CITY OF CHULA VISTA **Development Services Department**

ZONING ADMINISTRATOR
REVISED NOTICE OF DECISION

NOTICE IS HEREBY GIVEN that the Zoning Administrator for the City of Chula Vista considered a Design Review application for a drive-through restaurant in the UC-7 (Chula Vista Center) subdistrict of the Urban Core Specific Plan ("UCSP") area as further described below:

Date:	**May 29, 2025**
Applicant:	**UGM Development, LLC**
Project Number:	**DR23-0007**
Project Location:	**555 Broadway (portion of APN 572-010-48)**
Project Planner:	**Robert Narvaez, AICP**

The Applicant proposes a 2,248-square foot quick service restaurant (QSR) with a drive-through on a 0.78-acre parcel in an existing commercial area, adjacent to an existing fast-food restaurant (Raising Cane's) and the Chula Vista Center ("Project"). The Project will utilize existing off-street parking and drive aisles, routing inbound traffic to a reconfigured drive aisle that will be utilized as the entrance for a two-lane drive-through. Other proposed site improvements include enhanced landscaping and streetscape along H Street, outdoor patio dining, bioretention planters, and a trash enclosure interior to the site.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the 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 because the proposed structure is smaller than 2,500 square feet, the Project does not involve the use of significant amounts of hazardous substances, and the Project site is in an urbanized area with adequate access to public services and facilities. No further environmental review is required.

HOUSING IMPACT

Neither the subject property nor any portion thereof was identified in the General Plan's Housing Element to accommodate a portion of the City's allocation toward addressing regional housing needs. There is no net loss of housing capacity as it pertains to the City's Regional Housing Needs Allocation (RHNA).

THE ZONING ADMINISTRATOR, as authorized under the provisions of Chula Vista Municipal Code ("CVMC") Section 19.14.582(B), makes the following findings pursuant to the provisions of Chapter XI.C.1 of the Urban Core Specific Plan ("UCSP"):

> ***The Project complies with the permitted uses and development criteria contained in Chapter VI (Land Use and Development Regulations) of the UCSP and other applicable regulations contained in the CVMC.***
>
> The Project is a permitted use in the UC-7 (Chula Vista Center) subdistrict of the UCSP and will meet the applicable bulk requirements and performance standards outlined in the UCSP for such use. The proposed alterations to the existing parking lot and vehicular drive aisles will meet or exceed the minimum requirements for parking and vehicle stacking.

The following table compares the Project to the applicable development standards outlined in the UCSP:

	Requirement	Proposed
Lot Area	5,000 square feet (minimum)	33,821 square feet (0.78 acre)
Building Height	18 feet (minimum) 60 feet (maximum)	21 feet
Setbacks	Front: 8 feet* Interior Side: N/A Side: N/A Rear: N/A	Front: 37 feet 1 inch** Interior Side (west): 11 feet 3 inches Interior Side (east): 104 feet 1 inch Rear: 116 feet 8 inches
Parking	2 spaces per 1,000 square feet floor area (minimum 3 spaces)	21 spaces 17 queueing spaces

* Along H Street only to provide total of 16-foot sidewalk (provided)
** To accommodate required sidewalk expansion along H St, required stormwater facilities and proposed outdoor seating area.

The proposed Project is consistent with the design requirements contained in Chapter VII (Design Guidelines) of the UCSP.

The Design Guidelines recommend that the Urban Core District (within which the Project site is located) be a comfortable environment for pedestrians to shop, dine, and recreate. While the UCSP does not require 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 façade breaks, various earth tone colors with a contrasting red color for branding, and steel awnings over all entrances and service doors. Building materials will primarily consist of painted cement siding with sectional building wall articulations and wood cladding used on the north, south, and west elevations. The Project also connects to the existing pedestrian access between H Street and the internal pedestrian network for the Chula Vista Center. The building and its outdoor dining plaza (rather than the Project's drive-through lanes) are situated along H Street, orienting the vehicular focus internal to the site and preserving a pedestrian environment along H Street.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR HEREBY SUPPLANTS AND REPLACES, IN ITS ENTIRETY, THE NOTICE OF DECISION DATED MAY 15, 2025, AND HEREBY APPROVES DR23-0007 as described above, subject to the following conditions. Unless stated otherwise, these conditions must be met prior to the issuance of a building permit for the Project. Additional requirements may be imposed at the time of development, depending upon the plans submitted for review:

Planning

1. The Applicant shall develop the Project and maintain the Project Site in accordance with the approved plans for DR23-0007, which include a site plan, floor plans, and elevations on file in the Development Services Department. The colors and materials specified on the building permit drawings shall be consistent with the colors and materials shown on the plans approved with this permit.

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

3. A graffiti-resistant treatment shall be specified on the building permit drawings for all wall and building surfaces up to 10 feet above finished grade. Additionally, the Project shall conform to CVMC 9.20.060 (Prevention Provisions) and 9.20.055 (Removal Provisions) regarding graffiti control unless otherwise approved by the Director of Development Services.

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. Such screening shall be architecturally integrated with the proposed building design. The method and type of screening shall be specified on the building permit drawings for the Project.

