

ZONING
ADMINISTRATOR
AGENDA STATEMENT



Item: _____
Meeting Date: 09/24/20

PUBLIC HEARING DR19-0026: Consideration of the development of a one-story 3,062 square-foot 7-11 Convenience Store and gas station on a .81 acre vacant site located at the corner of Main Street & Fourth Ave.

PUBLIC HEARING CUP19-0017: Consideration to allow the use of a 7-11 Gas Station in conjunction with the convenience store on a 0.81 acres site located on a vacant parcel at corner of Main Street & Fourth Ave.

SUBMITTED BY Caroline Young, Associate Planner

INTRODUCTION

On August 19, 2019, that Applicant filed applications for a permit to construct a one-story 3,062 square-foot 7-11 Convenience Store and gas station on a .81 acre vacant site located at the corner of Main Street & Fourth Avenue (See Attachment 1, Locator Map).

All property owners within 500 feet of the subject property were given notice of the application and no public comments were received.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a categorical exemption pursuant to Section 15332 of the State CEQA Guidelines. Thus, no further environmental review is required.

RECOMMENDATION

Approve the application for the Design Review and Conditional Use permit to construct a one-story 3,062 square-foot 7-11 Convenience Store and gas station based on the information contained in the application, this report, and Notice of Decisions.

DISCUSSION

Project Site Characteristics:

The 0.81-acre project site is a vacant parcel associated with the Otay River Business Park Development subdivision. This parcel is located at the corner of Main Street and Fourth Avenue within the current overall property of the subdivision. Lots are currently being subdivided to provide individual lots to future tenants.

The topography of the site is essentially flat and surrounded by the existing commercial, industrial uses, as well as multi-family homes located to the north across Main Street.

Project Description:

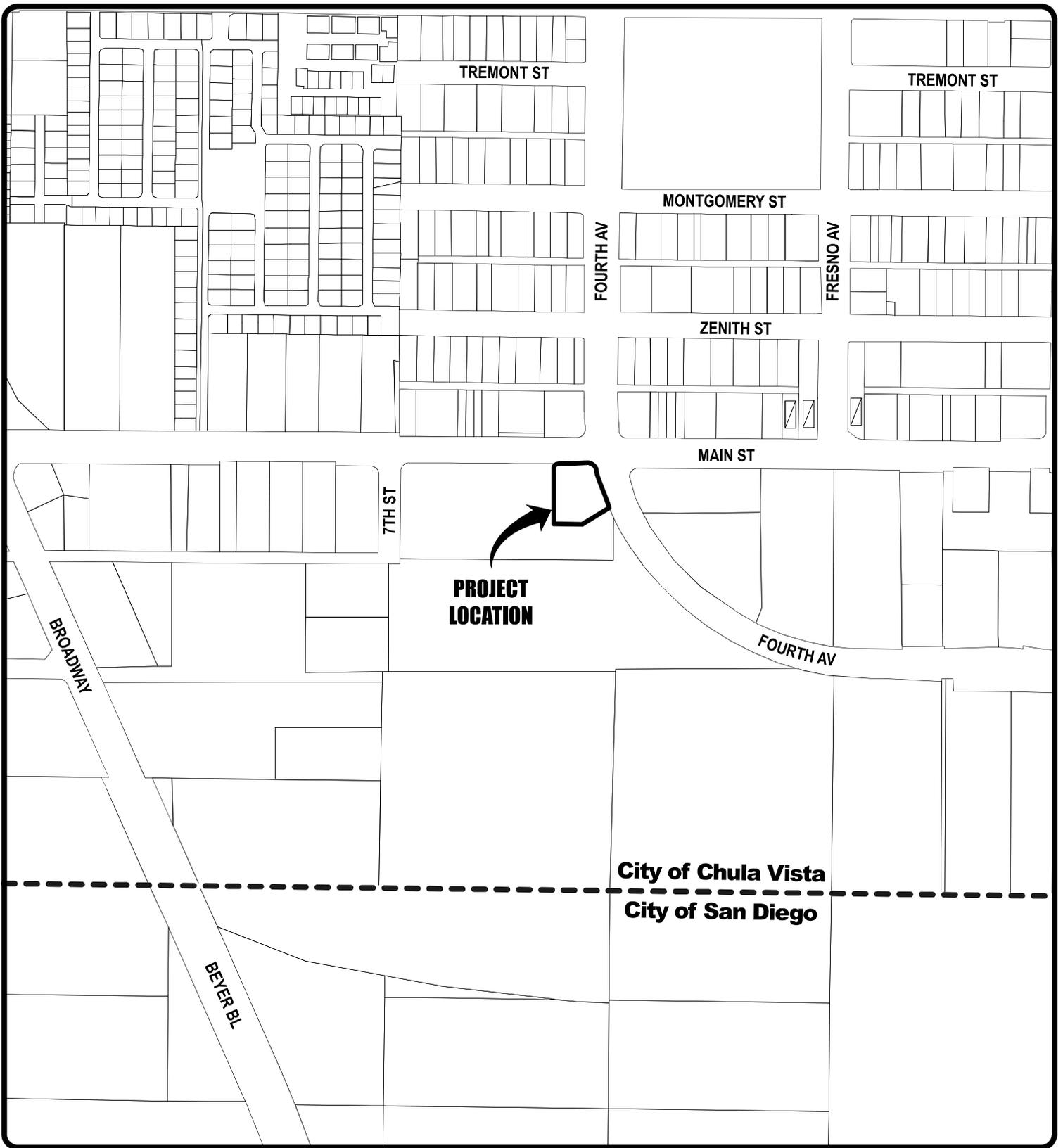
The project consists of a 3,062 square-foot 7-11 Convenience Store and gas station on a .81 acres site located on a vacant parcel at corner of Main Street & Fourth Avenue. The use of a gas station as part of the convenience store will be considered through the Conditional Use Permit. A total of four (4) gas pumps will be provided with an overheard canopy.

CONCLUSION

Based on the information contained in the application and notice of decisions, staff recommends the Zoning Administrator approve applications DR19-0026 and CUP19-0017.

ATTACHMENTS

- 1 Locator Map
- 2 DR19-0026 Notice of Decision
- 3 CUP19-0017 Notice of Decision



CHULA VISTA DEVELOPMENT SERVICES DEPARTMENT			
LOCATOR  NORTH	PROJECT APPLICANT: 7-Eleven, Inc. PROJECT ADDRESS: Corner of Fourth Av. & Main St.	PROJECT DESCRIPTION: DESIGN REVIEW/CONDITIONAL USE PERMIT Project Summary: Proposed one-story 3,062 sq. ft. of a "7-Eleven" convenience store & (4) fuel pumps and associated improvements.	
	SCALE: No Scale	FILE NUMBER: DR19-0026	Related cases: CUP19-0017



DRAFT
ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: September 24, 2020
Applicant: 7-Eleven, Inc
Case No.: DR19-0026
Address: Corner of Main Street & Fourth Ave (APN 629-030-04-00)
Project Planner: Caroline Young

Notice is hereby given that on September 24, 2020, the Zoning Administrator considered Design Review (DR) application DR19-0026, filed by 7-Eleven, Inc (“Applicant”). The Applicant requests approval of the construction of a one-story 3,062 square-foot 7-11 Convenience Store and gas station on a .81 acres site. The Project is located on a vacant parcel at corner of Main Street & Fourth Ave (“Project Site”) and is owned by Otay River Business Park Development LLC (“Property Owner”). The Project Site is zoned PA1 in the Otay River Business Park Specific Plan and has a General Plan designation of Limited Industrial (ILP). The Project is more specifically described as follows:

The Project is the construction of a one-story 3,062 square-foot 7-11 Convenience Store and gas station on a .81 acres site. The use of a gas station as part of the convenience store will be considered through a Conditional Use Permit (CUP19-0017). A total of four (4) gas pumps will be provided with an overheard canopy.

