

RESOLUTION NO. 2020-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING DESIGN REVIEW PERMIT DR18-0028 TO CONSTRUCT 18 THREE-STORY BUILDINGS TOTALING 104,416 SQUARE FEET, CONSISTING OF 141 TOWNHOMES ON A 6.94 ACRE SITE LOCATED AT 676 MOSS STREET, WEST OF BROADWAY AND EAST OF INDUSTRIAL BOULEVARD

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 (18-0004) 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 one-lot 6.94 acre Condominium Subdivision and a Design Review Permit for the construction of 141 townhomes for individual ownership with 2 car garages, 64 guest parking spaces, and 1.72 acres of open space, including a 0.42 acre private recreational facility (Project) on said Project Site (Project); and

WHEREAS, the area of land that is the subject of this Resolution is an existing site consisting of three contiguous parcels (APN's 618-010-26, 618-010-30, 618-010-31) located north of Moss Street, between Industrial Boulevard and Broadway (Project Site); and

WHEREAS, the area of land that is the subject of this Resolution is an existing 7.29 acres and consolidated to a 6.94 acres parcel located at 676 Moss Street (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 Director of Development Services 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 Director of Development Services has caused the preparation of a Mitigated Negative Declaration, IS18-0004, and associated Mitigation, Monitoring and Reporting Program; and

WHEREAS, pursuant to California Government Code section 65090, the Planning Commission held a duly noticed public hearing on the Project and recommended that the City Council adopt the Resolution approving the Variance; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the public hearing on this Project, and the minutes and resolution resulting therefrom, are hereby incorporated into the record of these proceedings; and

WHEREAS, the City Clerk set the time and place for a hearing on the Project, 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 within 500 feet of the exterior boundaries of the property, at least 10 days prior to the hearing; and

WHEREAS, a duly noticed public hearing was held before the City Council of the City of Chula Vista to approve the Project.

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

1. That the proposed development will be consistent with the City of Chula Vista's General Plan, Title 19 of the Municipal Code, and the Chula Vista Design Manual.

Upon amendment of the General Plan from Limited Industrial to High Density and Rezone from ILP to R-3 by City Council, the residential project will be permitted as proposed within the R-3 Zone. The proposed 141-unit, 1-lot condominium use is consistent with the RH General Plan designation and within the range of 18-27 du/ac with 20.4 du/ac. The Project is consistent with the development regulations as stipulated in the R-3 Zone for height, parking, landscaping and setbacks. The front yard setback is supported by variance (ZAV18-0001 due to a physical site constraint in regard to two underground box culverts bisecting the parcel site from the east side of the parcel to the west resulting in a shift of buildings 11-17 south to allow for a 45-foot easement and encroachment of 5-feet into front yard setback. The design of the townhomes meets the intent of the Chula Vista Design Manual by providing architectural details, variation in color scheme, materials, and vertical distinction in roof heights.

2. The design features of the proposed development are consistent with, and are a cost-effective method of satisfying, the City of Chula Vista Design Manual and Landscape Manual.

The architecture throughout the site is a modern housing design. The building mass is articulated by horizontal and vertical plane offsets, including balconies and awnings providing variety and interest. Use of color and materials accentuates architectural features that break up the façade and roof line. The building facades include a variety of building materials and colors, including a mix of stucco, horizontal lap siding and horizontal railing that were added along the exterior elevations to avoid a monotonous design. The building's fenestration allows those passing by to see welcoming large windows and balconies designed in a harmonious pattern. The overall design, form and scale of the building fit within the guidelines of the Chula Vista Design Guidelines and are complimentary to the residential character adjacent to the Project Site.

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

I. The following shall be accomplished to the satisfaction of the City, 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 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 DDA0367.
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 City Council on XXXX.
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 by the Development Services Director prior to the issuance of building permits. Additionally, the project shall conform to Sections 9.20.055 and 9.20.035 of the CVMC 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 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.
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 to the satisfaction of the Development Services Director.
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 to the satisfaction of the Director of Development Services, prior to the issuance of the building permit.
8. The Applicant shall obtain approval by the Development Services Department of a sign permit for each sign. Signs shall comply with all applicable requirements of the Municipal Code.
9. Applicant shall implement, to the satisfaction of the Development Services Director, the mitigation measures identified in the Mitigated Negative Declaration (IS18-0004) and Mitigation Monitoring and Reporting Program.

