



**ZONING ADMINISTRATOR
NOTICE OF DECISION**

Date: October 14, 2019
Applicant: Salem Zora
Case No.: DR18-0022
Address: 196 Broadway, Chula Vista, CA
(Assessor's Parcel Number 565-230-31)
Project Planner: Jeff Steichen, Associate Planner

Notice is hereby given that on October 14, 2019 the Zoning Administrator considered Design Review application DR18-0022 filed by Salem Zora ("Applicant"). The Applicant is requesting approval to building a new convenience store and small take-out restaurant in one building, a new fuel pump canopy, and site improvements. ("Project"). The Project is located at 196 Broadway within the Urban Core Specific Plan ("Project Site"). The Project Site is owned by Supreme Gas Partnership ("Property Owner"), and is zoned UC-16 (Urban Core District), and designated as Visitor Commercial (CV) in the General Plan. The Project is more specifically described as follows:

The Project Site contains an existing 1,540 square-foot gas pump island canopy and 2,103 square-foot convenience store. The use is considered previously conforming under the Urban Core Specific Plan. The proposed Project consists of demolishing the existing structures and replacing them with a new 1,832 square-foot gas pump island canopy and a 3,770 square-foot commercial building to establish a new convenience store and restaurant. The new canopy and commercial building will provide architectural renovation/modernization of the Project Site with the following features:

Gas Pump Canopy:

- Gas pump canopy facia will be complementary with proposed contemporary style of the replacement commercial building.
- Lower portion of pump canopy columns will contain stone veneer to match wainscoting of proposed replacement commercial building.
- The pump canopy will be designed at a lower height so that the roof will not be visible from surrounding streets.

Commercial building:

- The replacement commercial building will contain a curvilinear entry tower feature designed to be visible from "E" Street and Broadway. Building entries are clearly identified by recessed areas flanked by columns.
- Both store entries will be unified and articulated with vertical and horizontal variegated planes and materials.
- The main bulk of the building will consist of stone veneer.

The Director of Development Services has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project was covered in the

previously adopted Environmental Impact Report (EIR 06-01) for the Urban Core Specific Plan thus, no further environmental review of documentation is required.

The Zoning Administrator, under the provisions of CVMC Section 19.14.582(C), and Urban Core Specific Plan has made the findings for approval of the Design Review application 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 Site is located in the UC-16 land use district which allows for a variety of commercial, service, hospitality, and professional office uses. The existing service station use on the site is considered previously conforming and, therefore, allows for the construction of the Project to replace the similar existing use on the site. All required development standards of the UC-16 land use district will be met, with the exception of the minimum required street wall frontage. The latter cannot be achieved due to location of existing gas pumps (and underground tanks) which preclude relocating the commercial building closer to the street.

- 2. That the proposed Project is consistent with the design requirements and recommendations contained in the Urban Core Specific Plan and development standards of the Chula Vista Design Guidelines.*

The Project has been designed to be consistent with the Urban Core District design requirements and recommendations of the Urban Core Specific Plan including the following:

- Consistent with the Storefront Design requirements, the main entry to the commercial building will be emphasized both through use of columns, and a recessed entryway flanked by a large curvilinear decorative opening near the top.
- In terms of recommended building materials, stone veneer treatment will be added to the façade of the commercial building as well as lower portion of pump islands.
- Entry treatment to the site, will be marked by enhanced paving being provided along all replacement driveway entrances.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Design Review DR18-0022, as described above, subject to the following conditions of approval in Sections I, II and III:

- I. The following shall be accomplished to the satisfaction of the Director of Development Services, or designee, prior to issuance of building permits, unless otherwise specified:

Planning Division

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 Project Site shall be developed and maintained in accordance with the approved plans, which include Site and Landscape Plans, Floor Plan, and Elevation Plan on file in the Development Planning Division, the conditions contained herein, and Chula Vista Municipal Code ("Municipal Code" or "CVMC") Title 19.
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 DDA0339.
4. The colors and materials specified on the building plans shall be consistent with the colors and materials shown on the site plan and colored materials sheet approved by the Zoning Administrator.
5. A graffiti resistant treatment shall be specified for all exterior building surfaces. This shall be noted for any building and elevation plans. Additionally, the Project shall conform to Section 9.20.055 of the Municipal Code regarding graffiti control.

