



**ZONING ADMINISTRATOR  
NOTICE OF DECISION**

**Date:** October 2, 2019  
**Applicant:** Andrea Aceves  
**Case No.:** DR18-0012  
**Address:** 1408 Third Avenue, Chula Vista, CA 91911  
**Project Planner:** Oscar Romero

Notice is hereby given that on October 2, 2019 the Zoning Administrator considered a Design Review DR18-0012 application filed by Andrea Aceves ("Applicant"). The Applicant is requesting a Design Review permit to add 590 square feet to an existing 1,913 square foot drive-thru restaurant ("Project"). The Project is located at 1408 Third Avenue ("Project Site") at the southwest corner of Third Avenue and Quintard Street. The Project Site is owned by Jack in the Box Inc. ("Property Owner"). The Project Site is zoned Central Commercial and designated as Commercial Retail in the General Plan. The Project is more specifically described as follows:

The proposed Project consists of a 590 square-foot building addition and remodeling to an existing 1,913 square foot drive-thru restaurant and parking lot. The expansion to the east side of the building fronting on to Third Avenue will accommodate additional indoor dining. The site will also include the addition of enhanced paving and landscaping fronting along Third Avenue and improve existing landscape conditions for the site. Hours of operation will remain as is, and operate on a 24 hour basis Sunday to Monday.

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 15302 (Replacement or Reconstruction) of the State CEQA Guidelines. The Project qualifies for a Class 2 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 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 an addition to an existing commercial building 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. 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 is designed with a modern architectural style due to the replacement of the mansard roof with a flat roof that is similar to the architecture used with the surrounding commercial buildings and consistent with the design guidelines of the Design Manual.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Design Review DR18-0012, 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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Applicant

\_\_\_\_\_  
Signature of Authorized Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Property Owner

2. The Applicant shall develop the Project based on the approved plans by the Zoning Administrator and dated October 2, 2019. The Applicant shall apply for a building permit.
3. The Applicant shall apply and obtain a building permit prior to construction, and the Project shall be built per the approved plans.
4. 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.
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 October 2, 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.

10. 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:**

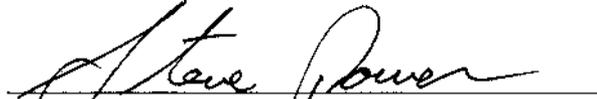
11. The Applicant shall comply with the current edition of the California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Fire Code (CFC), California Energy Code, and the Green Building Ordinance (CVMC 15.12) and all 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.**

12. The Applicant shall maintain the Project in accordance with the approved plans for DR18-0012 date stamped on October 2, 2019, which includes a site plan, floor plan and elevations on file in the Planning Division, the conditions contained herein, Title 19.
13. 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.
14. 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 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 Design Review and Conditional Use Permit where indicated, above. Applicant's/Operator's compliance with this provision is an express condition Design Review of this Conditional Use Permit and this provision shall be binding on any and all of Applicant's/Operator's successors and assigns.
15. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
16. This Design Review Permit 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.
17. 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 and Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 2nd day of October 2019.

  
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Steve Power  
Zoning Administrator