

RESOLUTION NO. 2023-09

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION APPROVING DESIGN REVIEW PERMIT DR22-0020 FOR THE CONSTRUCTION OF A FOUR-STORY, 101,278 SQUARE FOOT HOTEL WITH 156 GUEST ROOMS ON A 2.95 ACRE SITE, LOCATED AT 2045 CENTERPARK ROAD, WITHIN THE OTAY RANCH FREEWAY COMMERCIAL SECTIONAL PLANNING AREA.

WHEREAS, on August 11, 2022, a duly verified application for a Design Review Permit (DR22-0020) was filed with the City of Chula Vista Development Services Department by Village II Town Center, LLC (“Applicant”); and

WHEREAS the Applicant requests approval of a four-story, 101,278 square foot hotel with 156 guest rooms on a 2.95-acre site within the Hotel (“H”) zone of the Otay Ranch Freeway Commercial Sectional Planning Area (“SPA”) (“Project”); and

WHEREAS the area of land that is the subject of this Resolution is an existing vacant 2.95 acre parcel located at 2045 Centerpark Road (“Project Site”); and

WHEREAS, in accordance with Chula Vista Municipal Code (“CVMC”) Section 19.14.582, plans for the establishment, location, expansion or alteration of structures in all multifamily residential zones and all commercial and industrial zones shall require design review by the Planning Commission; 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 in the previously adopted Final Environmental Impact Report (“FEIR”) for the Otay Ranch Freeway Commercial SPA Plan (EIR 02-04; SCH#1989010154; and certified by Resolution No. 2003-132 on April 1, 2003); thus, no further environmental review is required; and

WHEREAS City staff recommends approval of Design Review Permit DR22-0003 for the Project; and

WHEREAS the Director of Development Services set the time and place for a hearing before the Planning Commission for consideration of DR22-0020, and notice of said 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 Project Site at least 10 days prior to the hearing; and

WHEREAS the Planning Commission has reviewed and considered the Staff Report and related materials for Design Review Permit DR22-0003 for the Project, as well as other Project materials; and

WHEREAS, after review and consideration of the Staff Report and related materials for the Project, the hearing was held on the Project 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:

- 1. The proposed development is consistent with the City of Chula Vista's General Plan, Title 19 of the CVMC, and the standards set forth in the Otay Ranch Freeway Commercial SPA Plan.**

The Otay Ranch Freeway Commercial SPA Plan allows for a hotel use and associated amenities on the Project Site. The Project complies with the City of Chula Vista's General Plan, which allows for a commercial use at this location. The Project is compliant with all applicable standards outlined in the SPA plan and Title 19 of the CVMC for the use, including building height, setbacks, parking, and landscaping.

- 2. The design features of the proposed development are consistent with, and are a cost-effective method of satisfying, the Otay Ranch Freeway Commercial SPA Design Guidelines and Master Precise Plan, as well as the City of Chula Vista Landscape Manual.**

The design of the building incorporates several desired features from the SPA Design Guidelines and Master Precise Plan, such as varied facades and roof articulation and an abstract Spanish architectural style with elements of a contemporary California design theme. Staggered wall planes draw attention to entryways and architectural features, and distinctive building elements are provided throughout, including at the corners adjacent to street intersections and the building's primary entrance. Tower features are proposed at key corners of the building. All building materials will be high-quality, durable, and require little maintenance.

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 colors and materials specified on the building plans shall be consistent with the colors and materials shown on the site plan and colored building elevations approved by the Planning Commission.
2. A graffiti-resistant treatment shall be specified for all exterior wall and building surfaces. Additionally, the Project shall conform to CVMC 9.20 regarding graffiti control.

3. 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 as required by the Director of Development Services. Such screening shall be architecturally integrated with the building design.
4. All ground-mounted utility appurtenances (transformers, air conditioning condensers, etc.) shall be located out of public view and adequately screened using a combination of concrete or masonry walls, berming, and/or landscaping.
5. All exterior lighting shall include shielding to reduce any glare onto adjacent properties. Details for said lighting shall be included in the architectural plans.
6. A separate sign permit shall be required for any proposed signage on the Project Site, and proposed signage shall be consistent with the provisions of the Otay Ranch Freeway Commercial SPA Plan.

