

DRAFT RESOLUTION _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A DESIGN REVIEW PERMIT (DR16-0036) TO CONSTRUCT A 163,386 SQUARE-FOOT SELF-STORAGE FACILITY ON A 9.35-ACRE SITE LOCATED ON THE SOUTH SIDE OF EASTLAKE DRIVE, IMMEDIATELY WEST OF SR-125.

I. RECITALS

WHEREAS, on December 8, 2016, a duly verified application for a Design Review Permit was filed with the City of Chula Vista Development Services Department by Mid-City, LLC (Applicant); and

WHEREAS, the application requests approval of a Design Review Permit to allow construction of a 163,386 square-foot self-storage facility consisting of two three-story buildings and a pad area for RV/boat storage on a lot consisting of 9.35-acres (Project); and

WHEREAS, the Design Review application implements the Eastlake II Business Center Design Guidelines and the City-wide Design Manual; and

WHEREAS, staff recommends that, based upon the findings made, the City Council approve the Design Review application DR16-0036; and

WHEREAS, the Director of Development Services has reviewed the proposed Project for compliance with the California Environmental Quality Act and has conducted an Initial Study, IS16-0004 in accordance with the California Environmental Quality Act (CEQA). Based upon the results of the Initial Study, the Director of Development Services has determined that the implementation of 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 Director of Development Services has caused the preparation of a Mitigated Negative Declaration (MND), IS16-0004 and associated Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, the City Clerk set the time and place for the hearing on the Design Review request and notices of said hearing, together with its purposes given by its publication in a newspaper of general circulation in the City, and its mailings to property owners within 500 feet of the exterior boundaries of the project site at least ten (10) days prior to the hearing; and

WHEREAS, the duly called and notified public hearing on the Design Review was heard before the City Council in the City Council Chambers in City Hall, 276 Fourth Avenue.

II. DESIGN REVIEW FINDINGS/APPROVAL

NOW, THEREFORE, BE IT RESOLVED by the City Council 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 Eastlake II Sectional Planning Area (SPA) Plan and Planned Community (PC) District Regulations.**

The proposed project is consistent with all of the development regulations in the Eastlake II Sectional Planning Area (SPA) Plan as well as development standards contained in the Planned Community (PC) District Regulations for the newly created BC-5 Land Use District. The Applicant is proposing larger setbacks than those required per these development regulations, in order to create a larger open space buffer between the proposed self-storage facility and existing residential areas to the west and south of the project site.

- 2. That the proposed project is consistent with the design and development standards of the Eastlake II Business Center Design Guidelines and the City-wide Design Guidelines.**

The Project has been designed for consistency with all applicable design standards. The Project has a streamlined, modern industrial design, incorporating a plaster façade with metal elements, such as ribbed metal panels, and metal cornices. Colors and materials are light tan and brown with green and gray accents. Wall planes are staggered to create visual relief, and the roof lines are heightened at various points throughout the buildings to create visual interest. Tower elements are utilized to break up the building massing. All wall surfaces visible to the public are architecturally enhanced and the buildings have offsets and architectural details, consistent with the Eastlake II Business Center Design Guidelines and the Chula Vista Design Manual.

III. CONDITIONS OF APPROVAL

The following shall be accomplished to the satisfaction of the Development Services Director, 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 Plans on file in the Development Services Department, the conditions contained herein, and Chula Vista Municipal Code (CVMC) 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 DDA-3292.
3. Prior to issuance of Building or Grading Permit, the Applicant shall implement, to the satisfaction of the Development Services Director, the mitigation measures identified in the Mitigated Negative Declaration (IS16-0004) and Mitigation Monitoring and Reporting Program.
4. The Applicant shall submit Building Plans that specify colors and materials consistent with the colors and materials shown on the site plan and materials board approved by the City Council.
5. A graffiti resistant treatment shall be specified for all wall and building surfaces. This shall be noted on any building and/or wall plans. Additionally, the Project shall conform to Section 9.20.055 of the CVMC regarding graffiti control.
6. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections, shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Development Services Director. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Development Services Director.
7. All ground mounted utility appurtenances such as transformers, backflow prevention devices, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Development Services Director.
8. All exterior lighting shall include shielding to remove any glare from adjacent residents or properties. Details for said lighting shall be included in the Architectural Plans.

