

RESOLUTION NO. 2022-010

RESOLUTION OF THE PLANNING COMMISSION ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION, MONITORING, AND REPORTING PROGRAM (IS21-0005) AND APPROVING A DESIGN REVIEW PERMIT (DR21-0029) FOR DEVELOPMENT OF A 58,788-SQUARE FOOT MEDICAL OFFICE BUILDING AND DETACHED FOUR-STORY, 43,793-SQUARE FOOT PARKING STRUCTURE ON 4.67 ACRES LOCATED AT 1400 EAST PALOMAR STREET WITHIN VILLAGE ONE OF THE OTAY RANCH SECTIONAL PLANNING AREA ONE

WHEREAS, on February 8, 2022, duly verified applications for a Design Review Permit (DR21-0029) and Mitigated Negative Declaration (IS21-0005) were filed with the City of Chula Vista (“City”) Development Services Department by Sharp Rees-Stealy Medical Group (“Applicant/Owner”); and

WHEREAS the Applicant requests approval of a Design Review Permit for “Sharp Rees-Stealy Otay Ranch Expansion” within the Village Core of Village One of the Otay Ranch Sectional Planning Area One (“Village One SPA”); and

WHEREAS the use is proposed in conjunction with a Conditional Use Permit (CUP21-0019) for development known as “Sharp Rees-Stealy Otay Ranch Expansion” (“Project”); and

WHEREAS the Project area is located at 1400 East Palomar Street, is made up of one parcel within the Village Core, located southwest of the intersection of East Palomar Street and Santa Andrea Street and identified by Assessor Parcel Number 642-560-01-00 (“Project Site”); and

WHEREAS the Project Site is zoned Residential Multifamily 2 (“RM2”), Commercial (“C”), Community Purpose Facilities (“CPF”), which allows for commercial uses such as medical office buildings, and the Village One SPA requires all development to adhere to Chula Vista Municipal Code (“CVMC”) Section 19.14.582(C) for commercial development greater than 20,000 square feet, which requires Planning Commission review and approval; and

WHEREAS the Director of Development Services has reviewed the Project for compliance with the California Environmental Quality Act (“CEQA”) and has conducted an Initial Study, IS21-0005. Based upon the results of the Initial Study, the Director of Development Services has determined that the Project could result in significant effects on the environment. However, revisions to the Project made by 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 Director of Development Services has caused the preparation of a Mitigated Negative Declaration (“MND”), IS21-0005, including all Technical Appendices and the responses to comments to the MND, and an associated Mitigation, Monitoring, and Reporting Program (“MMRP”) contained at Section 2.2 of the MND; and

WHEREAS the Final MND and the MMRP have been prepared by the City, as the Lead Agency, pursuant to the requirements of the California Environmental Quality Act (“CEQA”) (Public Resources Code Sections 21000 *et seq.*) and the State CEQA Guidelines (14 Cal Code Regs Sections 15000 *et seq.*) to address the potential environmental impacts associated with the Project;

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 City staff recommends approval and adoption of the Final MND (IS21-0005), the MMRP, and Design Review Permit (DR21-0029) (“DRP”) for the Project; and

WHEREAS the City Planning Commission has reviewed and considered all such materials for the Final MND (IS21-0005), the MMRP, and DRP (DR21-0029) for the Project, as well as other Project materials; and

WHEREAS the hearing was held regarding the Project 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:

All Whereas clauses above are true and are incorporated in full into these findings.

Findings Regarding the Final MND (IS21-0005) and the MMRP –

1. The City Planning Commission has reviewed and considered the Final MND (IS21-0005) and the MMRP for the Project as the Lead Agency pursuant to CEQA and finds that the Final MND and MMRP are adequate, complete and contain all information required under CEQA and the State CEQA Guidelines.

2. As explained in the MND, including in all Technical Appendices and the responses to comments to the MND, the mitigation measures contained in the MMRP for the Project can and will mitigate or avoid all potentially significant environmental impacts resulting from the Project.

