

**RESOLUTION NO. DR15-0037**

**RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION APPROVING A DESIGN REVIEW PERMIT, DR15-0037 TO CONSTRUCT A 2,380 SQUARE-FOOT AUTOMATED CARWASH BUILDING WITH VACUUM STATIONS ON A 0.55 ACRE SITE LOCATED AT 495 TELEGRAPH CANYON ROAD**

WHEREAS, on December 15, 2015, a duly verified application for a Design Review Permit was filed with the City of Chula Vista Development Services Department by Gene Cipparone Architect, Inc. (Applicant); and

WHEREAS, the application requests approval of a Design Review Permit to allow construction of a 2,380 square-foot automated carwash building with vacuum stations on a 0.55 acre site (Project); and

WHEREAS, the area of land which is the subject of this Resolution is an existing parcel located at 495 Telegraph Canyon (Project Site); and

WHEREAS, 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; and

WHEREAS, the Director of Development Services set the time and place for a hearing on the Design Review Permit application, and notice of the 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 10 days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely January 10, 2018, at 6:00 p.m. in the Council Chambers, 276 Fourth Avenue, before the Planning Commission and the hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Chula Vista that it hereby makes the following findings:

- 1. That the proposed Project is consistent with the development regulations of the Chula Vista Design Manual.**

The Proposed site is designated Central Commercial. The proposed carwash is conditionally permitted within the Central Commercial zone and meets all of the development regulations as stipulated in the Chula Vista Design Manual as conditioned.

**2. The proposed Project is consistent with the design and development standards of the Chula Vista Design Guidelines**

The Project is in compliance with the Chula Vista Design Guidelines and is consistent with the Chula Vista Municipal Code. The Project meets the setbacks, building height, parking, and design standards. A total of 15 parking spaces are required. The project proposes 14 regular spaces and 1 handicapped parking space for a total of 15 spaces. The total building height is 28-ft., whereas the maximum building height per the Commercial Guidelines is 45-ft. The Project proposed a modern style stucco building with several architectural features that complements the surrounding development.

BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION, BASED ON THE FINDINGS ABOVE, hereby approves the Design Review Permit subject to the following conditions:

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

**Planning Division**

1. The site shall be developed and maintained in accordance with the approved plans, which include site plans, floor plan, and elevation plan on file in the Development Planning Division, the conditions contained herein, and Title 19.
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 permit processing fees for deposit account DQ-3107.
3. Prior to the approval of building permits, the colors and materials specified on the building plans must be consistent with the colors and materials shown on the site plan and materials board approved by the Planning Commission on December 13, 2017.
4. A graffiti resistant treatment shall be specified for all wall and building surfaces. This shall be noted for any building and wall plans and shall be reviewed and approved prior to the issuance of building permits. Additionally, the project shall conform to Section 9.20.055 of the Municipal Code regarding graffiti control.
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. Such screening shall be architecturally integrated with the building design.
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.

7. All exterior lighting shall include shielding to remove any glare from adjacent residents. Details for said lighting shall be included in the architectural plans and shall be reviewed and approved prior to the issuance of the first building permit.
8. The Applicant shall obtain approval of a sign permit for each sign. Signs shall comply with all applicable requirements of the Municipal Code.
9. Applicant shall replace the 6-ft. wall with a 9-ft. wall along the northwestern portion of the property.

**Land Development Division/Landscape Architecture Division**

10. The following fees may be adjusted based on the final Building Plans submitted
  - 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 the Master Fee Schedule.
11. Additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule will be required for the submittal of the following items:
  - a. Grading Plans
  - c. Construction Permit
12. Carwashes are considered one of the industries regulated by the Metropolitan Industrial Waste Program, since they are required to pre-treat their wastes before discharging to the Sewerage System. These businesses are required to apply for an Industrial Waste Discharge Permit which is regulated by the City of San Diego, Metropolitan Industrial Wastewater Control Program. Applications for a permit should be obtained from Metropolitan Industrial Wastewater Control Program.
13. The Applicant shall 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. The Applicant shall submit Grading Plans in conformance with the City's Subdivision Manual and the City's Development Storm Water Manual requirements, including, but not limited to the following:
  - a. Grading Plans shall be prepared by a registered Civil Engineer and approved by the City Engineer, or designee.
  - b. Drainage Study and Geotechnical/Soils Investigations are required with the first submittal of Grading Plans. The Drainage Study shall calculate the Pre-Development and Post-Development flows and show how downstream properties and storm drain facilities are impacted. Design shall incorporate detention of storm water runoff if Post-Development flows exceed Pre-Development flows; analysis shall include flows from 2 yr, 10 yr, and 50 yr return frequency storms.

