

RESOLUTION NO. 2022-011

RESOLUTION OF THE PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT (CUP21-0019) TO AMEND PCC-00-12 TO ALLOW FOR THE EXPANSION OF MEDICAL SERVICES 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, a duly verified application for a Conditional Use Permit (“CUP”) (CUP21-0019) was filed with the City of Chula Vista (“City”) Development Services Department by Sharp Rees-Stealy Medical Group (“Applicant/Owner”); and

WHEREAS a CUP is required for multi-specialty medical clinics in the Commercial zone of Village One of the Otay Ranch Sectional Planning Area (“Village One SPA”) One, pursuant to the Village One SPA Plan; and

WHEREAS the use is proposed in conjunction with a Design Review (“DR”) Permit (DR21-0029) 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 Director of Development Services has reviewed the project for compliance with the California Environmental Quality Act (“CEQA”) and determined that the Project was adequately covered by a Mitigated Negative Declaration (“MND”) (IS21-0005) and its associated Mitigation, Monitoring, and Reporting Program (“MMRP”) contained at Section 2.2 of the MND; 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 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 would expand existing medical services to include urgent care, advanced radiology, a new lab and small conference center for training and clinics at this location. In doing so, this will allow for the provision of additional local services and require less travel outside the city for patients to receive care. The use will provide convenient access to services, such as urgent care, that are not currently provided at this location. The proposed use is within walking distance for nearby residents and within a half-mile of public transit.

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 imposed to ensure that the health, safety, and general welfare of employees and nearby residents are not endangered. The proposed use is consistent with the existing medical uses currently provided on the site. Traffic analyses have been used to condition right-of-way improvements that will address future transportation concerns.

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

The proposed development will require compliance with all conditions, codes, regulations, and standards as set forth within the Village One SPA Plan, the Planned Community Development Regulations, the City's Design Guidelines, the Master Precise Plan, the Chula Vista Municipal Code ("CVMC"), and the Landscape Master 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 use is consistent with the City's General Plan by providing a medical office for residents and offering expanded access to medical services 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. **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. All proposed signage/monumentation shall conform to the approved Village One and Five Sign Program, as well as the Village One Master Precise Plan.
8. This approval shall include medical clinic uses, such as, radiology, physical therapy, gynecology, optometry, lab conference space for clinics and classes. The second floor will include specialty clinics such as, oncology; dermatology; ear, nose, and throat; histology; and audiology as well as those uses as described in the previously approved CUP (PCC-00-12) and include urgent care but without ambulatory care. The Applicant shall apply for an amendment to the CUP for any uses not included within this CUP or in the original CUP.
9. The Applicant shall adhere to daily hours of operation of 7:30 a.m. to 10 p.m.. The applicant shall apply for an amendment to the CUP to modify the hours of operation.

Land Development

10. 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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 approval of the 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.
17. 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 approval of the grading plans, the Applicant shall submit a final Drainage Report, based on the City's Subdivision Manual, for review and approval.

18. 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.
19. 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.
20. Prior to the issuance of any Building Permit within the Project, the Applicant shall provide the City with proof of Pad Certification.
21. 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.
22. 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).
23. The Applicant shall 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.
24. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required as necessary.
 25. The Applicant shall obtain and provide to the City a “Will Serve” letter from the Otay Water District.
 26. The Applicant shall verify that the affected portion of the Otay Water District’s easement has been vacated.
 27. Proposed private water and fire lines/structures shall be submitted on a separate Building Plan and permitted by the Building Division and Fire Department.
 28. 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.
 29. 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.
 30. 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.
 31. 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.
 32. Proposed fire access road(s) and driveway(s) shall meet H-20 Loading requirements or shall be designed for a Traffic Index of five.
 33. 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.
 34. 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).

35. 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.
36. Upon 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

37. 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

38. The project shall comply with California Building, California 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

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

Fire

40. 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.

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

41. The Applicant/Owner shall comply with all applicable mitigation measures in accordance with Final Mitigated Negative Declaration (IS21-0005) and its associated Mitigation, Monitoring, and Reporting Program contained at Section 2.2 of the Final Mitigated Negative Declaration.
42. 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.
43. The Applicant/Owner shall and does agree to timely and fully indemnify, reimburse, protect, 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.

44. 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