Land Development Division/Landscape Architecture Division

10. 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.
11. 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.
12. 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.
13. 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.
14. 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
15. 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.
- 16. 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
- 17. 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.
- 18. 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.
- 19. 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.
- 20. 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.
- 21. 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.
- 22. 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.
- 23. 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.
- 24. 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.

25. 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.
26. 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.
27. 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.
28. At all times, the project shall comply with the City of Chula Vista MS4 Permit and the City of Chula Vista BMP Design Manual.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. All sewer and private storm drain systems shall be privately maintained from each building to the City maintained public facility.
36. 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.

37. 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.
38. 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:

39. 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.
40. 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.
41. 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.
42. 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.
43. The Project shall comply with approved General Plan Amendment MPA18-0015, Rezone PCZ18-0001, Tentative Map PCS18-0006, 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.
44. The Applicant shall pay in full any unpaid balance for the Project, including Deposit Account No. DDA0367.
45. 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.

46. 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:

47. 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.
48. 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.
49. 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.
50. 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:

51. 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.

Fire Department

52. Prior to approval of a building permit, 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 riser stubs. The Hazen Williams formula shall be used in the determination of these flows and pressures. The analysis shall show that the required fire flow is available at the hydrants and that independently the sprinkler demand is available at the most demanding sprinkler riser.
53. Prior to approval of a building permit, the Applicant shall provide the water supply data required to accompany an underground submittal. The Applicant shall provide a water flow letter from the applicable water agency having jurisdiction indicating fire flow is

available to serve this project. The water flow requirements shall be based upon the currently adopted California Fire Code. The date of the water flow test shall be no older than six months from the time of the plan submittal. No reductions in fire flow will be granted for buildings protected throughout by an approved automatic fire sprinkler system.

54. Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the building, on site fire hydrants and mains shall be provided. Prior to occupancy, the Project will require on-site hydrants. In addition, the fire hydrant service will need two points of connection due to the number of required fire hydrants.
55. Fire Hydrants shall be spaced in accordance with CA Fire Code, Appendix C.
56. Fire apparatus access roads shall be marked as Fire Lanes in accordance with CVFD standards.
57. Fire apparatus access road obstruction: Automatic gates shall be provided with both an Opticom Detection System and a Knox Key Switch override. Provisions shall be taken to operate the gate upon the loss of power.
58. Buildings shall be provided with a Knox Vault at every Fire Control Room.
59. The buildings shall be addressed in accordance with the following criteria:
 - 0-50 ft. from the building to the face of the curb = 6-inches in height with a 1-inch stroke
 - 51-150 ft. from the building to the face of the curb = 10-inches in height with a 1 ½-inch stroke
 - 151 ft. from the building to the face of the curb = 16-inches in height with a 2-inch stroke
60. Grades for any access roadway shall be restricted to the following:
 - Asphalt < 11%
 - Concrete => 11%
61. Prior to occupancy, an automatic fire sprinkler and fire alarm system will be required to be installed per the Fire Departments regulations.

Public Works, Environmental Division

62. Prior to the approval of a building permit, 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 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 the residential 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 shall be identified on the building plans.

63. Prior to the approval of a 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:

64. 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.

65. The Applicant shall install all landscaping and hardscape improvements in accordance with the approved landscape plan.

66. 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.

67. 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; (b) City's actions on any environmental document concerning this Design Review 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.

68. This Design Review Permit shall become void and ineffective if not utilized within three years from the effective date thereof, in accordance with Section 19.14.260 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. 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

Signature of Applicant

Date

IV. 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 Government Code Section 66020(a) and failure to follow timely 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.

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 CITY COUNCIL OF THE CITY OF CHULA
VISTA, CALIFORNIA, this xxth day of xxxxxx, xxxx, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mary Salas, Mayor

ATTEST:

xxxx, City Clerk

Presented by:

Approved as to form by:

Tiffany Allen
Director of Development Services

Glen R. Googins
City Attorney