

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA
APPROVING TENTATIVE SUBDIVISION MAP PCS18-0006 TO
CONSOLIDATE A 7.29-ACRE SITE FROM THREE (3) PARCELS INTO ONE
6.94-ACRE SITE FOR (141) MULTIFAMILY RESIDENTIAL UNITS, FOR
INDIVIDUAL OWNERSHIP AT 676 MOSS STREET

WHEREAS, the parcel of land that is the subject matter of this resolution is depicted in Exhibit "A," attached hereto and incorporated herein by this reference, and for the purpose of general description consists of 6.94 acres located at 676 Moss Street, as identified in County Assessor Records as Assessor's Parcel Number [618-010-26, 618-010-31, 618-010-] (Project Site); and

WHEREAS, on December 7 2018, a duly verified application requesting approval of a Tentative Subdivision Map (PCS18-0006, Chula Vista Tract No. 18-0006), Major Planning Application (MPA18-0015), Rezone (PCZ18-0001), Design Review (DR18-0028), Variance (ZAV18-0001) and Initial Study (IS18-0004) were filed with the City of Chula Vista Development Services Department by Shopoff Realty Investments, LLC (Applicant); and

WHEREAS, said Applicant requests approval to consolidate 7.29 acres into a one-lot 6.94 acre Condominium Subdivision for the construction of 141 condominium units for individual ownership with 2 car garages, guest parking spaces in excess of the required 2 spaces per unit, and 1.72 acres of open space, including a 0.42 acre private recreational facility (Project) on said Project Site; and

WHEREAS, the Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has conducted an Initial Study, IS18-0004. Based upon the results of the Initial Study, the Development Services Director has determined that the Project could result in significant effects on the environment. However, revisions to the Project made by or agreed to by the Applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; therefore, the Development Services Director has caused the preparation of a Mitigated Negative Declaration, IS18-0004 and associated Mitigation Monitoring and Reporting Program; and

WHEREAS, a public hearing time and place was set by the Planning Commission for said Tentative Subdivision Map and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, and its mailing to property owners and residents within 500 feet of the exterior boundaries of the property, at least ten (10) days prior to the hearing; and

WHEREAS, pursuant to the California Governor's Executive Order N-29-20 and the City of Chula Vista Director of Emergency Services' Emergency Order 002-B-2020, in the interest of the public health and safety, members of the Planning Commission and Staff held a hearing via teleconference. In accordance with the orders, the public was able to view the meeting online and not at the Council Chambers, 276 Fourth Avenue, and said hearing was thereafter closed; and

WHEREAS, the Planning Commission reviewed and considered the Tentative Subdivision Map PCS18-0006; and

WHEREAS, the Planning Commission, after considering all evidence and testimony presented, by a vote of 7-Yes, 0-No, recommends that the City of Chula Vista City Council approve the Tentative Subdivision Map CVT 18-0006 for 676 Moss Street Development; and

WHEREAS, a hearing time and place was set by the City Clerk of the City of Chula Vista for consideration of the Tentative Subdivision Map and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, and its mailing to property owners and residents within 500 feet of the exterior boundaries of the property, at least ten (10) days prior to the hearing; and

WHEREAS, the City Council of the City of Chula Vista held a duly noticed public hearing to consider said Tentative Subdivision Map at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, and said hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby find and determine as follows:

I. TENTATIVE SUBDIVISION MAP FINDINGS

Pursuant to Government Code Section 66473.5 of the Subdivision Map Act, the City Council finds that the Tentative Subdivision Map, as conditioned herein, is in conformance with the elements of the City's General Plan, based on the following:

1. Land Use

The General Plan (GP) land use designation is Residential High (RH 18-27 du/ac) and the subject site will be developed consistently at an average of 20.4 du/ac. The Project is consistent with the zoning designation R-3 and density requirements. The

141 Condominium Units, as shown on the Tentative Subdivision Map, are consistent with the designation depicted in the Tentative Subdivision Map.

The subdivision design creates 141 residential condominium units. The proposed project furthers the policy objective for “a balanced residential community through integration of low, moderate, and higher income housing within the Southwest Planning Area, and the adequate dispersal of such housing to preclude establishment of specific low-income enclaves.” The proposed project would support Smart Growth Principles, as it provides compact development oriented to pedestrians, bicyclists and transit, and would further minimize urban sprawl development patterns.

