

RESOLUTION NO. 2002-004

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION APPROVING DESIGN REVIEW PERMIT (DR21-0037) FOR 218 RESIDENTIAL UNITS LOCATED ON 8.3 ACRES WITHIN OTAY RANCH VILLAGE THREE AND A PORTION OF VILLAGE FOUR, R-19, KNOWN AS ESCAYA II APARTMENTS

WHEREAS, on December 16, 2021, a duly verified application for a Design Review Permit was filed with the City of Chula Vista Development Services Department by Escaya Apartments II, LLC (Applicant and Owner); and

WHEREAS, the Applicant requests approval of a Design Review Permit for Escaya II Apartments (the “Project”) within the Village Core of the Otay Ranch Village Three North and a Portion of Village Four Sectional Planning Area (Village 3 SPA); and

WHEREAS, the area of land which is the subject of this Resolution is made up of one parcel (R19) within the Village Core, located south and east of the intersection of Heritage Road and Paseo Cultura (the “Project Site”); and

WHEREAS, the site is zoned RM-2, which allows a residential density of 18-27 units per acre, and the Village 3 SPA states that all projects in the RM-2 zone are subject to Major Design Review; and

WHEREAS, the Project includes common usable open space amenities in the 100’ Preserve Edge along the eastern edge of the Project Site; the Village 3 SPA’s Planned Community District Regulations (PCDR) state that any uses proposed within the 100’ Preserve Edge shall be subject to review and approval of the Director of Development Services in conjunction with the Major Design Review process; and

WHEREAS, the Director of Development Services has reviewed the Project and determined that the proposed improvements within the 100’ Preserve Edge are consistent with the Village 3 SPA’s Preserve Edge Plan; 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 certified Final Environmental Impact Report (FEIR 13-01 / Sch No. 2013071077) for the Otay Ranch University Villages Project and all addenda and amendments. 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, the hearing was held at the time and place as advertised in the Chula Vista City Council Chambers, 276 Fourth Avenue, before the Planning Commission and the hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Chula Vista that it hereby makes the following findings:

1. That the proposed project is consistent with the development regulations of the Village 3 SPA Plan, the PCDR, and the Landscape Master Plan requirements.

In accordance with the Village 3 SPA Plan, the Escaya II Apartments project has a density of 26 units per acre and is a maximum of 45-feet high (three-story buildings). Required parking and open space are provided for its residents and guests. Compatible with adjacent land uses such as town homes and mixed use residential/commercial, the Project contributes to the City's housing base and serves a need in Village Three and for the surrounding Otay Ranch community. The proposed project is a permitted use within the RM-2 Zone and meets the PCDR requirements in terms of site layout, setbacks, building height, circulation, parking, access, and landscape.

The landscape design and plant palette conform to the City's Landscape Water Conservation Ordinance, promoting water conservation through the use of moderate and low-water plant species, grouping of plant materials with similar water requirements and implementing a low-volume and efficient automatic irrigation system.

2. The proposed project is consistent with the design and development standards of the Village Design Plan and the Master Precise Plan.

The Project adheres to the Village 3 SPA's Village Design Plan and Master Precise Plan guidelines for a walkable community. The Project is located within a 10-minute walk to retail, parks and a school. This multi-family apartment community provides a high-quality living environment and a harmonious mixture of land uses. Residential buildings are located close to the sidewalk and provide multiple pedestrian access points from the adjacent public sidewalks. Parking is tucked behind or inside buildings, and attractive landscape and lighting features enhance the pedestrian experience in and around the site. The architectural theme for the Project is consistent with the agrarian theme for Village Three. Mandatory elements, such as the well-articulated pedestrian entry on Corte Nueva, pedestrian links to the Promenade Trail, and the landscaped buffer along the Preserve Edge are consistent with the Master Precise Plan for the Village Core.

BE IT FURTHER RESOLVED that the Planning Commission, based on the Findings above, does hereby approve 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. Performance Standards: Buildings shall be designed to minimize energy consumption, in compliance with California Building Energy Efficiency Standards, Title 24, Parts 6 and 11.
2. The Project shall conform to Section 9.20.055 of the Chula Vista Municipal Code (CVMC) regarding graffiti control or as approved by the Director of Development Services.
3. All ground-mounted utility appurtenances such as transformers, air conditioner 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 greatest extent possible.
4. Rooftop equipment shall be shielded from surrounding properties, including rooftop equipment on those buildings fronting along Heritage Road, Paseo Cultura, and Corte Nueva, to the greatest extent possible.
5. All exterior lighting shall include shielding to remove any glare from adjacent residents and adjoining properties
6. Lockable, enclosed storage shall be provided on the balcony area and shall not impact the required minimum balcony size of 60 square feet or the minimum balcony dimension of six feet.
7. Prior to approval of each residential Building Permit within the Project, the Applicant shall provide evidence that each proposed residential unit to be constructed shall be located at least 1,000-feet away from the active solid waste disposal areas of the Otay Landfill as required by General Plan Policy E 6.4 and by Section 2.5 of the Amended and Restated Otay Landfill Expansion Agreement. Notwithstanding the typically ministerial nature of Building Permit approvals, the City shall have and retain discretion here to deny any Building Permit Application for any residential lot or parcel that does not comply with the 1,000-foot separation requirement.

