

**RESOLUTION NO. 2023-13**

**RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION APPROVING DESIGN REVIEW PERMIT DR22-0023 FOR A MIXED-USE DEVELOPMENT CONSISTING OF 31, FOR RENT, TOWNHOMES AND A 1,085-SQUARE FOOT COMMERCIAL BUILDING ON A 1.8-ACRE SITE WITHIN THE MIXED-USE (MU) ZONE OF THE OTAY RANCH VILLAGE TWO SECTIONAL PLANNING AREA (SPA)**

WHEREAS, on August 10, 2022, a duly verified application for a Design Review Permit (“DR”) was filed with the City of Chula Vista Development Services Department by Baldwin & Sons, LLC (“Applicant”/“Property Owner”); and

WHEREAS the Applicant requests approval of a mixed-use development on Parcel MU-1 of the Otay Ranch Village Two SPA, including townhomes for rent with associated amenities and parking, a commercial event venue, and landscaping (“Project”); and

WHEREAS the area of land that is the subject of this Resolution is an existing, vacant, 1.8-acre parcel located just off the northeast corner of Santa Carolina Road and Santa Victoria Road (“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 in the previously adopted FEIR for the Otay Ranch Village Two SPA Plan (EIR 02-02; SCH#2003091012; and incorporated by reference in the certification of Final SEIR 12-01 by Resolution No. 2014-207 on November 4, 2014); and

WHEREAS the Director of Development Services set the time and place for a hearing before the Planning Commission for DR22-0023, 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 Chula Vista Planning Commission has reviewed and considered all materials for DR22-0023; and

WHEREAS the hearing was held at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, before the Planning Commission, and the hearing was thereafter closed;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Chula Vista that it hereby makes the following findings:

- 1. The proposed development, as proposed and/or conditioned, is consistent with the development regulations of the Chula Vista Municipal Code (“CVMC”), the Chula Vista General Plan, the Otay Ranch Village Two SPA Plan, the Otay Ranch Village Two SPA Design Plan and Master Precise Plan, and all other applicable development standards.**

The proposed Project complies with the City of Chula Vista’s General Plan and Title 19 of the CVMC, as well as the Otay Ranch Village Two SPA Plan and the Otay Ranch Village Two SPA Design Plan and Master Precise Plan. Said compliance includes consistency with the uses permitted on the Project Site, provision of the minimum required number of parking spaces, and provision of the required minimum amount of landscaping for the proposed Project.

For development in the MU zone, development standards, including building height, setbacks, and open space, are determined through the Design Review process. The proposed Project provides building heights, setbacks, and open space consistent with other development in the area. The proposed Project also includes a walking path through the Project Site connecting the adjacent site to the north and the future park to the south, a requirement of the Otay Ranch Village Two SPA Master Precise Plan.

BE IT FURTHER RESOLVED that the Planning Commission, based on the findings above, does hereby approve Design Review Permit DR22-0023, 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 Chapter 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, berms, and/or landscaping. Transformers in the common areas shall be wrapped to blend in with the surrounding development or otherwise painted by local art students.
5. All exterior lighting shall include shielding to reduce any glare onto adjacent residences and properties. Details for said lighting shall be included in the architectural plans.
  6. The Applicant shall obtain a sign permit from the Development Services Department for each proposed sign. Signs shall comply with all applicable requirements of the CVMC and the Otay Ranch Village Two SPA Design Plan.

### **Land Development/Traffic**

7. The Applicant shall comply with all requirements and guidelines of the CVMC; the Chula Vista Subdivision Manual; City of Chula Vista Design and Construction Standards; the Development Storm Water Manual for Development and Redevelopment Projects; the City of Chula Vista Grading Ordinance (No. 1797); and the California Subdivision Map Act.
8. The Project shall comply with the Tentative Map conditions in Resolution Nos. 2006-156 (amended by 2012-009 and 2012-056) and 2006-157 (CVT 06-05).
9. Prior to the final building inspection, the public infrastructure serving the Project Site shall be constructed and fully operational to the satisfaction of the Director of Development Services.
10. Prior to issuance of a building permit, a lot line adjustment shall be approved.
11. All driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with CVMC section 12.12.120 and Chula Vista standard drawing RWY-05 (Sight Distance Requirements). Neither landscaping, street furniture, nor signs shall obstruct the visibility of drivers at the street intersections or driveways.
12. Prior to obtaining any building permits for the Project, the Applicant shall submit a Construction Permit for review and approval to perform the following work in the City's right-of-way:
  - a. The proposed driveway in Santa Victoria Road needs to be straight (not curved). The existing bulb-out will need to be extended to meet sight visibility requirements. Plans shall show the sight visibility clearance area per City Standard Drawing RWY-05.
  - b. Provide signage and striping plans in Improvement Plans.
  - c. Proposed driveways shall follow City Standard GSI-01.
  - d. Improvement Plans shall show proposed signage and striping changes for the existing all-way stop intersection of Santa Carolina Road and Mason Road.