2. Circulation

To change the land use from Limited Industrial to R-3 Apartment Residential, an analysis was prepared entitled Transportation Impact Analysis – Vehicle Miles Traveled (VMT) – by Linscott, Law & Greenspan, Engineers (LLG), dated 2020. The transportation impact analysis was prepared under the guidance of City Staff, utilizing methodologies presented within the Governor’s Office of Planning and Research (OPR) Technical Advisory developed to assist with implementation of Senate Bill 743 (SB 743), which resulted in a shift in the measure of effectiveness for determining transportation impacts from Level of Service (LOS) and vehicular delay to VMT. VMT analyses are required for use in all CEQA documents no later than July 1, 2020.

The City’s use of OPR Technical Advisory guidance for its significance thresholds has determined that 15% or more reduction in VMT from the regional average, which is 17.60 VMT per capita is the threshold. Based on the screening map, the VMT per capita for the 676 Moss Street project is 10.80 VMT per capita, which is 61.36% of the regional average. This is equivalent to 38.64% less than the regional average, which is therefore presumed not to be significant.

Thus, the 676 Moss Street project is concluded to have no significant transportation impacts for the purposes of CEQA, and no VMT-related mitigation measures are required.

All off-site public streets required to serve the subdivision already exist. The on-site private streets are designed in accordance with the City design standards and/or requirements and provides for vehicular and pedestrian connections.

3. Economic Development

The proposed project results in an increase of 141 residential units. There is a provision of a wider range of housing options and pricing for potential home-buyers and renters in the current housing market. By adding these units, increased patronage to the nearby commercial and public/quasi-public uses can be anticipated to contribute to greater economic development within the South Broadway District and the City.

The Project allows for development of multifamily housing. The Project provides homebuyers the opportunity to purchase homes in an area lacking diverse home types and varying costs for varying income levels. The proposed homes also provide further variation in housing opportunities available to Chula Vista residents, consistent with General Plan (GP) Objective ED 2. The proposed project also fosters economic development benefits at the community level by providing for increased housing densities within the same development footprint. These increased densities allow for infrastructure and municipal services to be provided at reduced cost per capita (more people served by the same municipal services). Additionally, with increased housing (and population) within the same development footprint, increased densities improve the viability of community serving commercial and public/quasi-public uses as well as alternative transportation modes. As a result, the proposed project may serve as a catalyst for small and mid-sized industries and businesses and community serving and neighborhood uses, consistent with GP Objectives ED 3 and ED 9.

4. Public Facilities

The Project has been conditioned to ensure that all necessary public facilities and services will be available to serve the Project concurrent with the demand for those services. A Public Facilities Financing Plan (PFFP) has been prepared to analyze the demand generated by 141 new residential units for public services and facilities created by the Project. The Project does not propose any on-site or off-site public facilities or improvements (except frontage improvements). No phasing is required or proposed for the provision of public improvements.

Storm Water: The current project storm water quality conditions and proposed water quality improvements are identified in the Project's Drainage Report and Storm Water Quality Management Plan (SWQMP) prepared by Michael Baker International. The property is bisected by a Telegraph Canyon Channel culvert, a public drainage facility owned and maintained by the City.

The Storm Water Quality Management Plan (SWQMP) has been prepared to implement the methods and procedures as described in the City of Chula Vista Storm Water Manual and Standard Urban Stormwater Mitigation Plan (SUSMP) for Best Management Practices (BMP) design. The proposed design will utilize on-site BMPs to treat flow from the development. The proposed BMPs and other drainage facilities will be privately owned and maintained. The Project is under the jurisdiction of the San Diego Regional Water Quality Control Board (SDRWQCB). The Project is subject to the National Pollutant Discharge Elimination System (NPDES) requirements both during and after construction. NPDES requirements stem from the Federal Clean Water Act and are enforced either by the State Water Resources Control Board (SWRCB) or the Regional Water Quality Control Board (RWQCB) for the region in which the project is located.

The City of Chula Vista BMP Design Manual March 2019 update to the December 2015 Manual, addresses the onsite post-construction storm water requirements for Standard Projects and Priority Development Projects (PDPs) and provides procedures for planning, selection, and design of permanent storm water BMPs based on the performance standards as required by the Municipal Storm Water Permit for the San Diego Region [Order No. R9-2013-0001 as amended by R9-2015-0001 and R9-2015-0100]. All development projects must comply with the requirements.