Land Development Division

8. The Applicant shall comply with all requirements and guidelines of the CVMC; the Chula Vista Subdivision Manual; City of Chula Vista Design and Construction Standards; the Development Storm Water Manual for Development & Redevelopment Projects, the Chula Vista Best Management Practices (BMP) Design Manual; the City of Chula Vista Grading Ordinance No. 1797; and the State of California Subdivision Map Act.
9. The Applicant/Owner shall comply with all applicable conditions of approval for Tentative Map No. CVT 20-0004.
10. All driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with Section 12.12.130 of the CVMC or the Highway Design Manual. Also,

landscaping, street furniture, or signs shall not obstruct the visibility of the driver at the street intersections or driveways.

11. The proposed Fire Access shall meet H-20 Loading requirements or shall be designed for a Traffic Index (T.I.) of 5.
12. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, Americans with Disabilities Act Standards, and Title 24 standards, as applicable.
13. The Applicant shall apply for a Grading Permit consistent with the applicable provisions of CVMC Title 15.04 and the Subdivision Manual, reviewed and approved by the Land Development Division. This permit shall reflect all grading required to create building pads and storm drainage systems necessary to address drainage leaving the site in addition to, 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 two-year, 10-year, and 50-year return frequency storms. Drainage study shall also demonstrate that no property damage will occur during the 100-year storm event.
 - c. Drainage study shall show any offsite flows.
 - d. All onsite drainage facilities shall be private.
14. The infrastructure that will serve the Project Site shall be constructed and fully operational before the Final Building Inspection, to the satisfaction of the Director of the Development Services Department.
15. The Applicant shall provide evidence that the regional basin will be fully operational prior to the first Building Permit. If the regional basin will not be fully operational, the Applicant shall show and provide documentation for temporary onsite BMPs for the proposed site improvements.
16. The following applies to all site retaining walls:
 - 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 GRD-05.
 - 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 bins (if any) shall be noted on the Grading Plans and called out per standard.
 - e. Retaining wall drains shall tie into the drainage system.
17. Any offsite work will require Letters of Permission from the offsite property owner(s) prior to approval of the Grading Plan and issuance of a Grading Permit.
 18. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
 19. A Construction Permit will be required for all work proposed in the City's right-of-way.
 20. Prior to issuance of the first Building Permit, the Applicant shall obtain a Construction Permit to construct the private driveways and associated signage and striping within the City's right-of-way on Corte Nueva. The design shall be included on the Grading Plans.
 21. 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.
 22. Proposed water and fire lines/structures shall be submitted on a separate Building Plan and permitted by the Building and Fire Departments.
 23. Before issuance of the first Building Permit within the Project, the Applicant shall provide a "Will Serve" letter from Otay Water District.
 24. Any private facilities (if applicable) within public right-of-way, City easement, or City open space will require an Encroachment Agreement prior to Building Permit approval.
 25. The Storm Water Quality Management Plan is considered conceptually complete and provides adequate information on the projects BMP's objectives to move forward into Construction Drawing documents. There may be additional requirements set at the time the development takes place and/or a Grading Permit is applied for, depending upon final plans submitted for review and approval. Prior to the approval of Grading Plans, the Applicant shall submit a final Storm Water Quality Management Plan based on the latest BMP Design Manual to the City for review and approval.
 26. The Drainage Report is considered conceptually complete and provides adequate information on the projects Drainage objectives to move forward into Construction Drawing documents. There may be additional requirements set at the time the development takes place and/or a Grading Permit is applied for, depending upon final plans submitted for review and approval. Prior to the approval of Grading Plans, the Applicant shall submit a final Drainage Report based on the latest requirements set forth in City's Subdivision Manual for review and approval.
 27. The Applicant is advised that there may be additional requirements set at the time his/her development takes place and/or when Building, Grading, Construction Permits are

applied for, depending upon final plans submitted for said Permits. Conditions provided at Design Review are based solely on the conceptual plans that were submitted for Design Review purposes.

