

DRAFT RESOLUTION _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A CONDITIONAL USE PERMIT (CUP18-0010) 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 April 4, 2018, a duly verified application for a Conditional Use 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 Conditional Use Permit to allow construction of a 163,386 square-foot self-storage facility consisting of two three-story buildings and an approximately 25,000 square-foot pad area for RV/boat storage on a lot consisting of 9.35-acres (Project); and

WHEREAS, staff recommends that, based upon the findings made, the City Council approve the Conditional Use Permit CUP18-0010; 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 Conditional Use Permit was heard before the City Council in the City Council Chambers in City Hall, 276 Fourth Avenue.

II. CONDITIONAL USE PERMIT FINDINGS/APPROVAL

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

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.

The proposed use to allow the development of new self-storage facility is desirable in that it will support a currently identified market demand. The use will contribute to the well-being of the community by providing the convenience of a storage facility which helps meet the demands of the surrounding community. The provision of said facility in proximity to residential uses would be designed in such a manner that it would be consistent with Policy LUT 4.5 of the General Plan, which calls for maintaining the character and quality of the surrounding neighborhood.

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 orientation and placement of the buildings will provide visual buffering from all sides. A parking study has been provided to ensure there is adequate parking available during all hours of operation. The project has been conditioned to restrict the hours of operation from Monday through Sunday between 7:00 a.m. and 8:00 p.m. The Project has also been conditioned to ensure that any significant changes to proposed uses or hours of operation will require review and approval by the Zoning Administrator.

The characteristics of the proposed use, and its operation will not have detrimental effects since the Project is located within a specially restricted (BC-5) Business Center zone which restricts the allowable uses to storage and warehousing.

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

The granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the Project. The Project will comply with all regulations and conditions specified in the Eastlake II Business Center Sectional Planning Area (SPA), Design Standards outlined in the Eastlake II Business Center II Design Guidelines and Zoning Code for uses established under CUP18-0010.

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.

This Conditional Use Permit is in compliance with the General Plan, Zoning Ordinance and land use designations listed therein. It will not alter land use patterns of the General Plan. The General Plan designation, as amended, is Limited Industrial and is implemented through the BC-5 (Business Center) Zoning Designation which allows for a self-storage facility with a Conditional Use Permit in accordance with section IV.1(B)(1) of the Eastlake Business Center II Planned Community (PC) District Regulations.

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. All Project lighting shall be shielded and oriented so as not to cause glare to adjoining properties or the public right-of-way. Prior to Site Plan approval, a Final Lighting Plan shall be submitted for review and approval. The Lighting Plan shall indicate that no off-site spill of lighting from the site occurs.
2. Approval of this Conditional Use Permit shall not waive compliance with any Sections of Title 19 (Zoning) of the Municipal Code nor any other applicable City ordinances in effect at the time of Building Permit issuance.
3. This Conditional Use Permit authorizes only the uses specified in the application for CUP18-0010. Any new use, modification or expansion of the use, or activities not authorized under this permit, shall be subject to the review and approval of the Zoning Administrator which may be withheld.
4. This Conditional Use Permit shall become void if not used or extended within three years of the effective date hereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code (CVMC). Failure to comply with any conditions of approval shall cause this permit to be reviewed by the City Council for additional conditions or revocation.
5. The Applicant shall and does hereby 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

and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein and (c) any environmental determinations for the Project. The Applicant shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant's successors and assigns.

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 Conditional Use Permit.
7. 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 from their violation. Applicant or successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
8. Applicant shall develop and maintain the project site in accordance with the approved Site Plan on file in the Planning Division, the conditions contained herein, and Title 19.
9. Applicant shall pay all applicable fees, including any unpaid balances of permit processing.
10. Prior to placement of any signage on site, the Applicant shall be required to obtain required approval.
11. The Applicant shall submit a Security Plan for review and approval by the Police Department.

IV. GENERAL CONDITIONS OF APPROVAL

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

12. Hours of operation shall be Monday through Sunday 7:00 a.m. to 8:00 p.m. Any deviation from said hours shall require review and approval by the Zoning Administrator.

13. The conditions of approval for the Conditional Use Permit shall be applied to the subject property until such time as said approval is modified or revoked, and the existence of the approval with conditions shall be recorded with the title of the property. Prior to the issuance of the Building Permits for the proposed project, the Applicant/Property Owner shall provide the Planning Division with a recorded copy of said document.

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 Conditional Use Permit, CUP 18-0010.

Presented by:

Approved as to form by:

Kelly Broughton, FSALA
Director of Development Services

Glen R. Googins
City Attorney