Wastewater: The proposed wastewater utilities on the Project Site will be privately owned and maintained. Michael Baker International prepared a Sewer Study Report to analyze the effects of the Project on the City's sewer capacity. The sewer technical study demonstrates that the Project will create minimal flow increases downstream of the Project Site. The Project will construct two private eight inch sewer laterals connecting to existing public utilities on Moss Street and Industrial Boulevard.

Potable Water Demand: The proposed potable water utilities on the Project Site will be privately owned and maintained. The Project is within the Sweetwater Authority service area. Michael Baker International prepared a Water Study to analyze the effects of the Project on water supply and hydraulic pressure. Sweetwater Authority has determined that it has the capacity to provide potable water service to the Project at the required pressures.

5. Environmental Element

The proposed project has been reviewed in accordance with the requirements of CEQA and it was determined that the Project is covered in the concurrently adopted Initial Study Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program (IS18-0004) (SCH#2020049053). A Water Quality Technical Report, Traffic Impact Study, Noise Impact Report, Air Quality and Greenhouse Gas Evaluation, Cultural Resources, Geotechnical Analysis, Sewer Study have been prepared, reviewed and approved by City staff. The Development Services Director has determined that technical changes or additions to this document are not necessary and that none of the conditions described in Section 15162 of the State CEQA Guidelines calling for the preparation of a subsequent document have occurred; therefore, the Development Service Director has approved the IS/MND (IS18-0004).

6. Growth Management

The proposed project will result in 141 new dwelling units in the South Broadway District. A PFFP has been prepared which analyzes any potential impacts on public facilities and services, and identifies the facilities, phasing and timing triggers for the provision of facilities and services to serve the Project, consistent with the City's Quality of Life Threshold Standards. The PFFP finds that the Project will not exceed the thresholds set in the Growth Management Ordinance and that all impacts may be addressed through the payment of the applicable development impact fees. The Project's 141 residential units will generate approximately 29 elementary school students, 9 middle school students, and 13 high school students. The Applicant will mitigate impacts on secondary and elementary school facilities through participation in CVESD and SUHSD Community Facility Districts (CFDs).

7. Open Space and Conservation

The proposed project exceeds the minimum open space requirement in accordance with the R-3 Apartment Residential Zone. The Project generates a demand of 1.1 acres of park land for the additional 141 units. Pursuant to the PFFP, the Project is required to pay its fair share fee in the amount of \$1.35 million.

The proposed grading conforms to the City's Grading Ordinance and not subject to Conservation measures as it is an infill site. The development of the site is consistent with the goals and policies of the Conservation Element.

8. Safety

The City Engineer, Fire and Police Departments have reviewed the proposed subdivision for conformance with City safety policies and have determined that the proposal meets those standards.

9. Noise

The Project has been reviewed for compliance with the Noise Element and will comply with applicable noise measures at the time of issuance of a Building Permit.

B. Pursuant to Government Code Section 66473.1 of the Subdivision Map Act, the configuration, orientation, and topography of the site allows for the optimum siting of lots for natural and passive heating and cooling opportunities and that the development of the site will be subject to site plan and architectural review to insure the maximum utilization of natural and passive heating and cooling opportunities.

C. Pursuant to Government Code Section 66412.3 of the Subdivision Map Act, the City Council hereby certifies that it has considered the effect of this approval on the housing needs of the region and has balanced those needs against the public service needs of the residents of the City and the available fiscal and environmental resources.

D. Pursuant to Government Code Section 66474 (a)-(g) of the Subdivision Map Act, the proposed Project:

(a) is consistent with applicable general and specific plans as specified in Section 65451 because the General Plan designation Residential High (18-27 dwelling units per acre) allows for a maximum of 186 units/lots and the project proposes 141 1-lot condominium units. The project is not within a Sectional Planning Area (SPA)/Specific Plan area.

(b) design or improvement is consistent with applicable General and Specific Plans. The Project's design of 141, 1-lot condominium units is consistent with the R-3 zoning classification per dwelling area and the General Plan's RH (18-27du/ac) density designation.

(c) site is suitable for the proposed density of development. The Project's 141 units and 1 lot are within the allowed density range of 18-27 dwelling units per acre with a maximum yield of 186 units and 1 lot.

