

RESOLUTION NO. 2022-005

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION APPROVING  
CONDITIONAL USE PERMIT CUP22-0002 FOR A PRIVATE HEALTH AND WELLNESS  
CENTER, KNOWN AS LIFE TIME FITNESS, LOCATED ON 7.5 ACRES WITHIN THE OTAY  
RANCH VILLAGE EIGHT WEST TOWN CENTER

WHEREAS, in January 2022, a duly verified application for a Conditional Use Permit was filed with the City of Chula Vista Development Services Department by LTF Real Estate Company, Inc. (Applicant). HomeFed Village 8, LLC is the property owner (Owner) and

WHEREAS, the area of land which is the subject of this Resolution is a 7.5-acre vacant parcel zoned Town Center (TC), located along the eastern edge of the La Media Parkway and Main Street couplet in the Village Eight West Sectional Planning Area (Village 8 West SPA), and identified as Assessor Parcel Numbers 644-071-0400 to 0700 (Project Site); and

WHEREAS, pursuant to the Village 8 West SPA Plan, a Conditional Use Permit is required for health clubs over 2,000 square feet and for the sale of alcohol in the TC zone. The proposed health club (the “Project”) is approximately 85,000 square feet, and the Project proposes the sale of alcohol; 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 the previous Final Environmental Impact Report (FEIR-10-03/SCH# 2010062093), prepared for the Otay Ranch Sectional Planning Area Plan – Village 8 West and certified by City Council on December 17, 2013; therefore, no further environmental review is required; and

WHEREAS, the Director of Development Services set the time and place for a hearing on the Conditional Use 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 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:

Conditional Use Permit

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.**

The proposed use is desirable in this location because it provides convenient health and wellness services in the mixed-use Town Center. Locating this use within the Town Center will contribute to the general well-being of the community by providing convenient access to health and wellness recreation facilities. The health club use is an approved land use in the Village 8 West SPA Plan (Table T-4:TC Permitted Land Uses). Its addition to Otay Ranch will support Master Precise Plan (MPP), Section 2.1 Principles of Healthy Communities, by providing a facility that empowers members and the community to participate in a healthy lifestyle.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

The proposed use has been reviewed by City staff and appropriate conditions have been attached to ensure that health, safety, and general welfare are not endangered. Pool, massage, hair and nail, restaurant and fitness elements will comply with all laws regulating such facilities. The proposed alcohol service has been reviewed by the Chula Vista Police Department, and appropriate conditions have been added, accordingly. This facility will support the overall health and wellness of the community and will not be detrimental to the health, safety or general welfare of people within the vicinity of the facility.

- 3. The proposed use will comply with the regulations and conditions specified in this title for such use.**

The proposed project and its associated amenities will comply with the regulations and conditions as set forth within the Chula Vista Municipal Code (CVMC) and the Village 8 West SPA Plan.

- 4. The granting of this conditional use will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The proposed conditional use as a health club is consistent with the City's General Plan and supports Chapter 4, Theme 5, and Section 6.1, by providing a health and wellness recreation facility for residents, allowing them to recreate within their community, and by offering access to opportunities for physical activity and exercise within Chula Vista.

BE IT FURTHER RESOLVED that the Planning Commission, based on the findings above, does hereby approve the Conditional Use 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. The Project Site shall be developed and maintained in accordance with the approved plans for CUP22-0002, which include a Site Plan, Civil Plans, Architecture Plans, and Landscape Plans on file in the Development Services Department, Planning Division, the conditions contained herein, and CVMC, Title 19.
2. Performance Standards: Buildings shall be designed to minimize energy consumption.
3. The colors and materials specified on the Building Plans must be consistent with the colors and materials shown on the Project plans approved by the Planning Commission.
4. The Project shall conform to Section 9.20.055 of the CVMC regarding graffiti control or as approved by the Director of Development Services.
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. Such screening shall be architecturally integrated with the building design.

6. All ground mounted utility appurtenances such as transformers, air conditioning 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.
7. All exterior lighting shall include shielding to remove any glare from adjacent residents and adjoining properties. 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.
8. The Applicant shall obtain approval of a Sign Permit for each sign. Signs shall comply with all applicable requirements of the CVMC and the Planned Sign Program for the Town Center.
9. The Project shall comply with all mitigation measures specified in the Mitigation Monitoring and Reporting Program for the Final Environmental Impact Report (FEIR 10-03) (SCH #2010062093) for the Otay Ranch Sectional Planning Area SPA Plan - Village 8 West.
10. Per the Village 8 West SPA Plan, Chapter 3.7 Sign Regulations (Pages 3-80 -86), the building wall signs and the monument signs on Main Street West and Main Street East shall comply with the Planned Sign Program for the Town Center and applicable portions of CVMC Sign Regulations (Sections 19.60.005-300, 19.60.500, and 19.600-930). The Planned Sign Program for the Town Center shall be approved prior to the submittal of any sign permits for the Project.
11. The “Love Your Life” art element proposed for the northwest corner plaza is a unique sculptural form of signage. The Applicant shall coordinate with the Master Developer for approval of the art/sign element and plaza. The Town Center Public Improvement Plans and Town Center Landscape Improvement Plans shall be amended to reflect the plaza improvements prior to the first Building Permit issuance, and the art element shall be installed prior to final inspection for the first Project Building Permit.
12. The “Love Your Life” art/sign element does not conform to sign criteria found in the Village 8 West SPA Plan Sign Regulations or CVMC Sign Regulations. The art/sign criteria shall be addressed with the Planned Sign Program for the Town Center. The Planned Sign Program for the Town Center shall be approved prior to the submittal of the art/sign’s sign permit.