The 7-11 convenience store will incorporate enhanced architectural features such as towers at each corner of the building, columns, awnings, flat roof, and building colors that are consistent with the design standard for the subdivision. The exterior of the building will be painted with two contrasting colors to provide interest. The colors of the building will be “Snowfall” and “Chatura Gray” with a “Iron Ore” color for the trim along the building and roofline. Columns will be painted with a “popular Grey” color to further provide contrast from the building colors. Several “green” colored awnings will be provided on three sides of the building elevation.

The gas station canopy will be 17-ft. in height and will cover a total of four (4) gas pumps. The gas station canopy will have the 7-11 logo and colors displayed across the canopy that match the colors of the convenience store building. The floor plan of the convenience store will consist of a sales area and restrooms for customers, as well as walk in coolers, office, storage, and a cashier area for employees. Required parking is provided on site with seventeen (17) off-street parking spaces.

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The following Project Data Table shows the development regulations along with the Applicant’s proposal to meet said requirements:

Assessor’s Parcel Number:	629-030-04-00
Current Zoning:	PA1
General Plan Designation:	Limited Industrial (ILP)
Lot Area:	0.81-acres
PARKING REQUIRED: Parking spaces, broken down as follows: 1 parking space per 200 sq. ft. 3,062 sq. ft. /200 sq. ft.=16 Total: 16	PARKING PROPOSED: Standard Spaces: 15 Handicapped:1 Electric Vehicle:1 Total = 17
SETBACKS/HEIGHT REQUIRED: Front: 10 feet Interior Side: 0 feet Exterior Side: 10 feet Rear: 0 feet Height: 50 feet	SETBACKS/HEIGHT PROPOSED: 105 feet 82 feet 13 feet 9 feet 24 feet (Building), 17 feet (Canopy)

The Director of Development Services has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a categorical exemption pursuant to Section 15332 of the State CEQA Guidelines. Thus, no further environmental review is required.

The proposed Project is consistent with the development regulations of the Chula Vista Municipal Code, and the Otay River Business Park Specific Plan.

The Zoning Administrator, under the provisions of Section 19.14.582.C of the Chula Vista Municipal Code, has conditionally approved the Project subject to the following findings and conditions:

That the proposed development will be consistent with the City of Chula Vista’s General Plan, Title 19 of the Municipal Code, and the Chula Vista Design Manual.

The Project is consistent with the City of Chula Vista’s General Plan, Title 19 of the Municipal Code, and the Otay River Business Park Specific Plan. The building will incorporate the design features including towers at each corner of the building, columns, awnings, flat roof, and building colors that are consistent with the design standard for the subdivision. Parking is provided for staff and customers on the site. A trash enclosure will be constructed to meet code regulations. Street improvements including curb, gutter, and sidewalk will be provided along Main Street and Fourth Avenue.

The design features of the proposed development are consistent with, and are a cost-effective method of satisfying, the City of Chula Vista’s Otay River Business Park Specific Plan.

The Project’s design features are a cost-effective method of satisfying, the Otay River Business Park Specific Plan. The landscape plan proposes landscape areas along both Main Street and Fourth Avenue. Water efficient plants and water efficient irrigation system will be established to reduce the overall maintenance cost of the Project.

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

Development Services Department:

1. Prior to approval by the City of Chula Vista for the use of the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner 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 of the effective date herein shall indicate the Applicant/Representative and Property Owner’s desire that the Project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Print Name

Signature of Property Owner/representative

Date

Print Name

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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 application processing fees for deposit account DDA-0515.
3. The colors and materials specified on the building plans shall be consistent with the colors and materials shown on the site plan and elevations approved by the Zoning Administrator on September 24, 2020.
4. 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.
5. 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 as required by the Director of Development Services. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Director of Development Services.
6. 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.
7. The Applicant shall obtain approval of a sign permit for each sign by the Development Services Department. Signs shall comply with all applicable requirements of the Municipal Code.