(d) site is physically suitable for the type of development. The Project is adjacent to residential and industrial developments with available access and infrastructure to serve the Project.

(e) pursuant to the adopted MND, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) the design of the subdivision or type of improvements is not likely to cause serious public health problems because the project has been designed to be served by fire and emergency services, and is located over 500 feet from a major highway.

(g) subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

E. The site is physically suited for residential development because it is generally level and is located adjacent to existing residential developments. The Project conforms to all standards established by the City for a residential development.

F. The conditions herein imposed on the grant of permit or other entitlement herein contained is approximately proportional both in nature and extent to the impact created by the proposed development.

II. TENTATIVE MAP CONDITIONS OF APPROVAL

Unless otherwise specified or required by law, the conditions and Chula Vista Municipal Code (“CVMC” or “Municipal Code”) requirements set forth below shall be completed prior to the Final Map as determined by the Development Services Director and the City Engineer, or their designees. Unless otherwise specified, “dedicate” means grant the appropriate easement, rather than fee title. Where an easement is required the Applicant shall be required to provide subordination of any prior lien and easement holders in order to ensure that the City has a first priority interest and rights in such land unless otherwise

excused by the City. Where fee title is granted or dedicated to the City, said fee title shall be free and clear of all encumbrances, unless otherwise excused by the City.

Should conflicting wording or standards occur between these conditions of approval and any other entitlement document, any conflict shall be resolved by the City Manager or designee.

1. The Applicant, or his/her successors in interest, shall comply with all applicable City of Chula Vista Standard Tentative Map Conditions per Section 5-300 of the City Subdivision Manual, as approved and amended from time to time, to the satisfaction of the Director of Development Services and City Engineer.
2. All driveways, monuments signs, utility boxes and fire hydrant locations shall comply with the sight visibility requirements of City of Chula Vista Municipal Code Sections 12.12.120 and 12.12.130, and City of Chula Vista Chula Vista Sight Design Standard CVD-TR07B.
3. Improvements (such as fences, asphalt ramps, signs, etc.), and all private facilities (if applicable) located within Public right-of-way or City easement will require an Encroachment Permit.
4. The Applicant, or his/her successors in interest, shall enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain all BMP's facilities located within the Project prior to the issuance of any Grading or Building Permits, whichever occurs first.
5. The Applicant, or his/her successors in interest, shall be required to pay Land Development Fees based on the final approved Building Plans for the Project:
 - a. Sewer Connection and Capacity Fees
 - b. Traffic Signal Fees
 - c. Public Facilities Development Impact Fees (PFDIF)
 - d. Western Transportation Development Impact Fees (WTDIF)
 - e. Other Engineering Fees as applicable per City of Chula Vista Master Fee Schedule.
6. The Applicant, or his/her successors in interest shall be required to pay additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule for the submittal of the following items:
 - a. Grading Plans

- b. Street Improvement Plans
 - c. Final Map
7. The Applicant, or his/her successors in interest, shall submit CC&R's as approved by the City Attorney to the City Engineer and the Director of Development Services Department for approval prior to approval of the Final Map. Said CC&Rs shall be consistent with Chapter 18.44 of the Subdivision Ordinance and shall include the following:
- a. Indemnification of City
 - b. Indemnification of City for private sewer spillage.
 - c. Listing of maintained private facilities.
 - d. The City's right but not the obligation to enforce CC&R's.
 - e. Provision that no private facilities shall be requested to become public unless all homeowners and 100% of the first mortgage obligee have signed a written petition.
 - f. Maintenance of all walls, fences, lighting structures, paths, recreational amenities and structures, sewage facilities, drainage structures and landscaping.
 - g. Implement education and enforcement program to prevent the discharge of pollutants from all on-site sources to the storm water conveyance system.
8. The Applicant, or his/her successors in interest, shall submit homeowner's association (HOA) budget for review and approval by the City Engineer for the maintenance of private streets, storm drains and sewage systems. Said budget shall include the following maintenance activities:
- a. Street, sewer and storm drain maintenance
 - b. Water quality facility maintenance and inspection
9. Prior to approval of the Final Map, the Applicant, or his/her successors in interest shall present verification to the City Engineer in the form of a letter from the Sweetwater Authority that the subdivision will be provided adequate water service and long-term water storage facilities.
10. The Applicant, or his/her successors in interest, must obtain a Land Development Permit prior to beginning any earthwork activities at the site and before issuance of Building Permits in accordance with Municipal Code Title 15.04. Developer shall submit Grading Plans in conformance with the City's Subdivision Manual and the City of Chula Vista BMP Design Manual.