Landscape Architecture Division

28. Prior to the second submittal of the Building Permit set, the Applicant shall submit a complete set of onsite Landscape Improvement plans for review and approval. Said plans shall reflect the approved Lot Line Adjustment for the Project if different from the boundaries shown on the final Design Review exhibits.
29. All Landscape Improvement plans shall be approved by the Otay Water District and County of San Diego Department of Environmental Health as applicable, prior to City approval.
30. Prior to the final building inspection, the Applicant shall have installed landscape improvements associated with the Project, per all approved Landscape Improvement plans to the satisfaction of the City of Chula Vista Landscape Inspector and of the Director of Development Services or designee.

Building Division

The Applicant shall address the following Conditions of Approval at the time of Building Permit submittal to the satisfaction of the Building Official or designee:

31. This Project shall comply with the California Building Code, California Mechanical Code, California Plumbing Code, California Electrical Code, California Fire Code and California Energy Code, as adopted and amended by the State of California and the City of Chula Vista currently in effect at the time of Building Permit application, as well as the Green Building ordinance (CVMC 15.12) and all other locally adopted city and state requirements.
32. Building Permit applications shall include mitigation measures which include passive sub-slab ventilation and membrane systems, per State of California Department of Toxic Substance Control requirements. The mitigation measures shall be designed and stamped by the Applicant's California licensed Professional Engineer with expertise in methane and VOC mitigation, to the satisfaction of the City Building Official.

ECONOMIC DEVELOPMENT DEPARTMENT – Environmental Division

33. Prior to Building Permit issuance, the Applicant shall comply with the construction debris recycling requirements, including a performance deposit and Waste Management Report.

FIRE DEPARTMENT

The following Chula Vista Fire Department (CVFD) Conditions of Approval are general requirements that the Applicant shall address at the time of Building Permit submittal to the satisfaction of the Fire Marshall or designee.

34. The Project shall comply with the Village 3 SPA's Fire Protection Plan, including enhanced construction requirements and approved and prohibited tree and plant lists.
35. The Applicant shall apply for required Building Permits. Permits shall comply with applicable codes and requirements, including but not limited to the current California edition of the Building Code & Fire Code (CFC) as amended by City of Chula Vista.
36. Plans for the design and construction of private underground fire service utilities are required to be included within a permit submitted to the Development Services Department in the form of Private Utility Permit plans or as part of the Architectural Building Permit plans.
37. 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/or improvements to the existing public water main shall be made.
38. Fire hydrants shall be located and spaced in accordance with the CFC, Appendix C.
39. The location of the fire department connection shall be within 50 feet of a fire hydrant.
40. Regardless of hydraulic calculations, two points of connection to the public main are required when the system serves three (3) or more fire hydrants. Distribution must be configured to provide at least 50 percent of the required fire flow in case of a single break.
41. Fire Sprinkler System laterals shall terminate inside of the building.
42. Fire apparatus access roads shall be provided for every facility or building and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building.
43. Fire apparatus access road dimensions shall be a minimum of 20-feet in width and have an unobstructed vertical clearance of 13 feet 6 inches. The Applicant shall perform an Auto-Turn analysis using CVFD auto turn data and transpose the analysis onto the Site Plan.

Dead end fire apparatus access roads in excess of 150-feet in length shall be provided with an approved area for turning around fire apparatus, with the exception of the dead end access road fronting Building 8 (Private Drive D), which has been approved by the Chula Vista Fire Department.

II. The following on-going conditions shall apply to the Project Site as long as it relies on this approval:

44. The Applicant shall install all landscaping and hardscape improvements in accordance with the approved Landscape and Improvement plans.
45. The Applicant/Owner shall comply with all applicable mitigation measures in accordance with Final Environmental Impact Report 13-01.
46. Approval of the Design Review Permit shall not waive compliance with any sections of Title 19 of the CVMC, nor any other applicable laws and regulations in effect at the time of Building Permit issuance.
47. 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) any environmental determinations; (b) City's approval and issuance of this Design Review Permit 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.
48. This Design Review Permit (DR21-0037) shall expire if not utilized within three years from the Planning Commission approval date or the end of any appeal period, unless the Applicant initiates an extension prior to expiration of the permit, in accordance with Section 19.14.600 of the CVMC.

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 the same. Upon execution, this document shall be signed and returned to the City's Development Services Department.

_____	_____
Erin Ruhe, Vice President	
Escaya Apartments II, LLC, Property Owner	Date

_____	_____
Erin Ruhe, Vice President	
Escaya Apartments II, LLC, 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 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:

Approved as to form by:

Laura C. Black, AICP
Interim Director of Development Services

Glen R. Googins
City Attorney

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF
CHULA VISTA, CALIFORNIA, this ____ day of _____ 2022, by the following vote,
to-wit;

AYES:

NOES:

ABSENT:

ABSTAIN:

Max Zaker, Chair

ATTEST:

Patricia Salvacion, Secretary