Land Development

7. The Applicant shall comply with all requirements and guidelines of the CVMC; the Chula Vista Subdivision Manual; the City of Chula Vista Design and Construction Standards; the Development Storm Water Manual for Development and Redevelopment Projects; The Chula Vista Best Management Practices (“BMP”) Design Manual; City of Chula Vista Grading Ordinance No. 1797; and the California Subdivision Map Act.
8. The Applicant shall comply with all applicable conditions of approval for Tentative Map No. CVT 15-0007.
9. Prior to issuance of the first building permit, the public infrastructure serving the Project Site shall be bonded per the Subdivision Manual. This includes all streets and utilities fronting the project site. Furthermore, the public infrastructure shall be constructed and fully operational prior to the final building inspection, all to the satisfaction of the Director of Development Services.
10. Prior to the issuance of any building permit within the Project Site, the Applicant shall provide the City with proof of Pad Certification.
11. All driveways shall conform to the City of Chula Vista’s sight distance requirements in accordance with CVMC 12.12.130. Neither landscaping, street furniture, nor signs shall obstruct the visibility of the driver at street intersections or driveways.
12. Proposed fire access road(s) and driveway(s) shall meet H-20 Loading requirements or shall be designed for a Traffic Index (“T.I.”) of five (5).

13. All proposed sidewalks, walkways, pedestrian ramps, and accessible 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.
14. Prior to building permit issuance, the Applicant shall obtain a construction permit for the following improvements:
 - a. Installation of R26(S)(CA) signage on the north side of Centerpark Road in accordance with City of Chula Vista Design Standard TRF-10 and
 - b. Upgraded pedestrian ramp(s) on the southwest corner of Olympic Parkway and Town Center Drive in accordance with City of Chula Vista Design Standard GSI-08.
15. In accordance with CVMC 15.04, the Applicant shall submit grading plans in conformance with the City’s Subdivision Manual and obtain a grading permit prior to issuance of building permits.
16. The following applies to all project retaining walls:
 - a. Structural wall calculations are required if walls are not built per the San Diego Regional Standard Drawings or City of Chula Vista Construction Standard GRD-05.
 - b. Retaining walls proposed as part of a building wall must be included with the building permit for the Project.
 - c. Retaining wall drains shall tie into the drainage system.
17. 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).
18. Prior to issuance of grading, construction, and/or building permits, the Applicant shall demonstrate compliance with BMP requirements on applicable plans. 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.
19. Upon approval of the grading plan and prior to issuance of the grading permit, the Applicant shall upload digital files, in a format such as AutoCAD (.dwg or .dxf) (AutoCAD version 2000 or above), ESRI GIS shapefile, or personal geodatabase (ArcGIS version 9.0 or above), to the City’s digital submittal file upload website at <http://www.chulavistaca.gov/goto/GIS>. The site only accepts .zip-formatted files.
20. Prior to issuance of any grading, construction, or building permits (whichever occurs first), the Applicant shall enter into a Storm Water Management Facilities Maintenance Agreement for the perpetual maintenance of all permanent BMPs located within the Project Site.
21. Prior to issuance of any grading, construction, or building permits (whichever occurs first), the Applicant shall enter into a Storm Water Management Facilities Maintenance

Agreement for the perpetual maintenance of all permanent BMPs located within the Residence Inn by Marriott project site.

22. The Storm Water Quality Management Plan (“SWQMP”) is conceptually complete and provides sufficient information regarding the Project BMP’s objectives to move forward with construction drawing documents. Additional requirements may be imposed at the time of development and/or the time application for a Land Development permit is made, depending upon the final plans submitted for review and approval.
23. The Drainage Report is conceptually complete and provides sufficient information regarding the Project’s drainage objectives to move forward with construction drawing documents. Additional requirements may be imposed at the time of development and/or the time application for a Land Development permit is made, depending upon the final plans submitted for review and approval.
24. The Applicant shall obtain a construction permit prior to construction of any private sewer and/or storm drain systems constructed to public standards and to be inspected by construction inspection by processing a private improvement plan through the Land Development Division.
25. The Applicant shall obtain a building permit and a fire permit prior to construction of any private water and fire line/structure systems to be inspected by the Building Division and the Fire Department by processing a private improvement plan through the Building Division and Fire Department. If said improvements are proposed in the same private improvement plans as private storm drain and sewer systems built to public standards, the plans shall be routed through the Land Development Division for processing and approval(s).
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. Prior to issuance of any building permit, the Applicant shall obtain a construction permit for any work proposed in the City’s right-of-way.
29. The Applicant shall provide a “Will Serve” letter from the Otay Water District prior to issuance of the first building permit.
30. Any private facilities within the public right-of-way or a City easement shall require an Encroachment Agreement prior to improvement plan or building permit approval.