11. Prior to the issuance of any Construction or Grading Permit which impacts offsite property, Developer shall deliver to the Development Services Director and City Engineer, a notarized letter of permission to construct or grade for all off-site grading.
12. The Applicant, or his/her successors in interest, shall ensure that all private lot drainage and slopes comply with the current Building Code used by the City of Chula Vista.
13. The Applicant, or his/her successors in interest, shall obtain Army Corps of Engineer District Engineer Section 408/404 permit approval, as required, prior to any construction activities within the Telegraph Canyon Channel Easements. AOCE Permit requirements must be incorporated into the Project.
14. The Applicant, or his/her successors in interest, shall obtain FEMA approval, if required, prior to any alteration or new connection to the existing 2-12 ft x10 ft RCP box culvert located in the floodplain within the Project.
15. The Applicant, or his/her successors in interest, shall obtain MTS approval for the proposed private sewer lateral line installation crossing under MTS track to connect to an existing public sewer main along Industrial Blvd prior to any construction within the MTS right of way.
16. The Applicant, or his/her successors in interest shall obtain and record from MTS a 15-foot private sewer maintenance and access license/easement prior to Final Map approval or any construction within the MTS right of way.
17. The Applicant, or his/her successors in interest, shall obtain authorization from Sweetwater Union High School District prior to any construction within the Sweetwater Union High School District property.
18. The Applicant, or his/her successors in interest shall obtain and record from Sweetwater Union High School District a 15-foot private sewer maintenance and access easement prior to Final Map approval or any construction within the School District property.
19. Any routing or connection to the existing public drainage system shall be designed per public standards and to the satisfaction of the City Engineer and Public Works Director prior to approval of the Grading Plans. Access to existing and future public drainage facilities shall be accommodated via public drainage easements and paving to accommodate H2O wheel loading.

20. At all times, the project shall comply with the City of Chula Vista MS4 Permit and the City of Chula Vista BMP Design Manual.
21. A Notice-of-Intent (NOI) must be filed with the SWRCB for projects covered under the CGP. A copy of the acknowledgement from the SWRCB that a NOI has been received for this Project shall be filed with the City of Chula Vista when received. Further, a copy of the completed NOI from the SWRCB showing the Permit Number for this Project shall be filed with the City of Chula Vista when received.
22. Prior to issuance of a Building Permit for the Project the Applicant, or his/her successors in interest, shall obtain a Construction Permit from the Land Development Division of the Development Services Department to perform the following work in the City's right-of-way as specifically shown and modified on the Tentative Map dated May 2020:
 - a. Sewer Encasement shall be installed under railroad tracks via trenchless technology to the satisfaction of MTS.
 - b. Construct half-width street improvements along Moss Street along the entire frontage of the subject property in accordance with City Standards. Improvements shall include, but not be limited to, monolithic curb, gutter and sidewalk per SDRSD G-3, driveway and driveway approaches per Chula Vista Construction Standard GSI-01, asphalt concrete paving, processed miscellaneous base, drainage facilities, and street trees. Design shall be in accordance with CVD-ST06.
 - c. Transitions to existing street improvements along Moss Street shall include curb, gutter, sidewalk, and asphalt pavement needed to match existing pavement as required by the City Engineer.
 - d. Installation of driveways meeting design standards as shown in Chula Vista Construction Standard GSI-01. Dedication of right of way (R/W) as needed in order for driveways to comply with (Americans with Disabilities Act) ADA requirements.
 - e. Installation of pedestrian ramps across the proposed driveways on Moss Street per SDRSD G-27, SDRSD G-31.
 - f. Installation of Cross Gutter along Moss Street per SDRSD G-12.
 - g. Installation of a sewer manhole per SDRSD S-2 is required at the connection of the 8" sewer lateral to the main public sewer line along Industrial Boulevard.
 - h. Utilities Trenching and Restoration per Chula Vista Construction Standard GSI-03.
 - i. All proposed sewer laterals shall have clean outs at the property line; and shall be in accordance with SDRSD SS-01.