3. The City Planning Commission finds that the MMRP, which is contained at Section 2.2 of the MND, establishes a mechanism and procedure for implementing and verifying the implementation of, and compliance with, the adopted mitigation measures for the Project pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Sections 15097 and 15126.4, and this Commission approves and adopts the MMRP. The MMRP is approved, adopted, is

incorporated into the Project as a condition of approval for the Design Review Permit and the Conditional Use Permit for the Project, and shall be fully enforceable.

4. The City Planning Commission finds that there is substantial evidence in the entirety of the record of proceedings for the Project to support the conclusions and findings before this Commission.

5. The City Planning Commission finds that the Final MND (IS21-0005) reflects the independent review and judgment of the Commission and the City.

6. The City has provided and will continue to provide the Final MND (IS21-0005) and the MMRP, and other materials for the record of proceedings for the Project, on file with the City at 276 Fourth Avenue, Chula Vista, CA 91910, Oscar Romero, Senior Planner, Development Services, and available for inspection.

Findings Regarding the Design Review Permit (DR21-0029) -

- 1. That the proposed Project is consistent with the development regulations of the Village One SPA Plan, the Planned Community Development Regulations, Design Plan, Master Precise Plan Village One, and the Landscape Master Plan requirements.**

Staff has reviewed the Project and confirms that the project is consistent with all applicable development regulations, including setback, parking, and landscape requirements. The development will adhere to all required development standards and design guidelines as required. Landscaping will meet its requirement of 15% throughout the site and remain consistent with the existing and required plant palette.

- 2. The proposed Project is consistent with the design and development standards of the Village One Design Plan and the Master Precise Plan.**

The Project is within close proximity to public transportation; the East Palomar Street Transit Center allows for convenient, walkable access to the site. There are two vehicular access points into the site, a drop-off/pick-up area with decorative paving leading to a public plaza enhancing the urban character. The Main Street corridor of the Village One SPA is the most-dense area and the addition of a plaza creates an outdoor gathering space for the surrounding community.

The Project is proposing to develop a 58,788 square-foot medical office building and the addition of a 43,793 square-foot detached parking structure to accommodate 570 vehicles. The site design for the structure remains consistent with Design Plan in efforts to locate the structure at the rear of the property away from the Main Street corridor. In doing so, parking will remain accessible but designed at the rear of the parcel to alleviate visibility from the main corridor and maintain compliance with the Design Guidelines.

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. Unless otherwise specified, the following shall be accomplished to the satisfaction of the Director of Development Services or their designee prior to issuance of Building Permits:

Planning

1. The Applicant shall not permit the noise level emanating from any commercial use to exceed the standards established in the CVMC.
2. The Project shall conform to Section 9.20.055 of the 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 using a combination of concrete or masonry walls, berming, and/or landscaping, to the greatest extent possible.
4. Rooftop equipment, including, but not limited to air conditioning units and mechanical equipment, shall be shielded and architecturally screened from views from on-site parking areas, adjacent public streets, and residential uses within the Village Core.
5. All light sources shall be shielded in such a manner that the light is directed away from streets or adjoining properties. Illuminators should be integrated within the architecture of the building.
6. All utility connections shall be designed to coordinate with the architectural elements of the building so as not to be exposed to public view except where required by utility providers.
7. The applicant shall adhere to Section 19.62.100b(A) of the CVMC for the leased space at 1420 East Palomar Street.

Land Development

8. The Applicant shall construct and maintain the Project Site in accordance with the approved plans, which include the site plans, floor plans, elevations, and landscape plans on file with the Planning Division, and with the conditions contained herein, and shall comply with all requirements and guidelines of the CVMC; the City's Subdivision Manual; the City's Design and Construction Standards; the Development Storm Water Manual for Development and Redevelopment Projects; the City's Grading Ordinance No. 1797; and the State of California Subdivision Map Act.

