

**RESOLUTION NO. DR-15-0003**

**RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION APPROVING DESIGN REVIEW PERMIT DR-15-0003 TO CONSTRUCT AN 87 UNIT MULTI FAMILY RESIDENTIAL PROJECT ON A 4.35 ACRE PARCEL LOCATED AT 701 D STREET.**

WHEREAS, on May 14, 2015, a duly verified application for a Design Review Permit was filed with the City of Chula Vista Development Services Department by City Ventures (“Applicant”); and

WHEREAS, the application requests approval of a Design Review Permit to allow construction of a 87 unit multi-family residential project on an approximately 4.35 acre site (“Project”) containing Assessor’s Parcel Number 565-290-19-00; and

WHEREAS, the area of land which is the subject of this Resolution is an existing vacant parcel located in the urbanized area of Western Chula Vista (“Project Site”); and

WHEREAS, the design of the proposed project conforms to the applicable provisions of the City of Chula Vista Design Manual; and

WHEREAS, the Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 32 categorical exemption pursuant to Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines, and therefore no further environmental review or determination is necessary; 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 December 9, 2015, 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 that the Planning Commission of the City of Chula Vista hereby makes the following findings:

- 1. That the proposed project is consistent with the development regulations contained in the Apartment Residential with Precise Plan Modifying District (R-3-P) Zone.**

The site is zoned Apartment Residential with a Precise Plan Modifying District (R-3-P). The proposed multi-family project is consistent with the applicable development standards contained in the R-3 development regulations and other provisions contained in the CVMC.

Therefore, the applicant is not requesting a precise plan. Section 19.28.060((A)(2) allows for the applicant to request a building height of up to 45 feet and 3 and one half stories based upon findings that the proposed structures are compatible with the site, as well as in scale with structures on adjoining and surrounding properties in the area. The Planning Commission has reviewed the Project and finds the proposed height compatible with adjacent existing multi-family development to the north, and is suitable for the site in terms of bulk and mass of the buildings proposed. In addition, Section 19.60.060 of the CVMC, allows for minor architectural projections to encroach into the rear yard setback. The Planning Commission concurs with the applicants request for minor encroachment and finds that said encroachment will allow for additional building plane off-sets which enhance the overall architectural style of the Project.

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 Project will comply with the site plan and design objectives of the City of Chula Vista Design Manual. Design elements and landscape details have been provided that will enhance the site as well as the appearance of the proposed multi-family development. These features have been reviewed for compliance with applicable codes and are consistent with, and a cost-effective method of satisfying the City of Chula Vista Design Manual and Landscape Manual.

BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION, 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 stamped and dated December 9, 2015, which include site plans, floor plan, and elevation plans on file in the Development Services Department, the conditions contained herein, and 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 DQ-1828.
3. Applicant shall submit building plans which specify colors and materials consistent with the colors and materials shown on the site plan and materials board approved by the Planning Commission on December 9, 2015.
4. A graffiti resistant treatment shall be specified for all wall and building surfaces. This shall be noted on any building and/or wall plans and shall be reviewed and approved by

the Development Services Director prior to the issuance of any building permit. Additionally, the project shall conform to Section 9.20.055 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 Director of Development Services.
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 Director of Development Services.
7. 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 and shall be reviewed and approved to the satisfaction of the Director of Development Services prior to the issuance of any building permit.
8. The Applicant shall develop, submit and obtain approval of a "Recycling and Solid Waste Management Plan" (Plan) by the City's Conservation Coordinator. The synopsis of the plan shall be included in notes on the Building Plans. The plan shall demonstrate those steps that the Applicant will take to comply with the CVMC, including but not limited to Section 8.24 and 8.25, and meet the State mandate to divert 50% of the waste generated by commercial, residential and industrial developments. The Applicant shall contract with the City's franchise hauler throughout the construction and occupancy phase of the Project. The Plan shall include a statement of how the Applicant will implement and participate in the Recycling and Solid Waste Management Plan requirements and how yard waste will be diverted. The proposed trash enclosures shall be designed with City required screening standards.
9. An acoustical study must be conducted to determine that interior noise levels are in compliance with City standards.

#### **Land Development Division/Landscape Architecture Division**

10. The Applicant shall be required to pay the follow Engineering Fees based on the final approved building plans for the project:
  - a. Sewer Connection and Capacity Fee
  - b. Traffic Signal Fee
  - c. Public Facilities Development Impact Fees
  - d. Western Transportation Development Impact Fees
  - e. Other Engineering Fees as applicable per Master Fee Schedule

11. The Applicant shall be required to pay additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule with the submittal of the following items:
  - a. Grading Plans
  - b. Street Improvement Plans
  - c. Tentative Parcel Map, and Final Parcel Map
12. Payment of Park Acquisition and Development (PAD) fee per dwelling unit is required prior to the issuance of the first Building Permit in accordance with CVMC 17.10.100. The current PAD fee for West Chula Vista Projects is \$7,687 for Multi-Family, the PAD fee is adjusted on an annual basis on October 1 based on the Engineer Construction Cost Index. The payment of PAD fee amount in place at the time of the recording of the Final Map is required. The PAD fee for the project at this time is \$668,769 (87@ 7,687/unit). Credit will be awarded for existing buildings on the site.
13. All driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with Section 12.12.130 of the Municipal Code. Also, landscaping, street furniture, or signs shall not obstruct the visibility of driver at the street intersections or driveways.
14. Revise typical street(s) cross-sections in the Site Plan, to reflect existing and proposed conditions. Show the proposed public improvements and dimensions from centerline to curb, and from centerline to property line on the cross-sections.
15. Street or driveway within the complex shall be designated as private.
16. The Developer 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. Developer 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.
  - 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. Drainage study shall also demonstrate that no property damage will occur during the 100-year storm event.
  - d. 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 property owner(s).

17. 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
18. This project shall comply with all requirements of the Chula Vista Development Storm Water Manual (Storm Water Manual) for both construction and post-construction phases of the project.
19. A Revised Water Quality Technical Report ("WQTR") and Drainage study shall be submitted in conjunction with the Site Plan showing that project can meet the City's Low Impact Development (LID), Source Control, treatment Control, and Hydromodification Control BMP Requirements for review and approval by the City Engineer. The WQTR shall include design features, such as bio-retention facilities, and other high-efficiency BMPs per Low Impact Development (LID) requirements under current City Standard Urban Stormwater Mitigation Plan (SUSMP) standards, the City's development Storm Water Manual, and as imposed by the current NPDES Municipal Permit adopted by the Regional Quality Control Board. LID principles must be incorporated into the project's design. The WQTR shall include Hydromodification calculations. For additional information, refer to the Chula Vista Development Storm Water Manual website. The County of San Diego Low Impact Development Manual provides assistance with the selection of various design features. The Manual is on the internet at the following web address: <http://www.sdcplu.org/dplu/resource/docs/3-pdf/LID-Handbook.pdf>.
20. Development of this project shall comply with all the requirements of State Water Resources Control Board (SWRCB) NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity, and any subsequent re-issuances thereof. In accordance with said Permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrent with the commencement of grading activities. The SWPPP shall specify construction structural and non-structural pollution prevention measures.
21. A complete and accurate Notice-of-Intent (NOI) must be filed with the SWRCB. 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.
22. Pursuant to the NPDES Municipal Permit, Order No. R9-2013-0001, new regulations will come into effect on May 2015, which may impose additional requirements on development projects that have not begun construction at that time.
23. Permanent storm water requirements, including site design, source control, treatment control, and hydromodification control Best Management Practices (BMP's), all as

shown in the approved WQTR, shall be incorporated into the project design, and shall be shown on the plans. Provide sizing calculations and specifications for each BMP's. Any structural and non-structural BMP requirements that cannot be shown graphically must be either noted or stapled on the plans.

24. The trash enclosure area(s) shall be covered with a solid roof or awning to avoid contamination of runoff. The site shall be graded in such a way as to prevent run-on into, and run-off from, the trash enclosure area. The location of the trash enclosure area(s) shall be shown on the plans.
25. All on-site storm drain inlets and catch basins shall be provided with permanent stenciling and signage according to City of Chula Vista Standards to prohibit illegal discharge to the storm drain system.
26. Owner must enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain private BMP's located within the project prior to issuance of any Grading or Building Permits, whichever occurs first.
27. Improvement Plans in conformance with the City's Subdivision Manual and a Construction Permit shall be submitted to the City Engineer for review and approval. The Improvement Plan shall include but not be limited to:
  - i. 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.
  - ii. Additional asphalt paving for the replacement of the existing curb, gutter and sidewalk.
  - iii. 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.
  - iv. Removal and replacement of existing pedestrian ramp on the corner of Woodlawn Avenue and "D" Street 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.
  - v. Relocation of a 100 (2) Watt city standard street light per CVCS-6, 7, 9, & 11 at the project property line along Woodlawn Ave. The City Traffic Engineer shall approve street light location. Street lights on a wooden poles need to be upgraded to the latest standards with a concrete Poles.
  - vi. Installation of (1) driveway 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.

- vii. Installation of sewer manholes per SDRSD S-2 is required at the connection of the 8" sewer lateral to the main public sewer line.
  - viii. Installation of (2) sewer laterals per SDRSD S-13.
  - ix. Utilities Trenching and Restoration per CVCS-3 & 4.
  - x. Installation of a 1000-watt city standards street light per CVCS-6, 7, 9, & 11 at the project property line along (D) Street. The City Traffic Engineer shall approve street light location.
  - xi. Sewer and lateral 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.
  - xii. Installation of Proposed 8" PVC Sewer main along "D" Street.
28. A complete set of Signing and Striping Plans shall be included with the Street Improvements Plans for review by Traffic Engineering.
29. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
30. 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.
31. The construction and completion of all improvements and release requirements shall be secured in accordance with Section 18.16.180 of the Municipal Code.
32. 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.
33. 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.
34. 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.
35. Prior to Improvement Plan or Building Permit approval, the Developer shall grant to the City of Chula Vista a 5.5-foot Landscape Buffer Easement along "D" Street per Chula Vista Design Standards CVD-ST03 Class II Collector, and 5.5-foot Landscape Buffer Area Easement along Woodlawn Avenue per Chula Vista Design Standards CVD-ST04 for Residential Street.

36. A Tentative Parcel Map and Parcel Map will be required to create the 87 units-One Parcel Condominium. The form and content of the Tentative Map (TPM) shall be in accordance with the City of Chula Vista Subdivision Manual. The preparation of the PM must be under the direct supervision of a Registered Civil Engineer. A Registered City Engineer stamp must be included on the PM.
37. Prior to Parcel Map, Grading or Street Improvement Plan approval, the owner/applicant shall upload copies of the Street Improvement Plan, Grading Plan, 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.
38. Submit CC&R's as approved by the City Attorney to the City Engineer and Director of Development Services Department for approval prior to approval of the Final Parcel Map. Said CC&R's shall include the following:
- a) Indemnification of City for private sewer spillage.
  - b) Listing of maintained private facilities.
  - c) The City's right but not the obligation to enforce CC&R's
  - d) 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.
  - e) Maintenance of all walls, fences, lighting structures, paths, recreational amenities and structures, sewage facilities, drainage structures and landscaping.
  - f) Implement education and enforcement program to prevent the discharge of pollutants from all on-site sources to the storm water conveyance system.

Said CC&R's shall be consistent with Chapter 18.44 of the Subdivision Ordinance, and shall be recorded concurrently with the Final Parcel Map.

### **Fire and Building Departments**

39. 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 2013 edition of the California Building Code (CBC), Fire Code (CFC), Mechanical Code (CMC), Plumbing Code (CPC), Residential Code and the 2013 California Green Energy Building Standards, as adopted and amended by the State of California and the City of Chula Vista.
40. 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.



41. For 1,953 square feet of Type VB construction, this project will require a fire flow of 1000 gallons per minute for a 1-hour duration at 20 p.s.i. This fire flow is based upon the structures being designed as Townhomes in accordance with CA Residential Code Section R302.2 'Townhouses' and all its sub-sections. This section allows each townhouse to be considered as separate buildings due to the fire resistive requirements of vertical walls between townhomes. If the City receives a building submittal for a design that does not incorporate all of the required structural/fire resistive features for townhomes, the fire flow will be changed back to the original requirement for one building.
  42. Based upon the required fire flow for Type VB construction type, a minimum of 1 fire hydrant is required to serve the project. Fire hydrant shall be located and spaced in accordance with the California Fire Code, Appendix C (500 foot average spacing with a maximum distance from any point along a fire access road not exceeding 300 feet).
  43. Water supply data is required to accompany an underground submittal. An official water flow letter can be obtained from the respective water authority. 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.
  44. 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.
  45. The project must be designed by an Architect or Engineer licensed by the State of California. (California Business and Professional Code 5536.1,6735)
  46. Building plans shall indicate how the project is providing MERV-13 or higher filters for the HVAC system to the satisfaction of the Development Services Director.
- 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 CVMC Title 19.
  2. The Applicant shall repair, replace, and maintain all landscaping and hardscape improvements in accordance with the approved landscape plan.
  3. Approval of the Design Review Permit shall not waive compliance with all sections of Title 19 of the Municipal Code, and all 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.

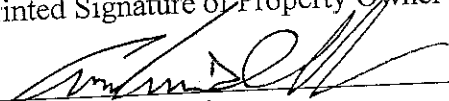
### III. EXECUTION OF RESOLUTION OF APPROVAL

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

12/11/15  
\_\_\_\_\_  
Date

KENNETH KUBOTA  
\_\_\_\_\_  
Printed Signature of Property Owner

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

12/11/15  
\_\_\_\_\_  
Date

ANDREW GERBER  
\_\_\_\_\_  
Printed Signature of Applicant

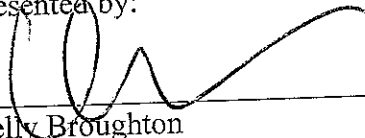
### IV. CONSEQUENCE OF FAILURE OF CONDITIONS

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.

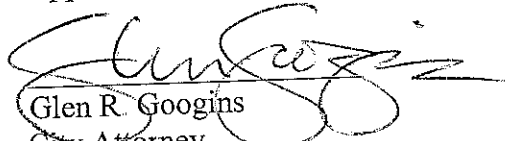
**V. INVALIDITY; AUTOMATIC REVOCATION**

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.

Presented by:


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

Approved as to form by:

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

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA, CALIFORNIA, this 9<sup>th</sup> day of December 2015, by the following vote, to-wit:

AYES: Calvo, Fragomeno, Gutierrez, Fuentes  
NOES: N/A  
ABSENT: Liuag, Anaya, Nava  
ABSTAIN: N/A

  
\_\_\_\_\_  
Yolanda Calvo, Chair

ATTEST:

  
\_\_\_\_\_  
Patricia Laughlin, Secretary