- c. The Drainage Study shall also demonstrate that no property damage will occur during the 100-year storm event.
  - d. The Drainage Study shall show any offsite flows.
  - e. All onsite drainage facilities shall be private.
  - f. Any offsite work will require Letters of Permission from the affected property owner(s).
14. The Applicant shall provide 2 copies of the following technical reports with the 1<sup>st</sup> submittal of grading plans:
- a. Drainage Study
  - b. Water Quality Technical Report (WQTR)
  - c. Geotechnical Report
15. On May 2013, the California Regional Water Quality Control Board for the San Diego Region reissued (SDRWQCB) a municipal storm water, National Pollutant Discharge Elimination System permit (Municipal Separate Storm Sewer Systems Order No. R9-2013-0001 and as amended by Order Nos R9-2015-0001 & R9-2015-0100 [MS4 Permit]) that covered its region.
16. Project shall comply with all requirements of the MS4 Permit and City of Chula Vista BMP Design Manual, December 2015 and as amended (BMP Design Manual) for both construction and post-construction phases of the project. Prior to Planning approval, documentation shall be provided, to the satisfaction of the City Engineer, to demonstrate such compliance. A copy of the BMP Design Manual is available on the City of Chula Vista website at: <http://www.chulavistaca.gov/departments/public-works/services/storm-water-pollution-prevention/documents-and-reports>.
17. The MS4 Permit and BMP Design Manual requires all development and redevelopment standard projects to implement source control and site design Best Management Practices (BMPs) that will minimize the generation of pollutants (refer to Chapter 4 of the BMP Design Manual). A Standard Project Storm Water Quality Management Plan (Standard Project SWQMP) must be submitted for review & approval. All selected BMPs in the approved SWQMP shall be incorporated into the project design, and shall be shown on the plans.
18. The MS4 Permit BMP Design Manual requires all development and redevelopment Priority Development Project (PDP) to implement source control, site design and structural pollutant control BMPs to reduce the discharge of pollutants (refer to Chapter 4 & 5 of the BMP Design Manual, and address potential hydromodification impacts from changes in flow and sediment supply (refer to Chapter 6 of the BMP Design Manual).
19. All construction sites are required to implement Construction BMPs in accordance with the performance standards outlined in Appendix K of the BMP Design Manual. In general:

- For projects disturbing one (1) acre or more requires coverage under and compliance with the Construction General Permit (CGP), the construction BMPs must be identified in a Storm Water Pollution Prevention Plan (SWPPP).
  - For projects disturbing less than one (1) acre, a Construction Storm Water Pollution Control Plan (CSWPCP) is required that identifies the pollution prevention measures that will be taken to comply with City standards.
  - For project that qualifies for an Erosivity Waiver under the CGP, a CSWPCP may be submitted in lieu of a SWPPP. However, if the Erosivity Waiver expires prior to project completion, the project applicant shall obtain a new Waste Discharge Identification number and submit a SWPPP.
20. Permanent storm water requirements, including site design, source control, treatment control, and hydromodification control Best Management Practices (BMPs), all as shown in the approved PDP SWQMP, shall be incorporated into the project design, and shall be shown on the plans. Provide sizing calculations and specifications for each BMP. Any structural and non-structural BMP requirements that cannot be shown graphically must be either noted or stapled on the plans.
21. Owner must enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain all permanent BMPs located within the project prior to issuance of any Grading, Construction or Building Permits, whichever occurs first.
22. Submit detailed Operation & 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 BMP. Upon completion of construction of BMPs/project, update/finalize O&M Plan to reflect constructed structural BMPs with as-built plans and baseline photos.
23. Projects shall comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Dischargers Associate with Industrial Activities (IGP) Order 2014-0057-DWQ.
24. Prior to obtaining any Building Permit for the Project, or approval of the Final Map (whichever occurs first), if project's total on-site improvements exceed Engineering Threshold of (currently: \$57,653.00), per CVMC, Section 12.24.030, then the applicant shall be required to obtain a Construction Permit from the Land Development Section of the Department of Development Services. (The On-Site Improvements Trigger for Installation of Public Improvements is adjusted on an annual basis on July 1 based on the Engineer Construction Cost Index, See Attachment). 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: (For Commercial, Industrial and Multifamily Residential, the following applies: 1. Limits the cost of reconstructing existing street improvements to meet current standards to 25% of the building permit valuation. 2. Requires Americans with Disabilities Act (ADA) pedestrian improvements in the right of way, if any are lacking or substandard. The required ADA improvements would be limited to 20%of the building permit valuation.)