Fire

31. 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 (“CBC”) and Fire Code (“CFC”) as may be amended by the City of Chula Vista.
32. Group R-1 occupancies of Type V-A construction, four-story building shall be protected by the following:
 - a. Fire sprinkler in accordance with NFPA 13;
 - b. Class I standpipe system in accordance with NFPA 14;
 - c. Underground Fire Service System (hydrants) per NFPA 24;
 - d. Manual and automatic fire alarm system in accordance with CFC Section 907.2.8 and NFPA 72; and
 - e. Two-way Emergency Rescue Communications System in accordance with CFC Section 1009.8.
33. For 101,278 square feet of Type V-A construction, the Project shall require a fire flow of 6,000 gallons per minute for a four-hour duration. The Chula Vista Fire Code allows a 25 percent reduction for buildings protected by fire sprinklers. The water authority will need to determine whether the fire flow demand is available.
34. Based upon the required fire flow for Type V-A construction, a minimum of six fire hydrant(s) is required to serve this project.
35. Fire hydrants shall be located and spaced in accordance with CFC Appendix C. Based upon the required fire flow for the Project, fire hydrants shall be located with an average spacing of 250 feet. The maximum distance from any point along a fire apparatus access road to a fire hydrant shall not exceed 150 feet. Existing fire hydrants can be considered to meet spacing requirements.
36. Where a portion of the building is more than 400 feet from a fire hydrant on a fire apparatus access road as measured by an approved route around the exterior of the building, onsite fire hydrants and mains shall be provided. (All exterior walls of a building shall be within 400 feet of a fire hydrant). Fire hydrants shall be located and spaced in accordance with CFC Appendix C, and all exterior portions of the proposed building shall be within 400 feet of a hydrant as measured by an approved method.
37. The Chula Vista Fire Department (“CVFD”) requires all fire hydrant systems to be in service (i.e., installed and inspected) prior to delivery of any combustibles to a site. Public fire hydrants shall be permitted through the Land Development Division.
38. Plans for the design and construction of onsite/private underground fire service utilities are required to be included within a permit submitted to the Development Services Department

in the form of a private utility building permit or as a separate permit directly with the CVFD.

39. 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.
40. 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. Prior to building permit approval, the Applicant shall perform an auto turn analysis using CVFD auto turn data.

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

1. Approval of this Project shall not waive compliance with any provisions of the CVMC nor any other applicable laws and regulations in effect at the time of building permit issuance.
2. The Property Owner/Applicant 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; (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 Property Owner/Applicant shall acknowledge their agreement to this provision by executing a copy of this permit where indicated below. The Property Owner/Applicant's compliance with this provision shall be binding on any and all of their successors and assigns.
3. The Applicant shall comply with all requirements and guidelines of the City of Chula Vista General Plan, the Chula Vista Landscape Manual, the Chula Vista Design Plan, and the Non-Renewable Energy Conservation Plan, as amended from time to time, unless specifically modified by the appropriate ministerial authority with the approval of the City Manager. These plans may be subject to minor modifications by the appropriate ministerial authority with the approval of the City Manager; however, any material modifications shall be subject to review and approval by the Planning Commission.
4. This permit shall expire if not utilized within three years of the approval date (March 22, 2026) or the end of any appeal period unless the Applicant initiates an extension prior to expiration of the permit in accordance with CVMC 19.14.600.

III. GOVERNMENT CODE SECTION 66020 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 the 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 AND RECORDATION OF RESOLUTION OF APPROVAL

The Property Owner/Applicant shall execute this document by signing on the lines provided below, indicating that the Property Owner/Applicant has read, understood, and agreed to the conditions contained herein and will implement same. Upon execution, this document shall be recorded with the County Recorder of the County of San Diego, at the sole expense of the Property Owner/Applicant, and a signed, stamped copy shall be returned to the Development Services Department. Failure to return the signed and stamped copy of this recorded document within 10 days of recordation shall indicate the Property Owner/Applicant's desire that the Project and corresponding application(s) for building permits and/or a business license be held in abeyance without approval.

Property Owner/Applicant:
Village II Town Center, LLC

by Maria Miller, Director of Planning and Entitlement

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.

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA, CALIFORNIA, this 22nd day of March 2023, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Max Zaker, Chair

ATTEST:

Patricia Salvacion, Secretary

Presented by:

Approved as to form by:

Laura C. Black, AICP
Director of Development Services

Megan McClurg
Assistant City Attorney