

RESOLUTION NO. DRC-13-33

RESOLUTION OF THE CITY OF CHULA VISTA CITY COUNCIL APPROVING A DESIGN REVIEW PERMIT, DRC-13-33 TO CONSTRUCT A 97-UNIT MULTI-FAMILY APARTMENT COMPLEX WITH CARPORTS, RECREATION BUILDING, AND ASSOCIATED OPEN SPACE ON 4.68 ACRES LOCATED AT 3875 MAIN STREET

WHEREAS, on December 12, 2013, a duly verified application for a Design Review Permit was filed with the City of Chula Vista Development Services Department by Stone Creek Casitas, LLC (Applicant); and

WHEREAS, the application requests approval of a Design Review Permit to allow construction of a 97-unit multi-family apartment complex with carports, recreation building, and associated open space on approximately 4.68 acres (Project); and

WHEREAS, the area of land which is the subject of this Resolution is an existing parcel located at 3875 Main Street (Project Site); and

WHEREAS, the Development Services Director has reviewed the proposed Project for compliance with the California Environmental Quality Act and has conducted an Initial Study, IS-13-006, in accordance with the California Environmental Quality Act. Based upon the results of the Initial Study, the Development Services Director has determined that the Project could result in significant effects on the environment. However, revisions to the Project made 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 Development Services Director has prepared a Mitigated Negative Declaration, IS-13-006 and associated Mitigation Monitoring and Reporting Program; 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 October 28, 2014 at 2:00 p.m. in the Council Chambers, 276 Fourth Avenue, before the City Council and the hearing was thereafter closed; and

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 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.**

After the Rezone from ILP to R3 is approved by the City Council, the multi-family project is permitted within the R3 zone. The proposed multi-family use is permitted in the RH General

Plan designation and meets all of the development regulations as stipulated in the R3 zone as conditioned. The design of the apartment complex meets the intent of the Chula Vista Design Manual by providing architectural details, different color, materials, and different 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 Project is in compliance with the Multi-Family Design Guidelines of the Chula Vista Design Manual, and is consistent with the R3 density requirements. The exterior of the building would create both vertical and horizontal enhanced features to avoid a monotonous building. The proposed building is a two and three-story stucco building with a variety of roof levels and different roof sloped angles. Various roof pop-outs and angles are provided along the building to create visual interest. A tower and arched openings are provided at the front entrance to the buildings. Arched opening are also provided off of balconies. Some of the upper floor windows are provided with canopies. The recreation center has arched columns along the walkway to the California Room, balconies, different wall planes, and an oversized chimney to provide visual interest.

The apartment complex includes carports, covered parking, and open parking. A total of 163 parking spaces are required. The Project proposed 181 spaces. The total building height is 42-ft. for the residential buildings and 30-ft. for the recreation building, whereas the maximum building height per the R-3 zone is 45-ft. with City Council approval. The lot area and setback requirements are subject to the R3 zone.

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 DQ-1767.
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 October 28, 2014.
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 (IS-13-006) and Mitigation Monitoring and Reporting Program.

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

10. The Applicant shall be required to pay Engineering Fees based on the final approved building plans for the project.
  - Sewer Connection and Capacity Fee
  - Traffic Signal Fee
  - Public Facilities Development Impact Fees
  - Western Transportation Development Impact Fees
  - 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. Construction Permit
12. Payment of the 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 \$9,978 for Single Family, \$7,405 for Multi-Family, \$4,670 for Mobile Home, and \$4,268 for Hotel/Motel. 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 \$727,015 (97@ \$7,495/unit).

13. Prior to the approval of the building permit, the Owner/Applicant shall submit duplicate copies of all commercial, industrial or multifamily Projects in digital format, such as (DXF) graphic file, on a CD or through e-mail based on California State Plane Coordinate System (NAD 83, Zone 6) in accordance with the City's Guidelines for Digital Submittal. DXF file shall include a utility plan showing any and all proposed sewer or storm drain on site.
14. All driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with Section 18.16.220 of the Municipal Code. Also, landscaping, street furniture, or signs shall not obstruct the visibility of driver at the street intersections or driveways.
15. The Applicant shall provide a circulation analysis demonstrating:
  - a. Solid waste ruck movements.
  - b. How cars can turn around when pulling out from the carport
  - c. Location of visitor parking
16. Temporary improvements (such as fence, asphalt ramps, signs, etc.) located in street right of way, or city easements will require an encroachment permit.
17. Streets or driveways within the complex shall be designated as private.
18. The Applicant shall demonstrate compliance with the Uniform Building Code, minimum sewer grade (2%) from the farthest unit on the site to the sewer main to the public sewer main.
19. 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 15.05. 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).
20. The Applicant shall provide two copies of the following technical reports with the 1<sup>st</sup> submittal of grading plans:
1. Drainage study
  2. Water Quality Technical Report
  3. Geotechnical Report
21. The Applicant shall comply with the following regulations for retaining walls prior to the approval of a grading permit.
- a. All retaining walls shall be noted on the grading plans and include a detailed wall profile.
  - b. Structural wall calculations are required if walls are not built per San Diego Regional Standard Drawings, or City of Chula Vista Construction Standards CVCS-30 thru 40, and if fences are to be placed on top of retaining walls.
  - c. Retaining walls that will be part of a building wall must be approved as part of the building permit for the project.
  - d. Retaining walls around trash bin (if any) shall be noted on the grading plans and called out per standard.
  - e. Detail how retaining wall drains tie into the drainage system.
22. Prior to issuance of the grading permit for the project, 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.
23. 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.
24. 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.
25. The Applicant shall submit 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:

- 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.
  - Additional asphalt paving for the replacement of the existing curb, gutter and sidewalk.
26. The Applicant shall install 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.
27. 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.
28. 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. Driveway A shall include pedestrian ramps on all legs.
29. Any private facilities within Public rights-of-way or City easements will require an Encroachment Permit prior to Improvement Plan or Building Permit approval.
30. Per City of Chula Vista Standard Drawing CVD-ST02, Main Street is classified as a 4 lane major with a half-width right-of-way of 52 feet. The Applicant shall be required to dedicate the necessary right-of-way to meet the 52 feet width from centerline to property line along Main Street prior to obtaining a Construction Permit for the Street Improvements or a Building Permit for the site. The Applicant shall submit street dedication documents prepared by a Registered Civil Engineer or licensed Land Surveyor.
31. Prior to beginning any earthwork activities at the site and before issuance of building permits, the Applicant shall submit evidence supporting access on neighboring properties. The Applicant shall also obtain a quitclaim of the easement for underlining parking areas.
32. Prior to approval of a building permit, the Applicant shall submit a construction landscape plan for the review and approval by the City's Landscape Architect.

### **Fire Department**

33. 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.

34. 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.
35. 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.
36. Fire Hydrants shall be spaced in accordance with CA Fire Code, Appendix C.
37. Fire apparatus access roads shall be marked as Fire Lanes in accordance with CVFD standards.
38. 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.
39. Buildings shall be provided with a Knox Vault at every Fire Control Room.
40. 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
41. Grades for any access roadway shall be restricted to the following:
  - Asphalt < 11%
  - Concrete  $\geq$  11%
42. 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**

43. 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.

44. 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:

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. The Applicant shall install all landscaping and hardscape improvements in accordance with the approved landscape plan.
3. 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.
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 19.14.260 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 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 28th day of October, 2014, by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Cheryl Cox, Mayor

ATTEST:

\_\_\_\_\_  
Donna Norris, City Clerk

Presented by:

Approved as to form by:

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

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