CITY OF CHULA VISTA Development Services Department

ZONING ADMINISTRATOR
NOTICE OF DECISION

NOTICE IS HEREBY GIVEN THAT THE ZONING ADMINISTRATOR FOR THE CITY OF CHULA VISTA considered a Design Review application for a 950-square foot drive-through coffee shop ("Project") on an existing vacant lot on the southeast corner of Third Avenue and Kennedy Street and in the Central Commercial Precise Plan (CCP) zone as described below:

Date:	**June 16, 2023**
Applicant:	**Dutch Bros. Coffee**
Project Number:	**DR22-0005**
Project Location:	**Southeast Corner of Third Avenue and Kennedy Street (APN: 619-222-56)**
Project Planner:	**Arturo Ortuño**

The proposed Project is located within an existing commercial area, adjacent to an existing fast-food restaurant and vocational trade school. The Project will utilize existing driveways, drive aisles and off-street parking. The proposed 950-square foot building will be located along Third Avenue and will include an attached 330-square foot canopy to provide shade for the proposed walk-up window. The two-lane drive-through entrance will route traffic from the eastern end of the Project site to the existing driveway cut along Third Avenue, between the public street and the proposed building. A queuing analysis performed by LSA Associates on December 5, 2022, concluded that the 580-linear foot drive-through lane could provide storage capacity for 21 vehicles and will be unlikely to cause any disruption to access, internal circulation, or parking on the site based on surveys conducted at three existing Dutch Bros. Coffee shops. Other proposed site improvements include over 15,000 square feet of new landscaping, a bioretention pond, and a trash enclosure.

The Director of Development Services has reviewed the proposed Project for compliance with the California Environmental Quality Act ("CEQA") and determined that the Project qualifies for a Class 3 Categorical Exemption pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines. The Project consists of constructing a 950-sqaure foot drive-through restaurant; thus, no further environmental review is required.

The Zoning Administrator, as authorized under the provisions of Chula Vista Municipal Code ("CVMC") Section 19.14.582(C), makes the following findings pursuant to CVMC Section 19.14.582(B):

The proposed development, as conditioned, is compliant with the development regulations of the CVMC and all other applicable development standards.

The following table compares the proposed development to those outlined in the CVMC:

	Requirement	Proposed
Lot Area	5,000 square feet (minimum)	54,450 square feet (1.25 acres)
Building Height	45 feet (maximum)	24 feet

Setbacks	Front: 10 feet Exterior Side: 10 feet Side: N/A Rear: N/A	Front: 37 feet Exterior Side: 78 feet Side: 52 feet Rear: 235 feet
Parking	15 spaces (minimum) 5 queue spaces (minimum)	38 spaces 21 queue spaces

The proposed Project is consistent with the design guidelines and recommendations contained within the Chula Vista Design Manual.

While the Chula Vista Design Manual does not recommend a particular architectural "style," it encourages high-quality, innovative, and imaginative architecture. Projects are expected to incorporate variations in form, building details, and siting to create visual interest. The proposed building design will consist of vertical and horizontal façade breaks, a tower element along the Third Avenue frontage, and metal awnings over all entrances and service doors. Building materials will primarily consist of cement siding with sectional building wall articulations and stone veneer used at the base of the building.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves DR22-0005 as described above, subject to the following conditions:

I. Prior to the issuance of building permits and/or the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirements:

Planning

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

2. The exterior colors and materials specified on the building plans shall match the colors and materials shown on the plans approved by the Zoning Administrator with this permit.

3. A graffiti-resistant treatment shall be specified for all exterior wall and building surfaces. Additionally, the Project shall conform to CVMC Section 9.20 regarding graffiti control.

4. 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.

5. All ground-mounted utility appurtenances (transformers, air conditioning condensers, etc.) shall be located out of public view and adequately screened using a combination of concrete or masonry walls, berming, and/or landscaping.

6. All exterior lighting shall include shielding to reduce any glare onto adjacent residences and properties. Details for said lighting shall be included in the architectural plans.

7. 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 DDA1205.

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

Land Development

9. The Applicant shall comply with all current requirements and guidelines of the CVMC; the Chula Vista Subdivision Manual; City of Chula Vista Design and Construction Standards; the Development Storm Water Manual for Development and Redevelopment Projects; the Chula Vista Best Management Practices ("BMP") Design Manual; City of Chula Vista Grading Ordinance No. 1797; and the State of California Subdivision Map Act.

10. The Applicant will be required, based upon the final building plans submitted, to pay all applicable fees per the master fee schedule.

11. The Applicant shall deposit any applicable fees in accordance with the City Master Fee Schedule for any required submittals per the Subdivision Manual and CVMC.

12. Prior to beginning any earthwork activities at the site and before issuance of the first building permit, the Applicant shall submit grading plans to the Land Development Division for processing, reviewing, and permitting in accordance with CVMC Section 15.04. Plans shall be in conformance with the City's Subdivision Manual and the City's current BMP Design Manual.

13. The Storm Water Quality Management Plan (SWQMP) for this Design Review is considered conceptually complete and provides adequate information regarding the project BMP's objectives to allow moving forward with construction drawings/documents. Additional requirements may be set at the time of development and/or at the time a Land Development permit application is submitted, depending upon the final plans submitted for review and approval.

14. The Drainage Report for this Design Review is considered conceptually complete and provides adequate information regarding the project's drainage objectives to allow moving forward with construction drawings/documents. Additional requirements may be set at the time of development and/or at the time a Land Development permit application is submitted, depending upon the final plans submitted for review and approval.