- Removal and replacement of any broken or damaged curb, gutter, and sidewalk per SDRSD G-2, and G-7 along the project's frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
  - Removal and replacement of existing driveway(s) meeting design standards as shown in Chula Vista Construction Standard CVCS-1A. Current Driveway(s) shall be replaced, if it does not meet the City of Chula Vista Design Standards/ADA Standards, or if existing driveway is cracked or broken. Dedication of R/W as needed in order for driveway to comply with (American Disability Act) ADA requirements.
  - Removal and replacement of existing pedestrian ramp on the corner of Halecrest Drive and Telegraph Canyon Road per Chula Vista Construction Standard CVCS-25. Current pedestrian ramp shall be replaced, if it does not meet the City of Chula Vista Design Standards/ADA Standards, or if existing pedestrian ramp is cracked or broken. Dedication of R/W as needed in order for Pedestrian ramp to comply with American Disability Act (ADA) requirements.
  - Installation of one (1) driveway(s) meeting design standards as shown in Chula Vista standard detail CVCS-1A. Dedication of R/W as needed in order for driveway to comply with American Disability Act (ADA) requirements.
  - The proposed closure of existing driveway shall be replaced with a curb, gutter, and sidewalk per SDRSD G-2, and G-7.
  - Utilities Trenching and Restoration per CVCS-3 & 4.
25. The construction and completion of all improvements and release requirements shall be secured in accordance with Section 18.16.180 of the Municipal Code.
26. Sewer lateral and storm drain connections to existing public utilities. The Public Works Operations Section will need to inspect any existing sewer laterals and connections that are to be used by the new development. Laterals and connections may need replacement as a result of this inspection.
27. 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.
28. 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.
29. The Developer shall be required to dedicate two feet along the Project frontage on Telegraph Canyon Road per City of Chula Vista Standard Drawing CVD-ST02 for Six Lane Major prior to obtaining a Construction Permit for the Street Improvements or a Building Permit for the site. Developer shall submit street dedication documents prepared by a Registered Civil Engineer or licensed Land Surveyor.

30. 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.
31. All utilities serving the subject property and existing utilities located within or adjacent to the subject property shall be under grounded in accordance with the Chula Vista Municipal Code Section. Further, all new utilities serving the subject property shall be under grounded prior to the issuance of Building Permits.
32. Prior to issuance of the building permit, the Applicant shall submit full landscape and irrigation plans for review and approval by the City's Landscape Architect.

#### **Fire Department**

33. The Applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to: the current California edition of Building Code (CBC), Fire Code (CFC), Mechanical Code, and Residential Code as adopted and amended by the State of California and the City of Chula Vista.

#### **Environmental Conservation Division**

34. The Applicant shall develop and submit a "Recycling and Solid Waste Management Plan" to the Conservation Coordinator for review and approval as a part of the permit process. The plan shall demonstrate those steps the applicant will take to comply with the Municipal Code, including but not limited to Section 8.24, 8.25, and 19.58.340 and meet the State mandate to reduce or divert at least 50% of the waste generated by all residential, commercial and industrial developments. The Applicant shall contract with the City's franchise hauler throughout the construction and occupancy phase of the project. The "Recycling and Solid Waste Management Plan" features should be identified on the building plans.
  35. Prior to the issuance of the first building permit, the Applicant shall submit the required performance deposit fee.
- II. The following on-going conditions shall apply to the Project Site as long as it relies on this approval:
1. The site shall be developed and maintained in accordance with the approved plans, which include site plans, floor plans, and elevation plans on file in the Planning Division, the conditions contained herein, and Title 19.
  2. The Applicant shall install all landscaping and hardscape improvements in accordance with the approved landscape plan.

3. Approval of the Design Review Permit shall not waive compliance with any sections of Title 19 of the Municipal Code, nor any other applicable laws and regulations in effect at the time of building permit issuance.
4. The Property Owner and Applicant shall and do 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 Permit and (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Design Review Permit 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.
5. This Design Review Permit shall become void and ineffective if not utilized within three years from the effective date thereof, in accordance with Section 19.14.600 of the Municipal Code.

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

Pursuant to Government Code Section 66020(d) (1), NOTICE IS HEREBY GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition. The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project; and it does not apply to any fees, dedication, reservations, or other exactions which have been given notice similar to this, nor does it revive challenges to any fees for which the statute of limitations has previously expired.



**IV. EXECUTION 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 signed and returned to the City's Development Services Department.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Date

**V. CONSEQUENCE OF FAILURE OF CONDITIONS**

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. Failure to satisfy the conditions of this permit may also result in the imposition of civil or criminal penalties.

**VI. INVALIDITY; AUTOMATIC REVOCATION**

It is the intention of the Planning Commission 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.