Land Development Division/Landscape Architecture Division:

8. Project to comply with Tentative Map conditions of Resolution No. 2018-041
9. The Applicant shall comply with all requirements and guidelines of the City of Chula Vista Municipal Code; the Chula Vista Subdivision Manual; City of Chula Vista Design and Construction Standards; the Development Storm Water Manual for Development & Redevelopment Projects; the City of Chula Vista Grading Ordinance No. 1797; the State of California Subdivision Map Act.

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10. The following fees will be required based on the Final Building Plans submitted (see link below to Development Checklist for more information):
<http://www.chulavistaca.gov/home/showdocument?id=8129>
 - a. Sewer Connection and Capacity Fees
 - b. Traffic Signal Fees.
 - c. Public Facilities Development Impact Fees (PFDIF)
11. 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 driver at the street intersections or driveways.
12. Prior to the approval of the building plans, Applicant shall execute a Storm Water Facilities Maintenance Agreement with the City for the maintenance of the proposed BMPs for the site.
13. 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. Installation of a driveway(s) meeting design standards as shown in Chula Vista standard detail GSI-01. Dedication of R/W as needed in order for driveway to comply with American Disability Act (ADA) requirements.
 - b. Utilities Trenching and Restoration shall be installed in accordance with Chula Vista Standard Drawing GSI-03.
14. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
15. The construction and completion of all improvements and release requirements shall be secured in accordance with Section 18.16.180 of the Municipal Code.
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 public right-of-way or City easement will require an Encroachment Permit prior to Improvement Plan or Building Permit approval.

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19. The Applicant shall submit landscape and irrigation (L&I) plans in accordance with the City's Landscape Water Conservation Ordinance (LWCO) (CVMC 20.12).

Fire Department Conditions:

20. The Applicant shall apply for required building permits and comply with applicable codes and requirements, including but not limited to: the current California edition of Building Code (CBC), Fire Code (CFC), and Mechanical Code.

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

1. The Applicant shall maintain the Project in accordance with the approved plans for DR19-0026, approved on September 24, 2020, which include site plan and architectural elevations on file in the Development Planning Division, the conditions contained herein, and Title 19.
2. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance.
3. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, 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 herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Design Review approval where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this permit and shall be binding on any, and all of Applicant/Operator's successors and assigns.
4. This Design Review approval shall become void and ineffective if not utilized within thirty-six (36) months from the effective date thereof, in accordance with Section 19.14.600 of the Municipal Code, unless an extension application is submitted within 30-days of the expiration date of September 24, 2023.

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APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 24th day of September 2020.

Scott D. Donaghe
Zoning Administrator



Zoning Administrator NOTICE OF DECISION

Date: September 24, 2020
Applicant: 7-Eleven, Inc
Case No.: CUP19-0007
Address: Corner of Main Street & Fourth Ave (APN 629-030-04-00)
Project Planner: Caroline Young

Notice is hereby given that on September 24, 2020, the Zoning Administrator considered Conditional Use Permit (CUP) application CUP19-0007, filed by 7-Eleven, Inc (“Applicant”). The Applicant requests to allow the use of a 7-11 Gas Station in conjunction with the convenience store on a 0.81 acres site. The Project is located on a vacant parcel at the corner of Main Street & Fourth Ave (“Project Site”) and is owned by Otay River Business Park Development LLC (“Property Owner”). The Project Site is zoned PA1 in the Otay River Business Park Specific Plan and has a General Plan designation of Limited Industrial (ILP). The Project is more specifically described as follows:

The Project would allow for the use of a 7-11 Gas Station in conjunction with the convenience store on a 0.81 acres site. The applicant, 7-11 will be constructing a one-story 3,062 square-foot 7-11 Convenience Store that will be adjacent to the gas station. A total of four (4) gas pumps will be provided with an overheard canopy.

The Director of Development Services has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a categorical exemption pursuant to Section 15332 of the State CEQA Guidelines. Thus, no further environmental review is required.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code (CVMC), has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080.

