CITY OF
CHULA VISTA

ZONING ADMINISTRATOR
NOTICE OF DECISION

Date:	**May 1, 2019**
Applicant:	**Nasir Farooqi**
Case No.:	**DR17-0028**
Address:	**4011 Bonita Road, Chula Vista, CA**
Project Planner:	**Genevieve Hernandez**

Notice is hereby given that on May 1, 2019 the Zoning Administrator considered a Design Review DR17-0028 application filed by Nasir Farooqi ("Applicant"). The Applicant is requesting a Design Review approval to remodel an existing 2,236 square foot 24-hour drive-thru restaurant ("Project"). The Project is located at 4011 Bonita Road ("Project Site"). The Project Site is owned by Jack-in-the-Box Inc. ("Property Owner"). The Project Site is zoned Central Commercial Design District (CCD) and designated as Commercial Retail in the General Plan. The Project is a permitted use within the CCD zone and more specifically described as follows:

The proposed Project consists of remodeling an existing 2,236 square foot Jack-in-the-Box drive-thru restaurant that includes an interior remodel, exterior remodel and roof replacement. The remodel design will incorporate removal of an existing mansard roof, with a façade remodel to incorporate a more contemporary design. The design includes porcelain wall tile, fiber cement siding panels, and corrugated wall panels to blend in with the existing masonry.

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, and CVMC Section 19.14.080 has made the findings for approval of the Design Review 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 guidelines contained in the City's Design Manual.***

The Project includes a remodel to an existing commercial building consisting of an interior and exterior remodel, roof replacement, and site improvements which are 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. The remodel design will incorporate removal of an existing mansard roof, with a façade remodel to incorporate a more contemporary design. The design includes porcelain wall tiles, fiber cement siding panels, and corrugated wall panels to blend in with the existing masonry. The proposed building is being designed with a modern architectural style, changing the building roof line from a mansard roof to a flat roof similar to the architecture used with the surrounding commercial buildings, which is consistent with the design guidelines of the Design Manual.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Design Review DR17-0028, as described above, subject to the following conditions of approval in Sections I and II:

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/Authorized Representative Date

_____
Print

_____ _____
Signature of Property Owner Date

_____
Print

2. 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 Design Review approval processing fees for deposit account BL-2637

3. The Applicant shall develop the Project based on the approved plans by the Zoning Administrator and dated May 1, 2019.

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

5. 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 May 1, 2019.

6. 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. The Applicant shall place a note to this effect on the building permit plans.

7. 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.

8. 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.

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

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.

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

11. The Applicant shall maintain the Project in accordance with the approved plans for DR17-0028 date stamped on May 1, 2019, which includes a site plan, floor plan and elevations on file in the Planning Division, the conditions contained herein, Title 19.

12. Approval of this Design Review 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.

13. 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 Design Review, (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 Design Review where indicated, above. Applicant's/Operator's compliance with this provision is an express condition of this Design Review Approval and this provision shall be binding on any and all of Applicant's/Operator's successors and assigns.

14. Any violations of the terms and conditions of this Design Review approval may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.

15. This Design Review approval shall become void and ineffective if not utilized within three (3) years from the effective date thereof, in accordance with Section 19.14.600 of the Municipal Code.

16. 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 Design Review approval.

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

Michael Walker
Zoning Administrator