15. Prior to issuance of the first of the grading, construction, or building permit(s), the Applicant shall enter into a Storm Water Management Facilities Maintenance Agreement with the City for the perpetual maintenance and funding of all post-construction permanent BMP facilities on the Project site to the satisfaction of the City Engineer.

16. The Applicant shall submit a detailed Operation and Maintenance ("O&M") plan for all permanent BMPs required by the City to preserve the intended pollution control and/or flow control performance of such

BMPs. Upon completion of construction of the BMPs/Project, the Applicant shall update/finalize the O&M Plan to reflect the constructed structural BMPs with as-built plans and baseline photos.

17. All construction sites are required to implement construction BMPs in accordance with the performance standards outlined in Appendix K of the BMP Design Manual.

18. Prior to issuance of the grading permit, the Applicant shall provide a letter from the site that will be accepting the export material estimated at 49 cubic yards. In addition, a transportation permit is required to export said materials.

19. Prior to issuance of the building permit, the Applicant shall obtain a construction permit to install the private driveways and associated signage and striping within the City's right-of-way, including but not limited to the following:

    a. The existing driveway shall include a stop sign, limit line, and pavement legend for vehicles exiting onto Third Avenue.

20. All driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with CVMC Section 12.12.120 and Chula Vista Standard Drawing RWY-05 (Sight Distance Requirements). Neither landscaping, street furniture, nor signs shall obstruct the visibility of drivers at street intersections or driveways.

21. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required as necessary. Utilities trenching and restoration shall be per Chula Vista Construction Standard GSI-03.

22. It is the Applicant's responsibility to identify, process, and obtain any required permit(s) from any agency and/or jurisdiction for the Project prior to issuance of any City permit(s).

23. Prior to building permit issuance, an eight-foot landscape easement is required along the Third Avenue frontage in accordance with Chula Vista Standard Drawing RWY-01.

24. Any improvements in the right-of-way beyond the Project limits shall be designed and constructed as to not interfere with adjacent owners or businesses, as approved by the City Engineer.

25. The onsite sewer and storm drain systems shall be private. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.

26. All proposed sidewalks, walkways, pedestrian ramps, and accessible parking shall be designed to meet the City of Chula Vista Design Standards, Americans with Disabilities Act (ADA) standards, and California Building Code (CBC) Title 24 standards, as applicable.

27. Any private facilities (if applicable) within the public right-of-way or a City easement shall require an Encroachment Agreement prior to improvement plan or building permit approval.

28. Prior to issuance of the first of the building permit or improvement plans approval, the Applicant shall provide a "Will Serve" letter from the Sweetwater Authority.

29. All utilities serving the subject property and any existing utilities located within or adjacent to the subject property shall be placed underground in accordance with CVMC Section 15.32. Further, all new utilities serving the subject property shall be located underground prior to the issuance of building permits.

30. Per CVMC Section 13.10.150, all food establishments shall install a grease pretreatment device in the waste line leading from the food preparation area or from sinks, drains, appliances, and other fixtures or equipment used in food preparation or cleanup to a location where grease may be introduced into the sewerage system. The device shall be installed prior to final inspection.

31. Prior to building permit issuance, the Applicant shall apply for an industrial wastewater permit for food establishments (FOG permit).

    The Applicant is advised that there may be additional requirements imposed at the time of development, depending upon final plans submitted for grading, improvement, and/or building permits.

II. The following ongoing conditions shall apply to the Project for as long as it relies upon this approval:

1. The Applicant shall maintain the Project in accordance with the approved plans for DR22-0005, which include a site plan, floor plans, and elevations on file with the Development Services Department. The Project shall also maintain compliance with the conditions contained herein and Title 19 of the CVMC.

2. Approval of this Project shall not waive compliance with any provisions of the CVMC nor any other applicable laws and regulations in effect at the time of building permit issuance.

3. The Applicant shall execute this permit only as the authorized use. Any new use or modification/expansion of uses shall be subject to review and approval by the Zoning Administrator.

4. The Applicant and Property Owner shall and do hereby agree to indemnify, protect, defend, and hold harmless the City, its City Council members, Planning Commission members, officers, employees, and representatives from and against any and all liabilities, losses, damages, demands, claims, and costs, including any costs and expenses to prepare the administrative record for any challenge to the Project approvals and/or compiling a response to a Public Records Act request(s) to provide the record of proceedings materials for the Project, the City's costs to retain its own defense counsel to defend any challenge to any Project-related approvals, court costs, and attorney fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) the City's approval and issuance of this permit and (b) the 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 shall acknowledge their agreement to this provision by executing a copy of this permit where indicated below. The Applicant and Property Owner's compliance with this provision is an express condition of this permit and shall be binding on any and all of the Applicant/operator's successors and assigns.

5. This permit shall expire if not utilized within three years of the approval date (June 16, 2026) or the end of any appeal period unless the Applicant initiates an extension prior to expiration of the permit in accordance with CVMC Section 19.14.600.

6. 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.

7. If any of the foregoing conditions fail to be met, 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 or a successor in interest gains no vested rights by the City's approval of this permit.

8. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing 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 shall indicate the Applicant/Representative's and Property Owner's desire that the Project and corresponding application(s) for building permits and/or business license(s) be held in abeyance without approval.

_____ _____
John Caglia, Construction Manager — Date
for Dutch Bros. Coffee

_____ _____
Brad Becker, Manager — Date
for 3rd Avenue 111 Partners, LLC

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 16th day of June 2023.

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D. Todd Philips
Zoning Administrator