

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING THE GRANT OF AN
ENCROACHMENT PERMIT (PE1006) TO ALLOW THE
CONSTRUCTION AND MAINTENANCE OF A BUILDING
OVERHANG 29 FEET ABOVE STREET LEVEL
ENCROACHING FOUR FEET WITHIN THE CITY RIGHT OF
WAY OF MONTAGE AVENUE, AND AN ENCROACHMENT
MAINTENANCE AGREEMENT THEREFOR

WHEREAS, the area of land which is the subject of this Resolution is one existing parcel located in the Millenia/Eastern Urban Center (EUC) Sectional Planning Area (SPA) in the Mixed Use Civic/Office Core District (District 5, Lot 7 of Final Map 16081); and

WHEREAS, a duly verified application for a Design Review Permit was filed on April 21, 2016 with the City of Chula Vista Development Services Department by LMC-Millenia Investment Company, L.P. (Chesnut Properties and Applicant) for 318,000 square feet of office development with 1,373 parking spaces within the Mixed Use Civic/Office Core District (Project); 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 was adequately covered in previously adopted Final Second Tier Environmental Impact Report, EIR-07-01, therefore no further environmental review is required; and

WHEREAS, the Applicant proposed the construction of a new building with a second story deck, 72'-6" long and 29' above street level, which overhangs and encroaches four feet into the City right-of-way of Montage Avenue; and

WHEREAS, the Applicant hereby requests permission for the above-mentioned encroachment on City property at the location specified in accordance with the terms and conditions stated in the Encroachment Maintenance Agreement (PE1006); and

WHEREAS, the City Clerk set the time and place for the hearing on the Project application, including the subject Encroachment Maintenance Agreement (PE1006), and notices of said hearing, together with its purpose given by its publication in a newspaper of general circulation in the City at least ten (10) days prior to the hearing; and

WHEREAS, the duly noticed and called public hearing on the Project was held before the City Council in the Council Chambers in the City Hall, Chula Vista Civic Center, 276 Fourth Avenue, to hear public testimony with regard to the same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it hereby approves the Encroachment Maintenance Agreement for Lot 7 of Map 16081 between the City and LMC-Millenia Investment Company, L.P. (Chesnut Properties) in

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the form presented, with such minor modifications as may be required or approved by the City Attorney, a copy of which shall be kept on file in the Development Services Department and in the Office of the City Clerk and authorizes the City Manager to execute the same.

Presented by:

Approved as to form by:

Kelly Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney