

RESOLUTION NO. 2020-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA UPHOLDING THE PLANNING COMMISSIONS DECISION AND APPROVING A DESIGN REVIEW PERMIT, DR19-0025 TO CONSTRUCT A 27,821 SQUARE-FOOT BUILDING WITH A 4,185 SQUARE-FOOT COVERED ENTRYWAY FOR SUPPORTIVE USES TO INCLUDE A VEHICLE COLLISION AND AUTOMOTIVE REPAIR FACILITY ON APPROXIMATELY 2.2 ACRES LOCATED AT 1880 AUTO PARK PLACE, NORTH OF MAIN STREET, SUBJECT TO THE CONDITIONS CONTAINED HEREIN

WHEREAS, on August 20, 2019, a duly verified application for a Design Review Permit was filed with the City of Chula Vista Development Services Department by Stephen Dose (Applicant); and

WHEREAS, the application requests approval of a Design Review Permit to allow construction of a 27,821 square-foot building with a 4,185 square-foot covered entryway for supportive uses to include a vehicle collision and automotive repair facility on approximately 2.2 acres (Project); and

WHEREAS, the area of land which is the subject of this Resolution is an existing parcel located at 1880 Auto Park Place (Project Site); and

WHEREAS, the Development Services Director 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 Mitigated Negative Declaration (IS-02-006), for the Chula Vista Auto Park North Specific Plan. Thus, no further environmental review is required; 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, pursuant to the California Governor's Executive Order N-29-20 and the City of Chula Vista Director of Emergency Services' Emergency Order 002-B-2020, in the interest of the public health and safety, members of the Planning Commission and staff held a hearing via teleconference on May 27, 2020. In accordance with the orders, the public was able to view and participate in the meeting online and not at the Council Chambers, 276 Fourth Avenue, and said hearing was thereafter closed; and

WHEREAS, upon considering the information presented on the Project, the Planning Commission unanimously voted to approve the Project; and

WHEREAS, on June 10, 2020, Ms. Kerri Aviles filed an appeal of the May 27, 2020 Planning Commission's approval of Design Review DR19-0025 (the "Appeal"); and

WHEREAS, a hearing time and place was set by the City Clerk of the City of Chula Vista for consideration of the Design Review DR19-0025 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 and residents within 500 feet of the exterior boundaries of the property, at least ten (10) days prior to the hearing; and

WHEREAS, like the Planning Commission hearing on this application, pursuant to the California Governor's Executive Order N-29-20 and the City of Chula Vista Director of Emergency Services' Emergency Order 002-B-2020, in the interest of the public health and safety, members of the City Council and staff held a hearing via teleconference on May 27, 2020. In accordance with the orders, the public was able to view and participate in the meeting online and not at the Council Chambers, 276 Fourth Avenue, and said hearing was thereafter closed.

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 and design guidelines of the Auto Park North Specific Plan and other applicable regulations contained in the Chula Vista Municipal Code and Chula Vista Design Manual.**

The site is zoned General Industrial Precise Plan (IP). The proposed vehicle collision and automotive repair facility is a permitted use under the Auto Park North Specific Plan and requires a Design Review. The Project is consistent with both the applicable development standards contained in the Chula Vista Municipal Code, as well as design guidelines depicted in the City's Design Manual for industrial development.

In accordance with the City's Design guidelines, the Project provides enhanced architectural details along the street elevations. The layout of the Project Site provides for pedestrian and vehicular circulation via a one-way entry for both vehicle and pedestrian ingress/egress access to the site. The entrance is located along Auto Park Place, north of Main Street. Internal circulation is designed for traffic to circulate counterclockwise around the building. A total of 59 parking spaces are required for the uses within the industrial building and the Project proposes 61 spaces. The total building height is 42 feet; the maximum building height in accordance with the guidelines is 45 feet. The floor area ratio and setback requirements are consistent with the Auto Park North Specific Plan. The Project meets the zone requirements.

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

There is no particular architectural style required for industrial structures. However, high quality, innovative and imaginative architecture is encouraged. A tower element is utilized to break up the building massing at the front of the building. All wall surfaces visible to the public are architecturally enhanced and the building has offsets and architectural details, consistent with the Chula Vista Design Manual. The Project provides an enhanced landscape buffer along the frontage and includes enhanced fenestration of window glazing along the frontage of Auto Park Place and will conceal roll up doors toward the middle and rear of the building outside public view. The design complements the adjacent buildings within the area for a similar yet unique design.

BE IT FURTHER RESOLVED that the City Council, based on the findings above, hereby upholds the Planning Commission's action and approves the Design Review Permit subject to the following conditions:

- I. The following shall be accomplished to the satisfaction of the Director of Development Services, or designee, prior to issuance of Building Permits, unless otherwise specified:**

Planning Division

1. Prior to the approval of a Grading Permit the removal or alteration of any mature trees or commencement of construction activities during the raptor nesting season, identified as December 1st through July 31st in the Draft Chula Vista Multiple Species Conservation Program (MSCP) Subarea Plan, a qualified biologist shall conduct a pre-construction survey of such trees as well as those within the construction impact area established by the biologist. In the event that a nest(s) is found during the survey, construction setbacks deemed appropriate by a qualified biologist to protect young birds until they are no longer dependent upon the nest shall be established. No restrictions with respect to tree removal or construction setbacks shall apply outside the raptor nesting season.
2. Prior to Building Permit approval, during the gnatcatcher breeding season, between February 15 and August 15, noise levels generated by project-related construction activities shall not exceed 60 decibels (dB) Leq within any area containing an occupied nest or, if no occupied nest exists, within the area occupied by a potential breeding pair. In order to prevent construction noise level greater than 60 dBl Leq, the ambient noise level shall not be exceeded as a result of project-related construction. If an occupied nest or potential breeding pair is identified during a pre-construction survey, noise mitigation techniques, such as temporary noise walls or berms or modifications to construction activities, deemed necessary to attenuate construction noise levels to 60 dBl Leq or less, shall be formulated by a qualified biologist and qualified acoustician, and shall be implemented during breeding season. During breeding season, the qualified acoustician shall monitor the success of any noise attenuation measures that are implemented; where a violation of the noise level limit is identified, the acoustician shall immediately notify

the Environmental Review Coordinator so that construction activities can be halted or reduced to avoid further exceedances of the limit until sufficient alternate or modified noise attenuation measures, if any, can be implemented.

3. Prior to Building Permit approval, the Applicant shall finalize the Storm Water Quality Management Plan (SWQMP) with the Land Development Division.
4. The Project Site shall be developed and maintained in accordance with the approved plans, which include Site and Landscape Plans, Floor Plan, and Elevation Plan on file in the Development Planning Division, the conditions contained herein, and Chula Vista Municipal Code (“Municipal Code” or “CVMC”) Title 19.
5. 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-0154.
6. The colors and materials specified on the Building Plans shall be consistent with the colors and materials shown on the Project plans and material sheet approved by the Planning Commission.
7. A graffiti resistant treatment shall be specified for all wall and building surfaces. This shall be noted for any building and wall plans. Additionally, the Project shall conform to Section 9.20.055 of the Municipal Code regarding graffiti control.
8. 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. Such screening shall be architecturally integrated with the building design.
9. 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.
10. All exterior lighting shall include shielding to remove any glare from the adjacent preserve area. Details for said lighting shall be included in the Architectural Plans and shall be reviewed and approved prior to the issuance of the first Building Permit.
11. The Applicant shall obtain approval of a Sign Permit for each sign. Signs shall comply with all applicable requirements of the Municipal Code.

Land Development Division/Landscape Architecture Division

12. The Applicant shall provide a finalized SWQMP addressing Land Development redlines. Details and water calculations for the storage tanks will be required prior to Grading Permit issuance.

13. A geotechnical report or a waiver will be required prior to issuance of a Grading Permit.
14. Additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule will be required for the submittal of the following items:
 - a. Grading Plans
 - b. Construction Permit
15. Owner/Applicant must enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain private Best Management Practices (BMP's) located within the Project prior to issuance of any Grading or Building Permits, whichever occurs first.
16. All driveways shall conform to the City of Chula Vista's sight distance requirements. Also, landscaping, street furniture, or signs shall not obstruct the visibility of drivers at the street intersections or driveways.
17. A Construction Permit is required to perform the following work in the City's right-of-way, which may include, but is not limited to:
 - a. Removal and replacement of any broken or damaged curb, gutter, and sidewalk along the Project's frontage to the satisfaction of the City Engineer, or designee. Sidewalks shall be designed and constructed with proper transitions to existing conditions.
 - b. Additional asphalt paving for the replacement of the existing curb, gutter and sidewalk.
 - c. Utilities Trenching and Restoration per CVCS GSI-03.
 - d. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
18. The construction and completion of all improvements and release requirements shall be secured in accordance with Section 18.17 of the Municipal Code.
19. 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.
20. Any private facilities (if applicable) within public right-of-way or City easement will require an Encroachment Permit prior to Improvement Plan or Building Permit approval.
21. The Applicant 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 Chapter 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 affected property owner(s).
22. Provide 2 copies of the following technical reports with the 1st submittal of Grading Plans:
- a. Geotechnical Report
 - b. Drainage study
 - c. Storm Water Quality Management Plan (SWQMP) –
(For all Priority Development Projects Please use the City of Chula Vista Storm Water Quality Management Plan- PDP-SWQMP_ WORD Form Fill.
23. On May 2013, the California Regional Water Quality Control Board for the San Diego Region (SDRWQCB) reissued a municipal storm water, National Pollutant Discharge Elimination System permit (Municipal Separate Storm Sewer Systems Order No. R9-2013-0001 and as amended by Order Nos R9-2015-0001 & R9-2015-0100 [MS4 Permit]) that covered its region. The Applicant shall comply with said permit.
24. All construction sites are required to implement Construction (BMPs) in accordance with the performance standards outlined in Appendix K of the BMP Design Manual. In general:
- a. For projects disturbing one (1) acre or more requires coverage under and compliance with the Construction General Permit (CGP), the construction BMPs must be identified in a Storm Water Pollution Prevention Plan (SWPPP).
25. A complete and accurate Notice-of-Intent (NOI) must be filed with the San Diego Regional Water Quality Control Board (SDRWQCB) for a project covered under the CGP. A copy of the acknowledgement from the SDRWQCB 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 SDRWQCB showing the Permit Number for this Project shall be filed with the City of Chula Vista when received.

26. The Applicant shall enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain all permanent BMPs located within the Project prior to issuance of any Grading, Construction or Building Permits, whichever occurs first.
27. The Applicant shall submit a detailed Operation & Maintenance (O&M) plan for all permanent BMPs as required by the City to preserve the intended pollution control and/or flow control performance of the BMP's. Upon completion of construction of BMP's/Project, the Applicant shall update/finalize the O&M Plan to reflect constructed structural BMP's with as-built plans and baseline photos.
28. The Project shall comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Dischargers Associate with Industrial Activities (IGP) Order 2014-0057-DWQ.
29. Improvement Plans in conformance with the City's Subdivision Manual and a Construction Permit will be required prior to issuance of any Building Permits. The Improvement Plans shall include but not be limited to:
 - a. 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.
 - b. Relocation of existing traffic signal light. The City Traffic Engineer shall approve the traffic signal location.
 - c. Installation of curb, gutter, and sidewalk per SDRSD G-3 along the project's frontage. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
 - d. Installation of driveways 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.
 - e. The proposed closure of existing curb ramp and existing driveway shall be replaced with a curb, gutter, and sidewalk per SDRSD G-2 and G-7.
 - f. Utilities Trenching and Restoration per CVCS-3&4.
30. A complete set of Signing and Striping Plans shall be included with the Street Improvements Plans for review by Traffic Engineering.
31. 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.
32. The construction and completion of all improvements and release requirements shall be secured in accordance with Chapter 18.17 of the Municipal Code.

33. All proposed sidewalks, walkways, pedestrian ramps, and accessible parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.
34. All utilities serving the subject property and existing utilities located within or adjacent to the subject property shall be under grounded in accordance with the CVMC. Further, all new utilities serving the subject property shall be under grounded prior to the issuance of Building Permits.
35. Prior to the approval of the first Building Permit, the Applicant shall submit full Landscape and Irrigation Plans for review and approval by the City's Landscape Architect.

Fire Department

36. The Applicant shall apply for required Building Permits. Permits shall comply with applicable codes and requirements, including but not limited to: the current edition of the Building Code (CBC) & Fire Code (CFC), as adopted and amended by the State of California and the City of Chula Vista.
37. 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.
38. 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.
39. Based upon California Fire Code Appendix B, a fire flow of 3,188 GPM at 20 PSI for a flow duration of 3 hours is required.
40. Based upon California Fire Code Appendix C, a total of 4 fire hydrants are required to serve this project. Hydrants shall be located in accordance with the following:
 - a. 4 New on-site fire hydrant(s) with an average spacing of 400 feet between hydrants. The maximum distance from any point along a fire apparatus access road to a hydrant shall not exceed 225 feet. Hydrants shall be located in accordance with approved plans. Required fire flow shall be available at 1000gpm per hydrant, up to the required fire flow for on-site public hydrants or the required fire flow shall be available at the point of connection for on-site private 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 install 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 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 Design Review Permit, (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 and (c) any environmental determinations for the Project. 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.

III. 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 timely follow 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.

IV. 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

Name of Property Owner

Date

Signature of Applicant

Date

Name of Applicant

Date

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 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.

Presented by:

Approved as to form by:

TIFFANY ALLEN
Director of Development Services

GLEN R. GOOGINS
City Attorney