- j. Any existing sewer laterals on Moss Street no longer to be used for the Project, must be abandoned in place as approved by the City Engineer & City Inspector.
 - k. The existing 27-foot-wide double box culvert shall have existing easements widened by a proposed adjoining easement strip for a total easement width of 45 feet. Easements extend 25 feet southerly and 20 feet northerly of the box culvert centerline. The culvert drainage easement shall have access maintained at all times. No permanent structures are to be allowed within the easement without prior approval from the City of Chula Vista and the Army Corps of Engineers. Removal of encroachments will be at the owner's expense.
 - l. The proposed closure of any existing driveways shall be replaced with a curb, gutter, and sidewalk per SDRSD G-3.
23. The Applicant, or his/her successors in interest, shall bond for Public Improvements prior to Final Map approval for the development of the Project. Said facilities shall be designed and constructed in compliance with City standards. A Construction Permit will be required for all work to be accomplished within street right-of-way.
24. Any improvements in the right-of-way beyond the project limits shall be designed and constructed as to not interfere with adjacent businesses, as approved by the City Engineer.
25. Prior to approval of any Construction Permit, Developer shall ensure that all emergency access roads are designed with a Traffic Index of 5 and constructed out of concrete or as approved by the City Engineer.
26. The Applicant, or his/her successors in interest, at his own expense shall relocate or abandon any water utility services in conflict with the driveway on Moss Street. Said relocations shall conform to Sweetwater Authority Standard Drawings. All water services will have to be extended at owner's expense to accommodate for the right-of-way boundary change.
- All sewer and private storm drain systems shall be privately maintained from each building to the City maintained public facility.
27. Any gates serving this site shall be automatic and have an Opticom Strobe system, Knox override switch, and click-to-enter system. Design shall be approved by the Fire Marshall prior to Final Map approval or issuance of the first Building Permit whichever occurs first. Developer is responsible for obtaining all required offsite easements needed for said access.

28. The Applicant, or his/her successors in interest, shall pay Parkland Acquisition and Development fees, at the rates in effect at the time of payment, per CVMC Chapter 17.10 & Ordinance No. 332 approved November 18, 2014, prior to final inspection of each unit.
29. Prior to issuance of a Grading Permit resolve conflicts between modular wetlands and tree planting to the satisfaction of the Director of Development Services.

Mapping:

30. The Project will require the filing of a Condominium Final Map in accordance with Sections 66426 and 66427 of the Subdivision Map Act. Developer shall enter into an agreement prior to approval of the Final Map to secure all Public Improvements required for the development of the Project.
31. The Applicant, or his/her successors in interest, shall Grant on the Final Map an Irrevocable Offer of Dedication of 36 feet from the centerline to the City along the Project's frontage along Moss Street as shown on the Tentative Map.
32. The Final Map shall show the existing 27 foot wide double box culvert easement and shall have existing box culvert easements widened by a proposed adjoining easement strip for a total easement width of 45 feet. Easements extend 25 feet southerly and 20 feet northerly of the box culvert centerline. The culvert drainage easement shall have access maintained at all times. No permanent structures are to be allowed within the easement without prior approval from the City of Chula Vista and the Army Corps of Engineers. Removal of encroachments will be at the owner's expense.
33. Prior to Final Map approval, the Applicant, or his/her successors in interest shall upload copies of the Final Map and Site Improvement Plan in digital 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 files should be transmitted directly to the GIS section using the city's digital submittal file upload website at <http://www.chulavistaca.gov/goto/GIS>. The data upload site only accepts zip formatted files.
34. The Project shall comply with approved General Plan Amendment MPA18-0015, Rezone PCZ18-0001, Tentative Map PCS-18-0006, Design Review DR18-0028, and Variance ZAV18-0001, and the City of Chula Vista Standard Tentative Map Conditions, as attached hereto, or on file in the Development Services Department, and incorporated herein.