#### Land Development Division

13. 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.
14. The Applicant shall comply with all applicable conditions of approval for Tentative Map Chula Vista Tract No. 19-03.
15. The Applicant shall agree to not protest formation or inclusion in a maintenance district or zone for the maintenance of landscape medians, scenic corridors along streets and public parks, within or adjacent to the subject subdivision and Project.
16. All driveways shall conform to the City of Chula Vista’s sight distance requirements in accordance with Section 12.12.130 of the CVMC. Also, landscaping, street furniture, or signs shall not obstruct the visibility of the driver at the street intersections or driveways.

17. The proposed Fire Access shall meet H-20 Loading requirements or shall be designed for a Traffic Index (T.I.) of 5.
18. 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.
19. The infrastructure that will serve the project site shall be constructed and fully operational before the Final Building Inspection.
20. Prior to issuance of any Building Permit, a Lot Consolidation will be required.
21. The Applicant shall apply for a Grading Permit consistent with the applicable provisions of the CVMC, Title 15.04 and 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.
22. Any offsite work will require Letters of Permission from the offsite property owner(s) prior to approval of the Grading Plan and issuance of Grading Permit.
23. 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.
24. The Storm Water Quality Management Plan is considered conceptually complete and provides adequate information on the project's 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.

25. The Drainage Report is considered conceptually complete and provides adequate information on the project's 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.
26. 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.
27. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
28. A Construction Permit will be required for all work proposed in the City's right-of-way.
29. The Applicant shall obtain a Construction Permit to construct the private driveways and associated signage and striping in the City's right-of-way, prior to issuance of any Building Permit. This may be accommodated by processing a construction change to the Master Developer's Improvement Plans or including the design on the Grading Plans and applying for a separate Construction Permit.
30. Before issuance of the first Building Permit, a "Will Serve" letter from Otay Water District shall be required.
31. Proposed water and fire lines/structures are to be submitted on a separate Building Plan and permitted by the Building and Fire departments.
32. Any private facilities (including the proposed plaza design) within public right-of-way, City easement, or City open space will require an Encroachment Permit prior to Building Permit approval.
33. Following the use of a temporary sales office and prior to final inspection, the Applicant shall remove all temporary landscaping (if applicable) and above grade improvements such as fences, ramps, and stairs and finish/restore to the final design condition.
34. 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. Comments provided for the Conditional Use Permit are based solely on the plans that were submitted.

#### Landscape Architecture Division

35. Prior to the second submittal of the Building Permit plan set, the Applicant shall submit to the Landscape Architecture Division, complete Landscape Improvement Plans for review and approval. Said plans shall conform to the following City Documents:
  - a. Landscape Water Conservation Ordinance, Chapter 20.12 of the CVMC
  - b. City of Chula Vista Landscape Manual

c. Shade Tree Policy (576-19)

36. Prior to Final Building Inspection for the Project, the Applicant shall have installed Landscape Improvements per the approved Landscape Improvement Plans.
37. Both pedestrian nodes/corner plazas, located along La Media Parkway North at the intersections of & Main Street East and Main Street West, as represented in the approved Conditional Use Permit package (Sheets A103 & L2) shall be further developed through the Landscape Improvement plan process to incorporate the following design elements, but not limited to; low seat walls, decorative paving, specimen tree(s), and a public art element (signage) which promotes the Town Center goal of supporting a healthy and active lifestyle. The public art element (signage) shall not be portrayed as advertisement for the tenant.
38. Prior to substantial completion (pre-maintenance site observation) of the landscape improvements, both pedestrian nodes/corner plazas shall be constructed and fully installed per the approved Landscape Improvement Plans.
39. 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.

ECONOMIC DEVELOPMENT DEPARTMENT – Environmental Division

40. The Applicant shall comply with the construction debris recycling requirements, including a performance deposit and Waste Management Report.

FIRE DEPARTMENT

The following Fire Department 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.

41. 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 Building Code (CBC) & Fire Code (CFC) as amended by City of Chula Vista.
42. 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. Please contact the Development Services Department to determine what type of permit(s) is/are required for your project.
43. 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.
44. Fire hydrants shall be located and spaced in accordance with the CFC, Appendix C.
45. The location of the fire department connection shall be within 50 feet of a fire hydrant.
46. Regardless of hydraulic calculations, two points of connections 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.

47. Fire Sprinkler System laterals shall terminate inside of the building.
48. 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.
49. 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 Chula Vista Fire Department auto turn data and transpose the analysis onto the Site Plan.
50. 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.

#### POLICE DEPARTMENT

51. Sales service and consumption of alcoholic beverages shall be permitted inside the establishment between the hours of 11:00 AM and 11:00 PM each day of the week.
  52. The use of any amplifying system or device inside the premises shall not be audible beyond the area of the licensee's control.
  53. There shall be no dancing allowed on the premises, to include male and female performers and fashion shows.
  54. It will be the duty of and responsibility of all owners, managers, and employees to prevent under age patrons and non-members from obtaining alcoholic beverages by closely monitoring clientele and intervening whenever necessary.
  55. All employees serving alcohol shall attend Alcohol and Beverage Control's Licensed Education and Drugs training.
- II. The following on-going conditions shall apply to the Project Site as long as it relies on this approval:
56. The Applicant shall install all landscaping and hardscape improvements in accordance with the approved Landscape and Improvement Plans.
  57. The Applicant/Owner shall comply with all applicable mitigation measures in accordance with FEIR 10-03.
  58. Approval of the Conditional Use 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.
  59. 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 Conditional Use 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 Conditional Use 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.

60. The permit 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  
HomeFed Village 8, LLC, Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kari Broyles, Vice President and  
Deputy General Counsel  
LTF Real Estate Company, Inc., 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