

RESOLUTION NO – 2022-013

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION
APPROVING DESIGN REVIEW PERMIT (DR22-0006) FOR 267 RESIDENTIAL
UNITS LOCATED ON 8.6 ACRES WITHIN OTAY RANCH VILLAGE EIGHT WEST,
KNOWN AS LUMINARY AT COTA VERA

WHEREAS, in March 2022, a duly verified application for a Design Review Permit was filed with the City of Chula Vista Development Services Department by Cota Vera Apartments II, LLC (Applicant and Owner); and

WHEREAS, the Applicant requests approval of a Design Review Permit for Luminary at Cota Vera (the “Project”) within the Town Center of the Otay Ranch Village Eight West Sectional Planning Area (“Village 8 West SPA”); and

WHEREAS, the area of land which is the subject of this Resolution is designated as Parcel C within the Town Center, located north and east of the intersection of La Media Parkway North and Main Street West (the “Project Site”); and

WHEREAS, the site is zoned Town Center (TC), which allows a residential density of 18-45 units per acre, and the Village 8 West SPA states that all projects with 200+ units in the TC zone are subject to Major Design Review, which requires Planning Commission approval; 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 10-03) (SCH #2010062093), certified on December 17, 2013, for the Otay Ranch Village 8 West Sectional Planning Area. 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 8 West SPA Plan, the Town Center Master Precise Plan, and the Landscape Master Plan requirements.

Consistent with the Village 8 West SPA Plan, the Project has a density of 31 units per acre and is a maximum of 60-feet high for the proposed three- and four-story buildings. Required parking and open space are provided for residents and guests. The proposed apartments are a permitted use within the TC Zone and meet the requirements in terms of site layout, setbacks, building height, circulation, parking, access, and landscape. Compatible with adjacent land uses such as town homes and commercial, the Project contributes to the City’s housing base and serves a need in Village 8 West and for the surrounding Otay Ranch community.

The Town Center Master Precise Plan calls for spaces within the site to be programmed with amenities and activities that support health and wellness, sustainability, and social connectivity. The Project meets that requirement for functional outdoor spaces with a combination of quality amenities. 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, the grouping of plant materials with similar water requirements, and the implementation of a low-volume and efficient automatic irrigation system.

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

The Project adheres to the Village 8 West SPA's Town Center Master Precise Plan guidelines for a walkable community. The Project is located within a 10-minute walk to retail, a public park and a convenience store. 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 located 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 Contemporary European theme for Village 8 West. Mandatory elements, such as the well-articulated pedestrian entries on Main Street West, pedestrian links to the Village Pathway, and the landscaped buffer screening views of the parking lot are consistent with the Master Precise Plan for the Town Center.

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 or 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 La Media Parkway and Main Street, to the greatest extent possible.
5. All exterior lighting shall include shielding to remove any glare from adjacent residents and adjoining properties.
6. This approved design shall expire if substantial work on the project has not commenced within three years of the date of Planning Commission approval.
7. The colors and materials specified on the building plans shall be consistent with the colors and

materials shown on the plans approved by the Planning Commission.

8. The Applicant shall obtain a sign permit for each sign through the Development Services Department. Signs shall comply with all applicable requirements of the Village 8 West SPA documents and the CVMC.

Land Development Division

9. Prior to issuance of any Building Permit, a Lot Line Adjustment/Lot Consolidation will be required.
10. The Applicant shall construct and maintain the Project Site in accordance with the approved plans, which include the site plans, floor and roof plans, elevations, landscape, civil, and fence and wall plans on file with the Planning Division, and with the conditions contained herein, and shall comply with all requirements and guidelines of the Village 8 West SPA's Plan; the Village 8 West Town Center Master Precise Plan; the City of Chula Vista Municipal Code; 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 (BMPs) Design Manual; the City of Chula Vista Grading Ordinance No. 1797; and the State of California Subdivision Map Act.
11. The Applicant shall comply with all applicable conditions of approval for Tentative Map No. CVT 19-03.
12. Prior to the issuance of the first building permit, the public infrastructure that will serve the project site shall be bonded per the Subdivision Manual. This includes all streets and utilities fronting the project site. Furthermore, this public infrastructure shall be constructed and fully operational before the Final Building Inspection, all to the satisfaction of the Director of the Development Services Department.
13. Prior to the issuance of any Building Permit within the Project, the Applicant shall provide the City with proof of Pad Certification.
14. All driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with CVMC Section 12.12.130. Also, landscaping, street furniture, or signs shall not obstruct the visibility of the driver at the street intersections or driveways.
15. Proposed Fire Access Road(s) and Driveway(s) shall meet H-20 Loading requirements or shall be designed for a Traffic Index of 5.
16. 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 (ADA) Standards, and Title 24 standards, as applicable.
17. Developer must obtain a Grading Permit prior to beginning any earthwork activities at the site and before issuance of Building Permits in accordance with CVMC Title 15.04. Developer shall submit Grading Plans in conformance with the City's Subdivision Manual and the City's Development Storm Water Manual requirements, including, but not limited to the following:

- a. Grading Plans shall be prepared by a registered Civil Engineer and approved by the City Engineer.
 - b. Drainage Study and Geotechnical/Soils Investigations are required with the first submittal of Grading Plans. The Drainage Study shall calculate the Pre-Development and Post-Development flows and show how downstream properties and storm drain facilities are impacted. Design shall incorporate detention of storm water runoff if Post-Development flows exceed Pre-Development flows; analysis shall include flows from 2-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 off-site flows.
 - d. All on-site drainage facilities shall be private.
18. Prior to issuance of the Grading Permit, the existing City of San Diego access easement shall be vacated or a Letter of Permission to Grade and Install Improvements will be required.
19. The Storm Water Quality Management Plan ("SWQMP") is 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 Land Development Permit is applied for, depending upon final plans submitted for review and approval.
20. The Drainage Report is 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 Land Development Permit is applied for, depending upon final plans submitted for review and approval.
21. Prior to issuance of Grading, Construction, and Building Permits, the Applicant shall document on applicable plans compliance with the requirements pertaining to BMPs. The Applicant shall develop and implement post construction BMPs, in accordance with the most recent regulations at the time of grading and building permit issuance.
22. Prior to approval of the Grading Plan and issuance of a Grading Permit that includes off-site grading, the Applicant shall provide the City with Letters of Permission from offsite property owner(s).
23. The following applies to all project retaining walls:
 - a. 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.
 - b. Retaining walls that will be part of a building wall must be approved as part of the Building Permit for the project.
 - c. Retaining wall drains shall tie into the drainage system.
24. Prior to construction of any private sewer and/or storm drain systems constructed to public standards and to be inspected by Construction Inspection, the Applicant shall obtain a Construction Permit for these improvements by processing a Private Improvement plan through Land Development Division.
25. Prior to construction of any private water and fire line/structure systems to be inspected by the Building Department and the Fire Department, the Applicant shall obtain a Building Permit and a Fire Permit for these improvements by processing a Private Improvement plan through the Building

Department and Fire Department. If said improvements are proposed on the same private improvement plan set as private storm drain and private sewer built to public standards, then this plan set shall be routed through Land Development for processing and approvals.

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. A Construction Permit will be required for all work proposed in the City's right-of-way.
28. Prior to issuance of any Building Permit, the Applicant shall obtain a Construction Permit to construct the private driveways off La Media Parkway North and Main Street West which will include the associated signage and striping in the City's right-of-way. 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.
29. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
30. Prior to issuance of the first Building Permit, a "Will Serve" letter from Otay Water District shall be required.
31. 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.
32. With the approval of the Grading Plan and prior to Grading Permit issuance, the Applicant shall provide digital files in a format such as AutoCAD DWG or DXF (AutoCAD version 2000 or above), ESRI GIS shapefile, file, or personal geodatabase (ArcGIS version 9.0 or above) to the City.
33. 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 at Design Review are based solely on the plans that were submitted for Design Review.
34. The Applicant shall provide recorded Covenant of Easement for private utility and access purposes prior to Construction Permit issuance.

Landscape Architecture Division

35. 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.
36. 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.

37. 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:

38. 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.

ECONOMIC DEVELOPMENT DEPARTMENT – Environmental Division

39. 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.

40. The Project shall comply with the Village 8 West SPA's Fire Protection Plan, including enhanced construction requirements and approved and prohibited tree and plant lists.
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 the Building Code & 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.
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 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.

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 CVFD 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.
- II. The following on-going conditions shall apply to the Project Site as long as it relies on this approval:
51. The Applicant shall install all landscaping and hardscape improvements in accordance with the approved Landscape and Improvement plans.
 52. The Applicant/Owner shall comply with all applicable mitigation measures in accordance with Final Environmental Impact Report 10-03.
 53. 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.
 54. The Property Owner and Applicant shall and do agree to timely and fully indemnify, protect, reimburse, 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 any costs and expenses to prepare the administrative record for any challenge to the Project approvals and/or compiling a response to a Public Records Act request(s) to provide the record of proceedings materials for the Project, the City's costs to retain its own defense counsel to defend any challenge to any Project-related approvals, 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.
 55. This Design Review Permit (DR22-0006) 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
Cota Vera Apartments II, LLC
Property Owner and 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
Director of Development Services

Glen R. Googins
City Attorney

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF CHULA
VISTA, CALIFORNIA, this 14th day of December 2022, by the following vote, to-wit;

AYES:

NOES:

ABSENT:

ABSTAIN:

Max Zaker, Chair

ATTEST:

Patricia Salvacion, Secretary