9. The Applicant shall apply for a Land Development Permit, reviewed and approved by the Land Development Division, consistent with the applicable provisions of Section 15.04 of the CVMC, the City's most recent Best Management Practices ("BMP") Design Manual, and the City's Subdivision Manual. This permit shall reflect all grading required to create building pads, as well as any storm drainage systems necessary to address drainage leaving the site.
10. The Applicant shall be responsible for all costs associated with retiming the traffic signal at the intersection of East Palomar Street and Santa Rita Street/Monarche Drive and shall contribute their fair share toward Adaptive Traffic Signal Control improvements at the same intersection.
11. The Applicant shall be responsible for all costs associated with retiming the traffic signals at the intersections of East Palomar Street and La Media Road and East Palomar Street and Santa Andrea Street.
12. 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.
13. The following shall apply to all Project retaining walls:
 - a) All retaining walls shall be noted on the grading plans and include a detailed wall profile.
 - b) Structural wall calculations shall be required for walls not built per San Diego Regional Standard Drawings (SDRSD) or City of Chula Vista Construction Standard 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 shall be noted on the grading plans and called out per the applicable standard.
 - e) Retaining wall drains shall tie into the drainage system.
14. The Storm Water Quality Management Plan ("SWQMP") is conceptually complete and provides adequate information on the project BMP's objectives to move forward with construction drawings. Additional requirements may be established at the time of development and/or Land Development Permit application, depending upon final plans submitted for review and approval. Prior to the approval of grading plans, the Applicant shall submit a final SWQMP, based on the City's most recent BMP Design Manual, and a Final Drainage Report, based on the City's Subdivision Manual, for review and approval.
15. The Drainage Report is conceptually complete and provides adequate information on the project's drainage objectives to move forward with construction drawings. Additional requirements may be established at the time of development and/or Land Development Permit application, 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 the City's Subdivision Manual, for review and approval.

16. Prior to the issuance of the first Grading or Construction Permit, the Applicant shall enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain and fund all post-construction permanent BMP facilities within the Project Site, to the satisfaction of the Director of Development Services.
17. The Applicant shall submit detailed Operation and Maintenance ("O&M") plans for all permanent BMPs to preserve the intended pollution control and/or flow control performance of the BMPs. Upon completion of construction, the Applicant shall update/finalize the O&M plan(s) with as-built plans and baseline photos.
18. Prior to the issuance of any Building Permit within the Project, the Applicant shall provide the City with proof of Pad Certification.
19. Prior to issuance of the first Building Permit, the Applicant shall obtain a Construction Permit and provide bonds for all work to be completed in the City's right-of-way, including, but not limited to:
 - a) Removal and replacement of any broken or damaged curb, gutter, and sidewalk along the East Palomar Street and Santa Andrea Street frontages per SDRSD G-02 and G-07, to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
 - b) Replacement of existing driveway(s) not meeting the City's Design Standards or Americans with Disabilities Act (ADA) standards, or if existing driveways are cracked or broken.
 - c) Upgrading existing pedestrian ramps at both proposed vehicular access points along Santa Andrea Street to current City and/or ADA standards. Prior to construction, pedestrian ramps shall have five feet of red curb, installed from the top of the wing, along Santa Andrea Street. After construction, the red curb shall be re-installed as required. A note to this affect shall be placed on the construction plans.
 - d) Increasing the turn bay storage for the westbound left turn lane from 140 feet to 250 feet at the intersection of East Palomar Street and Santa Andrea Street.
20. Upon approval by the San Diego Metropolitan Transit System ("MTS"), the Applicant shall install a bench and trash can at the East Palomar Street/Santa Andrea Street bus stop (ID #39056).
21. The Applicant shall be required to monitor parking conditions on a weekly basis for the duration of construction to ensure enough off-street parking is provided. The operator shall ensure that any temporary parking facilities are accessible to proposed users (e.g., provided on level terrain, with an adequate ADA path of travel, etc.) for the