1. That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.

The proposed use of a gas station will provide a necessary amenity to the surrounding residential neighborhood. This use will allow residents to have another option to obtain gas for their vehicles. The gas station is for public use and will also contribute to the general well-being of the 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 proposed use will not be detrimental to the health, safety or general welfare of the residents or to property or improvements in the area. The characteristics of the proposed use and its operation will not be detrimental since the Project is located within an industrial zone, and is largely surrounded by an apartment complex to the north, and commercial, and industrial uses to the south, east, and west. The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista.

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

The granting of this Conditional Use Permit requires the Applicant and Property Owner to satisfy the conditions of approval and to comply with all applicable regulations and standards specified in the Chula Vista Municipal Code, California Building, Fire Code, and other applicable codes, for such use. Furthermore, the conditions of this Conditional Use Permit are approximately in proportion to the nature and extent of the impact created by the Project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the Project. The Project will comply with all regulations and conditions specified in the Zoning Code for uses established under CUP19-0007.

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

The General Plan designates the site as Limited Industrial (ILP). The PA1 zone is consistent with the General Plan designation. The use of a gas station is allowed through a Conditional Use Permit. Thus, the Project is consistent with the General Plan land use Limited Industrial (ILP) designation and will not adversely affect implementation of the General Plan.

Approval of CUP19-0007 is conditioned upon the following:

- I. Within 60 days or prior to the issuance of any building permit, the applicant shall satisfy the following requirements:**

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, to the Development Services Department shall indicate the Property Owner/Applicant's desire that the Project, and the corresponding applications for building permits and/or a business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Print Name

Signature of Property Owner/representative

Date

Print Name

Development Planning Division Conditions:

- 2. The hours of operation shall be seven days a week, 24 hours a day.

Land Development/Landscape Architecture Division Conditions:

- 3. Project to comply with Tentative Map conditions of Resolution No. 2018-041
- 4. The Applicant shall comply with all requirements and guidelines of the City of Chula Vista Municipal Code; the Chula Vista Subdivision Manual; City of Chula Vista Design and Construction Standards; the Development Storm Water Manual for Development & Redevelopment Projects; the City of Chula Vista Grading Ordinance No. 1797; the State of California Subdivision Map Act.
- 5. The following fees will be required based on the Final Building Plans submitted (see link below to Development Checklist for more information):
 - <http://www.chulavistaca.gov/home/showdocument?id=8129>
 - a. Sewer Connection and Capacity Fees
 - b. Traffic Signal Fees.
 - c. Public Facilities Development Impact Fees (PFDIF)
- 6. 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 driver at the street intersections or driveways.

7. Prior to the approval of the building plans, Applicant shall execute a Storm Water Facilities Maintenance Agreement with the City for the maintenance of the proposed BMPs for the site.
8. 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. Installation of a driveway(s) meeting design standards as shown in Chula Vista standard detail GSI-01. Dedication of R/W as needed in order for driveway to comply with American Disability Act (ADA) requirements.
 - b. Utilities Trenching and Restoration shall be installed in accordance with Chula Vista Standard Drawing GSI-03.
9. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
10. The construction and completion of all improvements and release requirements shall be secured in accordance with Section 18.16.180 of the Municipal Code.
11. 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.
12. 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.
13. 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.
14. The Applicant shall submit landscape and irrigation (L&I) plans in accordance with the City's Landscape Water Conservation Ordinance (LWCO) (CVMC 20.12).

Fire Department Conditions:

15. The Applicant shall apply for required building permits and comply with applicable codes and requirements, including but not limited to: the current California edition of Building Code (CBC), Fire Code (CFC), and Mechanical Code.

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

1. The Applicant shall maintain the Project in accordance with the plans for CUP19-0007 approved on September 24, 2020, on file in the Development Planning Division, the conditions contained herein, and Title 19.
2. The Zoning Administrator shall have the authority to approve modifications to the site in accordance with Municipal Code regulations.
3. Approval of this Conditional Use Permit shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance.
4. The Applicant and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fess (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this 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, and the Applicant and Property Owner shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of the Applicant and Property Owner successors and assigns.
5. If any of the foregoing conditions fail 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. The Applicant and Property Owner or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 24th day of September 2020.

Scott D. Donaghe
Zoning Administrator