_____

Printed Name of Applicant

_____ _____

Signature of Authorized Property Owner Date

_____

Printed Name of Property Owner

2. The Applicant shall apply and obtain a building permit prior to construction, and the Project shall be built per the approved plans.

3. Prior to, or in conjunction with the issuance of the first building permit, the Applicant shall pay all applicable fees, including any unpaid balances of permit processing fees for deposit account.

4. The exterior colors and materials specified on the building plans shall match the colors and materials shown on the submitted design review plans approved by the Zoning Administrator on March 1, 2019.

5. A graffiti resistant treatment shall be specified for all wall and building surfaces, and noted on any building and wall plans. Additionally, the project shall conform to CVMC Section 9.20.055 regarding graffiti control. The Applicant shall remove all graffiti on a regular basis, and shall place a note to this effect on the building permit plans.

6. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Director of Development Services.

7. All ground mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Director of Development Services.

8. The Applicant shall obtain a separate sign permit for all proposed signage and canopy installation.

9. Prior to issuance of building permits, Applicant shall submit landscape and irrigation plans in accordance with the City's Landscape Water Conservation Ordinance for review and approval by the Director of Development Services.

Building Division Condition:

10. The Applicant shall comply with the current edition of the California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Fire Code (CFC), California Energy Code, and the Green Building Ordinance (CVMC 15.12) and all other locally adopted City and state requirements.

Land Development Division Conditions:

11. Additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule will be required for the submittal of the following items:
    a. Grading Plans
    b. Street Improvement Plans
    c. Construction Permit

12. All driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with Section 18.16.220 of the Municipal Code. Also, landscaping, street furniture, or signs shall not obstruct the visibility of driver at the street intersections or driveways.

13. The Project shall comply with all requirements of the Chula Vista Development Storm Water Manual (Storm Water Manual) for both construction and post-construction phases of the project. Prior to DRC approval, documentation shall be provided, to the satisfaction of the City Engineer, to demonstrate such compliance. A copy of the Storm Water Manual is Available on the web at:
    http://www/chulavistaca.gov/Clean/StormWater/DevelopandConst.asp

14. The Applicant must enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain private BMP's located within the project prior to issuance of any Grading or Building Permits, whichever occurs first.

15. Prior to obtaining any building permit for the Project, if the total on-site improvements exceed the Engineering Threshold per CVMC, Section 12.24.030, then the Applicant shall be required to obtain a Construction Permit from the Land Development Section of the Department of Development Services. A Construction Permit is required to perform the following work in the City's right-of-way, which may include, but is not limited to:

    a. Removal and replacement of any broken or damaged curb, gutter and sidewalk per SDRSD G-2, and G-7 along the project's frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
    b. Additional asphalt paving for the replacement of the existing curb, gutter and sidewalk.
    c. Removal and replacement of existing driveway(s) meeting design standards as shown in Chula Vista Construction Standard CVCS-1. Current Driveway(s) shall be replaced, if it does not meet the City of Chula Vista Design Standards/ADA Standards, or if existing driveway is cracked or broken. Dedication of R/W as needed in order for driveway to comply with (American Disability Act) ADA requirements.
    d. Utilities Trenching and Restoration per CVCS-3 & 4.
    e. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
    f. The construction and completion of all improvements and release requirements shall be secured in accordance with Section 18.16.220 of the Municipal Code.

g. The onsite sewer and storm drain system shall be private. All sewer lateral and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.
h. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.
i. Any private facilities (if applicable) within Public right-of-way or City easement will require an Encroachment Permit prior to Improvement Plan or building permit approval.

Environmental Services Division Conditions:

16. Illustrate how enclosure gates are independently anchored from the walls of the enclosure using steel posts prior to building permit issuance.

17. Please refer to the City of Chula Vista Recycling and Solid Waste Planning Manual (RSWPM) http://www.chulavistaca.gov/home/showdocument?id=5211 for trash and recycling requirements, guidelines and recommendations. The following changes and requirements must be shown directly on site plans/drawings as notations. When plan/drawing sets are 10 sheets or more, provide a separate set specific to trash and recycling information.

II. The following on-going conditions shall apply to the subject property as long as it relies upon this approval.

18. The Applicant shall maintain the Project in accordance with the approved plans for DR17-0014 and CUP17-0014 date stamped on March 1, 2019, which includes a site plan, floor plan and elevations on file in the Planning Division, the conditions contained herein, Title 19.

19. Approval of this Design Review and Conditional Use Permit shall not waive compliance with any sections of Title 19 (Zoning) of the Municipal Code nor any other applicable City Ordinances in effect at the time of building permit issuance.

20. The Applicant/Operator shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this combined Design Review and Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Applicant/Operator shall acknowledge their agreement to this provision by executing a copy of this combined Design Review and Conditional Use Permit where indicated, above. Applicant's/Operator's compliance with this provision is an express condition of this combined Design Review and Conditional Use Permit and this provision shall be binding on any, and all of Applicant's/Operator's successors and assigns.

21. Any new improvements, modification/expansion of the improvements or other activities not authorized under this combined Design Review and Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.

22. Any violations of the terms and conditions of this combined Design Review and Conditional Use Permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.

23. If any of the foregoing conditions fails to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this combined Design Review and Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 1st day of March 2019.

Michael Walker
Zoning Administrator