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.
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.
8. All exterior lighting shall include shielding to remove any glare from adjacent residents. Details for said lighting shall be included in the architectural plans.
9. The Applicant shall obtain approval of a sign permit for each sign. Signs shall comply with all applicable requirements of the Municipal Code.
10. Prior to the issuance of any site development permits, the Applicant shall submit health and safety plan/soil management plan reports to the County of San Diego Department of Environmental Health for approval under the Voluntary Assistance Program (VAP).

LAND DEVELOPMENT DIVISION/LANDSCAPE ARCHITECTURAL DIVISION

11. Additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule may be required for the submittal of the following items:
 - a. Construction Permit
 - b. Encroachment Permit
12. All driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with Section 12.12.120 of the Municipal Code. Also, landscaping, street furniture, or signs shall not obstruct the visibility of any driver at the street intersections or driveways.
13. Owner shall 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.
14. Applicant shall obtain a grading permit prior beginning any earthwork activities at the site and before issuance of building permits in accordance with Municipal Code Title 15.04. Applicant shall submit grading plans in conformance with the City's Subdivision Manual and the City's Development Storm Water Manual requirements, including, but not limited to the following:
 - a. Grading Plans shall be prepared by a registered Civil Engineer and approved by the City Engineer.
 - b. Drainage Study and Geotechnical/Soils Investigations
 - c. Any offsite work will require Letters of Permission from the property owner(s).
15. 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:
 - Replacement of (1) 35 foot driveway on Broadway

- Replacement of (2) 26 foot driveways on E Street
 - Removal and replacement of any broken or damaged curb, gutter, and sidewalk along the Project's frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
 - Additional asphalt paving for the replacement of the existing curb, gutter and sidewalk.
 - Utilities Trenching and Restoration per CVCS GSI-03.
 - Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
16. The onsite sewer and storm drain system shall be private. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.
17. 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.
18. Any private facilities (if applicable) within the public right-of-way or City easement will require an encroachment permit prior to improvement plan or building permit approval.
19. Upon approval of the Design Review application and prior to approval and issuance of any building permit, the Applicant shall submit three (3) sets of complete landscape construction documents for approval demonstrating that the installed landscape will comply with the City of Chula Vista Landscape Water Conservation Ordinance (LWCO), Chapter 20.12 of the Municipal Code. The title sheet of the construction drawings shall also include the signed statement from the landscape architect of work as noted below:

"I am familiar with and agree to comply with the requirements of the landscape improvement plans as described in Chapter 20.12 of the City of Chula Vista Municipal Code. I have prepared these plans in compliance with those regulations. I certify that the plan implements the regulations to provide efficient water use."

Landscape construction documents shall be submitted as a separate package.

Building Division

20. The Project shall be designed by an Architect or Engineer licensed by the State of California. [California Business and Professional Code 5536.1, 6735].
21. The Applicant shall provide a Note on the cover sheet indicating this Project will comply with 2016 California Building Code, 2016 California Energy Code, 2016 California Fire Code, 2016 California Electrical Code, 2016 California Plumbing Code, 2016 California Mechanical Code, and 2016 California Green Standards Code as adopted and amended by the State of California and the City of Chula Vista. The City will adopt 2019 codes as of January 1, 2020.

If building plans are not submitted prior to that date, then compliance with 2019 codes will be required.

Fire Department

22. Prior to final inspection, the Applicant shall obtain any and all fire permits related to underground fire services utilities, fire sprinklers and fire alarms.

II. The following on-going conditions shall apply to the Project as long as it relies on this approval:

23. The Applicant shall install all landscaping and hardscape improvements in accordance with the approved Landscape Plan. Landscaping shall be maintained by the owner and successor in perpetuity, including any street trees in the right of way.

24. Approval of the Design Review shall not waive compliance with any sections of Title 19 of the Municipal Code, nor any other applicable laws and regulations in effect at the time of building permit issuance.

25. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, Planning Commission members, Zoning Administrator, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Design Review approval, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project and (c) any environmental determinations for the Project. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Design Review approval where indicated below. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.

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

III. GOVERNMENT CODE SECTION 66020(d)(1) NOTICE

Pursuant to Government Code Section 66020(d) (1), NOTICE IS HEREBY GIVEN that the 90-day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Government Code Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition. The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project; and it does not apply to any fees, dedication, reservations, or other

exactions which have been given notice similar to this, nor does it revive challenges to any fees for which the statute of limitations has previously expired.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 14th of October 2019.



Michael Walker
Zoning Administrator