5. All ground-mounted utility appurtenances such as transformers, and/or air conditioning condensers shall be located out of public view and/or adequately screened using a combination of concrete or masonry walls, berming, and/or landscaping. The sound from such appurtenances shall also be buffered from adjacent properties and streets using the same method(s). The method and type of screening shall be specified on the building permit drawings for the Project.

6. The Applicant shall obtain a sign permit from the Development Services Department for each proposed sign. Signs shall comply with all applicable requirements of the UCSP Land Use and Development Regulations and Development Design Guidelines, the CVMC, and the Chula Vista Design Manual.

Land Development

7. Prior to the issuance of any City permit for the Project, TPM23-0002 shall be approved, which shall include a 16-foot Irrevocable Offer of Dedication along the entire H Street frontage of the Project site.

8. Prior to the final building inspection for the Project, the infrastructure serving the Project site shall be constructed and fully operational to the satisfaction of the Director of Development Services and the City Engineer.

9. Prior to beginning any earthwork activities on the site, and prior to the issuance of a building permit for the Project, the Applicant shall submit grading plans to the Land Development Division for processing, reviewing, and permitting in accordance with CVMC 15.04. Plans shall comply with the City's Subdivision Manual and the current Best Management Practices ("BMP") Design Manual at the time of submittal.

10. Prior to exporting any soil from the Project site, the Applicant shall obtain a transportation permit, which shall require a letter of authorization from the property owner of the accepting site prior to issuance.

11. Prior to the issuance of any building permit for the Project, the Applicant shall submit an improvement plan and obtain a construction permit for the installation of sidewalks, curb and gutter, street trees, and private driveways and associated signage and striping in the City's right-of-way, including but not limited to:

    A. Installation of a sidewalk, 16 feet in width, along the Project's H Street frontage. The sidewalk shall be constructed in accordance with San Diego Regional Standard Drawing ("SDRSD") G-07 and to the satisfaction of the City Engineer. The sidewalk shall be designed and constructed with proper transitions to existing conditions.

    B. Removal and replacement of any broken curb, gutter, and sidewalk per SDRSD G-02 and SDRSD G-07 as determined by the City's Public Works inspectors. Existing curb, gutter, and sidewalk shall be replaced if they are cracked or broken.

    C. Utilities trenching and restoration in accordance with Chula Vista Design and Construction Standard Drawing ("CVCS") GSI-03.

12. Separate permits for other public utilities shall be required as necessary. Utilities trenching and restoration shall be completed in accordance with CVCS GSI-03.

13. The Applicant shall obtain an encroachment permit for any private facilities to be installed within public rights-of-way and/or City easements. Any work proposed within the public right-of-way shall require a construction permit.

14. Prior to the issuance of any City permit for the Project, the Applicant shall identify, process, and obtain permits for the Project required by any applicable outside agency or/and jurisdiction. The Applicant shall also coordinate approval and installation of any utilities with the appropriate entities during this time.

15. Prior to issuance of the first City permit for the Project, the Applicant shall enter into a stormwater management facilities maintenance agreement for the perpetual maintenance and funding of all post-construction permanent BMP facilities on the Project site to the satisfaction of the City Engineer. This agreement shall be processed upon approval of the final stormwater quality management plan ("SWQMP").

16. Permanent storm water requirements, including site design, source control, treatment control, and BMPs, all as shown in the approved Priority Development Project SWQMP, shall be incorporated into the Project design and shall be shown on the construction plans. Sizing calculations and specifications shall be provided for each BMP.

17. The Applicant shall submit a detailed operation and maintenance ("O&M") plan for all permanent BMPs as required by the City to preserve the intended pollution control and/or flow control performance of the BMPs. Upon construction of the Project's BMPs, the plan shall be updated to reflect actual structural BMPs with as-built plans and baseline photos.

18. Prior to the issuance of a grading permit for the Project, the Applicant shall provide technical reports for review, including but not limited to geotechnical, drainage, and sewer reports. The Applicant shall also provide a Construction Stormwater Pollution Control Plan (CSWPCP) for review and approval prior to issuance of the grading permit.

19. Prior to the issuance of any building permit within the Project, the Applicant shall provide the City with proof of Pad Certification.

20. Prior to the issuance of any City permit for the Project, the Applicant shall provide the City with a "Will Serve" letter from Sweetwater Authority.

21. 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.

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

23. Any proposed private water and fire line structures shall be submitted on a separate building plan and permitted by the Development Services and Fire departments.

24. Any proposed trash enclosure shall be covered and meet the requirements of the City's current BMP Design Manual Fact Sheet SC-Q at the time of submittal.

25. Prior to the issuance of any City permit for the Project, the Applicant shall obtain an encroachment permit for the construction of any private facilities within public rights-of-way and/or City easements.

26. Any improvements proposed in the right-of-way and beyond the Project limits shall be designed and constructed so as not to interfere with adjacent businesses.

27. The following shall apply to any retaining wall on the site:

    A. All retaining walls shall be noted on the grading plans, which shall also include detailed wall profiles.

    B. Structural wall profiles shall be included with the grading plans if retaining walls are not built in accordance with SDRSD or CVCS GRD-05.