Land Development Division

9. The Applicant shall pay the corresponding Engineering Fees in accordance to the City's Master Fee Schedule.
10. The Applicant shall acknowledge that all on-site utilities shall be private.
11. All driveways shall conform to the City of Chula Vista's sight distance requirements. Furthermore, landscaping, street furniture and/or signs shall not obstruct the visibility of drivers at the driveways.
12. Prior to beginning any earthwork activities at the site and before issuance of Building Permits, the Applicant shall obtain a Land Development Permit (i.e., Grading Permit).

13. Prior to the issuance of a Grading Permit, the Applicant shall:
 - a. Vacate the drain sewer easement (Instrument File No. 86-348494) within the property and obtain a new drainage easement to accommodate the layout of the public storm drain pipe.
 - b. Provide a Letter for Permission to Grade and to Erect Improvements within SDG&E's Construction, Maintenance and Operation Easement.
14. The Project shall comply with the City of Chula Vista Storm Water Ordinance (Chula Vista Municipal Code CVMC Chapter 14.20 Storm Water Management and Discharge Control) and follow the recommendations of the City of Chula Vista Best Management Practices (BMP) Design Manual and the corresponding Appendices.
15. Prior to the approval of the Grading Plans, the Applicant shall execute a Storm Water Facilities Maintenance Agreement with Grant of Access and Covenants with the City for the proposed BMPs for the site.
16. The Applicant shall obtain a Construction Permit to perform any work within the City's right-of-way.
17. Prior to issuance of a Building Permit, the Applicant shall complete a lot consolidation parcel map to consolidate the parcel fronting Eastlake Drive and the subject Project in order to include the proposed driveway for the Project within the subject parcel, to the satisfaction of the City Engineer.
18. The Applicant is responsible for the replacement of any broken or damaged curb, gutter, and sidewalk along the frontage of the project site. Required improvements shall be constructed following the requirements of the Chula Vista Design and Construction Standard Drawings, all to the satisfaction of the City Engineer.
19. Before the issuance of a Certificate of Occupancy, the median modification and required street improvements along Eastlake Drive shall be constructed by the Applicant to the satisfaction of the City Engineer.

Landscape Architecture Division

20. Prior to approval and issuance of any Building Permits, a completed landscape construction document shall be submitted for approval demonstrating that the installed landscape will comply with the City of Chula Vista Landscape Water Conservation Ordinance (LWCO), Chapter 20.12 of the CVMC. The Title Sheet of the drawings shall include a signed statement from the landscape architect of work as follows:

- a. "I am familiar with and agree to comply with the requirements of the landscape improvement plans as described in Chapter 20.121 of the City of Chula Vista Municipal Code. I have prepared these plans in compliance with those regulations. I certify that the plan implements the regulations to provide efficient water use."
21. Concurrent with Building Permit submittal, materials and finishes for the block wall and perimeter fencing must be provided for review and approval.
 22. The Applicant shall submit Landscape and Irrigation (L & I) Plans for the Project for review and approval in accordance with the Chula Vista Landscape Manual and CVMC Chapter 20.12

Fire and Building Departments

23. The Applicant shall submit plans for approval by the Fire and Building Departments that comply with applicable codes and requirements, including but not limited to: the current California edition of Building Code (CBC), Fire Code (CFC), as adopted and amended by the State of California and the City of Chula Vista.
24. A fire service study shall be performed that includes a hydraulic water flow analysis. This analysis shall show the actual flow and pressure for all hydrants and rise stubs. The Hazen Williams formula shall be used in the determination of these flows and pressures. The analysis shall show the location of all fire hydrants and that the required fire flow is available at the hydrants.

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

1. The Applicant shall repair, replace, and maintain all landscaping and hardscape improvements in accordance with the approved Landscape Plan.
2. 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.
3. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, Planning Commissioners, 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) any of the City's environmental or CEQA determinations, (b) the City's approval and issuance of this Design Review Permit 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 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.

- 4. 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.

V. 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.

VI. 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

Printed Name of Property Owner

Signature of Applicant

Date

Printed Name of Applicant

VII. 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.

VIII. 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.

BE IT FURTHER RESOLVED that the City Council, based on the above findings and the evidence presented, hereby approves the subject Design Review Permit, DR16-0036.

Presented by:

Approved as to form by:

Kelly Broughton, FSALA
Director of Development Services

Glen R. Googins
City Attorney