35. The Applicant shall pay in full any unpaid balance for the Project, including Deposit Account No. DDA0367.
36. The Applicant shall implement, to the satisfaction of the Development Services Director and the City Engineer, the mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP) for the Project, within the timeframe specified in the MMRP.
37. Prior to approval of the Final Map or Grading Plan for the Project, the Engineer-of-Work shall submit and obtain approval by the City Engineer a waiver request for all subdivision design items not specifically waived on the Tentative Map and not conforming to adopted City standards. The Engineer-of-work request shall outline the requested subdivision design deviations from adopted City standards and state that in his/her professional opinion, no safety issues will be compromised. The waiver is subject to approval by the City Engineer in the City Engineer's sole discretion.

Grading:

38. Grading Plans that include freestanding walls or sound walls adjacent to 2:1 or greater slopes more than 6 feet high shall include a minimum 2 ft. wide level bench for landscaping and maintenance access adjacent to the wall.
39. Prior to City acceptance of any landscaped areas, the Applicant shall install permanent water meters in accordance with the approved Landscape and Irrigation Plans to the satisfaction of the Development Services Director.
40. Prior to the issuance of any Construction or Grading Permit which impacts offsite property, the Applicant shall deliver to the Development Services Director and City Engineer, a notarized letter of permission to construct or grade and drain for all off-site grading.
41. The Applicant shall ensure that all private lot drainage and slopes comply with the current Building Code used by the City of Chula Vista.

Parks:

42. The Applicant, or his/her successors in interest, shall pay Parkland Acquisition and Development fees, at the rates in effect at the time of payment, per CVMC Chapter 17.10 & Ordinance No. 332 approved November 18, 2014, prior to final inspection of each unit.

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

43. Approval of this request shall not waive compliance with any sections of the Chula Vista Municipal Code nor any other applicable City Ordinances in effect at the time of building permit issuance.
44. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless 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 court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval of this Tentative Map, (b) City's actions on any environmental document concerning this Tentative Map and (c) 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 site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Resolution 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.
45. All of the terms, covenants and conditions contained herein shall be binding upon and inure to the benefit of the heirs, successors, assigns and representatives of the Applicant as to any or all of the property.
46. The Applicant shall comply with all requirements and guidelines of the City of Chula Vista General Plan; the City's Growth Management Ordinance; Chula Vista Landscape Manual, Chula Vista Design Plan; unless specifically modified by the appropriate department head, with the approval of the City Manager. These plans may be subject to minor modifications by the appropriate department head, with the approval of the City Manager, however, any material modifications shall be subject to approval by the City Council.

47. If any of the terms, covenants or conditions contained herein shall 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 including issuance of Building Permits, deny, or further condition the subsequent approvals that are derived from the approvals herein granted; institute and prosecute litigation to compel their compliance with said conditions; and/or seek damages for their violation. The Applicant shall be notified 10 days in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.

III. GOVERNMENT CODE SECTION 66020 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 follow timely this procedure will bar any subsequent legal action to attack, 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 the 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.

IV. EXECUTION AND RECORDATION OF RESOLUTION OF APPROVAL

The Property Owner and Applicant shall execute this document signing on the lines provided below, indicating that the Property Owner and Applicant have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, this document shall be recorded with the County Recorder of the County of San Diego, at the sole expense of the Property Owner and/or Applicant, and a signed, stamped copy returned to the City's Development Services Department. Failure to return the signed and stamped copy of this recorded document within 10 days of recordation 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 Property Owner

Date

Signature of Applicant

Date

V. CONFORMANCE WITH CITY SUBDIVISION MANUAL

The City Council does hereby find that the project is in conformance with the City of Chula Vista Subdivision Manual, CVMC Chapter 18.12 and the requirements of the Zoning Ordinance.

VI. INVALIDITY; AUTOMATIC REVOCATION

It is the intention of the City Council that its adoption of this Resolution is dependent upon the enforceability of each and every term, provision, and condition herein stated; and that in the event that any one or more terms, provisions, or conditions are determined by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, this Resolution and the permit shall be deemed to be automatically revoked and of no further force and effect ab initio.

BE IT FURTHER RESOLVED, that the City Council of the City of Chula Vista does, based on the findings, general and specific conditions included herein, hereby approve Tentative Subdivision Map CVTM-18-0006 for 676 Moss Street in conjunction with the General Plan Amendment MPA18-0015 and Rezone PCZ18-0001, Design Review (DR18-0028), Variance (ZAV18-0001) and Initial Study 18-0004.

Presented by:

Approved as to form by:

Tiffany Allen
Director of Development Services

Glen R. Googins
City Attorney