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF  
CHULA VISTA, CALIFORNIA, this 10th day of January 2018, by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Gabe Gutierrez, Chair

ATTEST:

\_\_\_\_\_  
Pat Laughlin, Secretary

Presented by:

Approved as to form by:

\_\_\_\_\_  
Kelly Broughton  
Director of Development Services

\_\_\_\_\_  
Glen R. Googins  
City Attorney

**RESOLUTION NO. CUP15-0023**

**RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT, CUP15-0023 FOR A 2,380 SQUARE-FOOT AUTOMATED CARWASH BUILDING WITH VACUUM STATIONS ON A 0.55 ACRE SITE LOCATED AT 495 TELEGRAPH CANYON ROAD**

WHEREAS, on December 15, 2015, a duly verified application for a Conditional Use Permit was filed with the City of Chula Vista Development Services Department by Gene Cipparone Architect, Inc. (Applicant); and

WHEREAS, the application requests approval of a Conditional Use Permit to allow construction of a 2,380 square-foot automated carwash building with vacuum stations on a 0.55 acre site (Project); and

WHEREAS, the area of land which is the subject of this Resolution is an existing parcel located at 495 Telegraph Canyon (Project Site); and

WHEREAS, 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; and

WHEREAS, the Director of Development Services set the time and place for a hearing on the Conditional Use Permit application, and notice of the 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 10 days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely January 10, 2018, at 6:00 p.m. in the Council Chambers, 276 Fourth Avenue, before the Planning Commission and the hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Chula Vista that it hereby makes the following findings:

**I. FINDINGS**

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community.**

This proposal will provide necessary services for the surrounding residents. The provision of an automated carwash facility in proximity to nearby residents contributes 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 carwash will not result in any negative impacts to health, safety or general welfare. The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista. The carwash use is consistent with the types of commercial uses that are allowed within the Central Commercial zone. To reduce the noise impacts a 6-ft. and 12-ft. wall is included on site plan as project feature along the rear property line. According to the noise study, the proposed uses would comply with the City of Chula Vista's Municipal Code Performance Standards and Noise Control.

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

The proposed use is located in a Central Commercial zone, which allows the operation of carwash, subject to issuance of a Conditional Use Permit. The carwash will comply with required development and operating regulations, including setback standards and parking requirements contained in the Chula Vista Municipal Code (Municipal Code).

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

The project site is designated and zoned for Central Commercial zone uses in the 2005 General Plan. The operation of a carwash use at this location is consistent with the stated policies of the General Plan. This Conditional Use Permit is in compliance with the General Plan policy of providing adequate commercial uses within all areas of the city. Therefore, the use, as proposed, is consistent with the General Plan and the Central Commercial zone.

BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION, BASED ON THE FINDINGS ABOVE, hereby approves the Conditional Use Permit subject to the following conditions:

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

**Planning Division**

1. The site shall be developed and maintained in accordance with the approved plans, which include site plans, floor plan, and elevation plan on file in the Development Planning Division, the conditions contained herein, and Title 19.
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 permit processing fees for deposit account DQ-3107.

3. The hours of operation shall be seven days a week from 8:00 a.m. to 8:00 p.m.
  4. The Zoning Administrator shall have the authority to approve modifications to the hours of operation in accordance with Municipal Code regulations.
- II. The following on-going conditions shall apply to the Project Site as long as it relies on this approval:
1. The site shall be developed and maintained in accordance with the approved plans, which include site plans, floor plan, and elevation plan on file in the Planning Division, the conditions contained herein, and Title 19.
  2. Approval of the Conditional Use Permit shall not waive compliance with any sections of Title 19 of the Municipal Code, and any other applicable laws and regulations in effect at the time of building permit issuance.
  3. The Property Owner and Applicant shall and do 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 Conditional Use Permit and (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit 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.
  4. This Conditional Use Permit shall become void and ineffective if not utilized within three years from the effective date thereof, in accordance with Section 19.14.260 of the Municipal Code. Failure to comply with any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.

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

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

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

**IV. EXECUTION 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 signed and returned to the City's Development Services Department.

_____ Signature of Property Owner	_____ Date
_____ Name of Property Owner	_____ Date
_____ Signature of Applicant	_____ Date
_____ Name of Applicant	_____ Date

**V. CONSEQUENCE OF FAILURE OF CONDITIONS**

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. Failure to satisfy the conditions of this permit may also result in the imposition of civil or criminal penalties.

**VI. INVALIDITY; AUTOMATIC REVOCATION**

It is the intention of the Planning Commission 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.

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF  
CHULA VISTA, CALIFORNIA, this 10th day of January 2018, by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Gabe Gutierrez, Chair

ATTEST:

\_\_\_\_\_  
Pat Laughlin, Secretary

Presented by:

Approved as to form by:

\_\_\_\_\_  
Kelly Broughton  
Director of Development Services

\_\_\_\_\_  
Glen R. Googins  
City Attorney