- duration of construction. Upon notification from the City regarding parking spillover or other parking deficiencies, the operator shall meet and confer with City staff and implement necessary measures to rectify the identified parking deficiencies.
22. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
 23. The Applicant shall obtain and provide to the City a “Will Serve” letter from the Otay Water District.
 24. The Applicant shall verify that the affected portion of the Otay Water District’s easement has been vacated.
 25. Proposed private water and fire lines/structures shall be submitted on a separate Building Plan and permitted by the Building Division and Fire Department.
 26. Any improvements in the right-of-way beyond the project limits shall be designed and constructed not to interfere with adjacent businesses, as approved by the City Engineer.
 27. The proposed onsite sewer and storm drain system(s) 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 accessible parking shall be designed to meet the City’s Design Standards, ADA standards, and Title 24 standards, as applicable.
 29. All driveways shall conform to the City’s sight distance requirements in accordance with Section 12.12.120 of the CVMC and Chula Vista Standard Drawing RWY-05 (Sight Distance Requirements). Neither landscaping, street furniture, nor signs shall obstruct the visibility of drivers at street intersections or driveways.
 30. Proposed fire access road(s) and driveway(s) shall meet H-20 Loading requirements or shall be designed for a Traffic Index of five.
 31. Prior to issuance of a Construction Permit, the Applicant shall obtain an Encroachment Permit from the City for any private facilities, temporary or permanent, within the public right-of-way or a City easement.
 32. Prior to the issuance of the first Grading or Construction Permit, the Applicant shall verify with existing easement holders that the proposed private facilities, whether temporary or permanent, will be allowed within their easement(s).

33. All new or existing utilities serving the subject property, as well as existing utilities located within or adjacent to the subject property, shall be installed underground in accordance with Section 15.32 of the CVMC.
34. With the approval of the Grading Plan, the Applicant shall upload digital files in a format such as AutoCAD (.dwg or .dxf), ESRI GIS shapefile, or personal geodatabase. The files should be transmitted directly to the GIS section using the City's digital submittal file upload website at <http://www.chulavistaca.gov/goto/GIS>. The data upload site only accepts zip formatted files.

Landscape Architecture

35. Prior to the final building inspection, the Applicant shall install the approved landscape improvements to the satisfaction of the City's Landscape Inspector and the Director of Development Services or their designee.

Building

36. The Project shall comply with the California Building, Mechanical, Plumbing, Electrical, Fire, and Energy Codes, as adopted and amended by the State of California and the City, as well as the City's Green Building Ordinance (CVMC 15.12), in effect at the time of Building Permit application.

Economic Development

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

Fire

38. The applicant shall submit an Auto-turn Exhibit showing that the Chula Vista Fire Department can access all portions of the revised on-site roadway prior to building permit issuance.

II. The following ongoing conditions shall apply to the Project Site as long as it relies upon this approval:

39. The Applicant/Owner shall comply with all applicable mitigation measures in accordance with Final Mitigated Negative Declaration IS21-0005 and related MMRP contained at Section 2.2 of the Final Mitigated Negative Declaration.
40. 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.
41. The Applicant/Owner shall and does agree to timely and fully indemnify, protect, reimburse, defend, and hold harmless the 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 and approvals; (b) the City's approval and issuance of this permit; and (c) the 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 Applicant/Owner shall acknowledge their agreement to this provision by executing a copy of this permit where indicated below. The Applicant/Owner's compliance with this provision shall be binding on any and all of the Applicant/Owner's successors and assigns.

42. This permit shall expire if not utilized within three years of the 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; that any such protest must be in a manner that complies with Government Code Section 66020(a); and that failure to follow this procedure in a timely manner 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, nor does it apply to any fees, dedication, reservations, or other exactions that 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 Applicant/Owner shall execute this document by signing on the lines provided below, indicating that the Applicant/Owner has 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.

Anselmo Alleva, Director, Facility Services
Sharp Rees-Stealy Medical Center

Date

V. CONSEQUENCE OF FAILURE OF CONDITIONS

If any of the foregoing conditions fail to be met, or in the case that 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 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 14th day of December 2022, by the following vote, to-wit;

AYES:

NOES:

ABSENT:

ABSTAIN:

Max Zaker, Chair

ATTEST:

Patricia Salvacion, Secretary