    C. Retaining walls that will be part of a building wall shall be approved as part of the building permit for the Project.

    D. Retaining walls around trash bins shall be noted on the grading plans and called out in accordance with the appropriate standard.

    E. Retaining wall drains shall tie into the drainage system.

28. Prior to grading plan approval, the Applicant shall upload digital files to the City's digital submittal file upload website at: http://www.chulavistaca.gov/goto/GIS. Files should be in a format such as AutoCAD .DWG or .DXF (AutoCAD version 2000 or above), ESRI GIS shapefile, file, or personal geodatabase (ArcGIS version 9.0 or above). The data upload site only accepts zip-formatted files.

29. Prior to the issuance of a building permit for the Project, and in accordance with CVMC 13.10.150, the Applicant shall include on the submitted permit drawings 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 the location at which grease may be introduced into the sewerage system. Any permit(s) required for the device shall be obtained prior to issuance of the building permit.

30. Prior to the issuance of a building permit for the Project, the Applicant shall apply for an Industrial Wastewater Permit for Food Establishment (FOG Permit) by applying for Fats, Oils, and Grease (FOG) Control Program Business Registration.

Transportation Planning/ Traffic Engineering

31. If vehicle queues from the restaurant are observed on City streets by City personnel or the public, the operator shall meet and confer with City staff to develop and implement traffic control and queue management measures as necessary to avoid stacking onto City streets to the satisfaction of the City Traffic Engineer. This may include, but is not limited to, using handheld devices to expedite ordering.

Landscape Architecture

32. Concurrent with the first submittal of the building permit set, the Applicant shall submit a complete set of landscape improvement plans for review, approval, and signature by the Director of Development Services or their designee. For further information about submitting landscape improvement plans, and to download a landscape improvement review packet, see the following link: https://www.chulavistaca.gov/departments/development-services/resources/dsdformsspecifications. Said plans shall conform to the following City documents including, but not limited to:

    A. Landscape Water Conservation Ordinance (LWCO), CVMC 20.12

    B. City of Chula Vista Landscape Manual

    C. Shade Tree Policy (No. 576-19)

33. Prior to the final building inspection, the Applicant shall have installed the landscape improvements associated with the Project in accordance with all approved and signed landscape improvement plans and to the satisfaction of the City's Landscape Inspector and Director of Development Services (or their designee).

34. The Applicant shall comply with all requirements and guidelines of the UCSP, including those pertaining to the installation of site amenities such as pedestrian-scale pole lights, benches, tree grates, bike racks, and trash receptacles. These elements shall be shown graphically on the public improvement plans, building plans, and landscape plans prior to plan approval. The Applicant shall provide electrical connection for pedestrian lighting on electrical site plans within the building permit set.

35. Landscape improvements in the right-of-way, including trees, tree grates, lights, benches, and water meters, will be included on a landscape improvement bond to be submitted prior to approval of the grading permit.

Environmental Services

36. Prior to the issuance of a building permit for the Project, the Applicant shall include the following in the building permit drawings in accordance with the City's Recycling and Solid Waste Planning Manual (RSWPM):

    A. Labels for all trash, recycling, and food waste/organics bins or carts demonstrating that enclosures are designed to house trash and recycling bins at a minimum size of four cubic yards and ensuring that all trash and recycling bins have a food waste/organics bin or cart(s) adjacent to them.

B. Details demonstrating that enclosure gates are anchored to freestanding steel gate posts rather than to the walls of the enclosure.

C. Details demonstrating that the concrete apron in front of the trash and recycling enclosure extends 12 feet from the gates and overhangs two feet laterally on each side of the enclosure.

D. Wheel stops of six inches or more in width on the interior of the enclosure to prevent bin sides from damaging the enclosure walls.

E. Details demonstrating that cane-bolt anchor holes are in place on the enclosure apron; and

F. Details, specifications, and elevations of all trash and recycling containers for customer/visitor areas such that the following is demonstrated:

1) All trash containers in interior and exterior areas are immediately adjacent to a food waste/organics recycling container, as well as a bottle and can recycling container ("tripled set").

2) The facility has enough tripled sets to meet the capacity requirements for normal operations and special events.

3) All food waste/organics containers are marked in green and clearly labeled.

4) All bottle and can recycling containers are marked in blue and clearly labeled.

5) All trash containers are marked in black and clearly labeled.

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 DR23-0007, 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, the UCSP, and Title 19 of the CVMC.

2. Approval of this Project shall not waive compliance with any provisions of the UCSP, 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 (May 29, 2028) 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.

Kevin Kawashita
for UGM Development, LLC
Applicant

6/4/2025
Date

Chuck DiGiovanna
for Macy's Retail Holdings, LLC
Property Owner

06/04/2025
Date

APPROVED BY THE ZONING ADMINISTRATOR FOR THE CITY OF CHULA VISTA, CALIFORNIA, this 29th day of May 2025.

D. Todd Philips, Ed.D.
Zoning Administrator