- e. A pedestrian barricade shall be installed on the west side of Santa Carolina Road.
  - f. The Improvement Plans for the Project shall show proposed driveways including stop signs, limit lines, and pavement legends for vehicles exiting onto Santa Carolina Road and Santa Victoria Road. These improvements shall be shown in the signage and striping plans as part of the Improvement Plans submittal.
  - g. The pedestrian ramp on the northwest corner of Santa Carolina Road and Mason Road shall be removed and replaced with sidewalk, curb, and gutter per City standards or San Diego Regional Standard Drawings (“SDRSD”).
  - h. Removal and replacement of any broken or damaged curb, gutter, and sidewalk per SDRSD G-03 along the Project’s frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
  - i. The proposed driveway on Santa Carolina Road shall be designed and located to provide the required sight visibility and to follow Manual on Uniform Traffic Control Devices (“MUTCD”) guidelines.
13. Streets or driveways within the Project shall be designated as private.
  14. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required as necessary.
  15. Any improvements in the right-of-way beyond the Project limits shall be designed and constructed as to not interfere with adjacent businesses, as approved by the City Engineer.
  16. Prior to beginning any earthwork activities at the site and before issuance of a building permit, the Applicant shall submit grading plans to the Land Development Division for processing, reviewing, and permitting in accordance with CVMC Chapter 15.04. Plans shall be in conformance with the City’s Subdivision Manual and the City’s most current Best Management Practices (“BMP”) Design Manual.
  17. The Priority Development Project Storm Water Quality Management Plan (“PDP SWQMP”) approved with this Design Review is considered conceptually complete and provides adequate information on the Project BMP’s objectives to move forward with construction drawings. 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.
  18. Design Review Drainage Report is considered conceptually complete and provides adequate information on the Project’s Drainage objectives to move forward into Construction Drawing documents. There may be additional requirements set at the time the development takes place and/or a Land Development Permit is applied for, depending upon final plans submitted for review and approval.

19. 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 to the satisfaction of the City Engineer, prior to the issuance of the Grading, Construction, or building permit, whichever occurs first.
20. Applicant shall submit a detailed Operation and Maintenance (“O&M”) plan for all permanent BMPs as required by the City to preserve the intended pollution control and/or flow control performance of the BMP. Upon completion of construction of BMPs/Project, update/finalize O&M Plan to reflect constructed structural BMPs with as-built plans and baseline photos.
21. Prior to grading permit issuance, Applicant shall provide a complete and accurate Notice-of-Intent (“NOI”) filed with the State Water Resource Control Board (“SWRCB”) for the Project as covered under the Construction General Permit. A copy of the acknowledgement from the SWRCB that a NOI has been received for this Project shall be filed with the City of Chula Vista when received. Further, a copy of the completed NOI from the SWRCB showing the Permit Number for this Project shall be filed with the City of Chula Vista when received.
22. The following applies to all site retaining walls:
  - a. When Grading Plans are submitted for a Grading Permit, all retaining walls shall be noted on the Grading Plans and include a detailed wall profile.
  - b. Structural wall calculations are required if walls are not built per SDRSD, or City of Chula Vista Construction Standards GRD-05.
  - c. Retaining walls that will be part of a building wall must be approved as part of the Building Permit for the Project.
  - d. Retaining walls around trash bins (if any) shall be noted on the Grading Plans and called out per standard.
  - e. Retaining wall drains shall tie into the drainage system.
23. Prior to issuance of any Building Permit within the Project, the Applicant shall provide the City with proof of Pad Certification.
24. A “Will Serve” letter from Otay Water District shall be provided prior to issuance of the first Building Permit or prior to the first improvement plans approval.
25. 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.
26. All proposed sidewalks, walkways, pedestrian ramps, and accessible parking for people with disabilities shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.

27. Proposed private water and fire lines structures are to be submitted on a separate Building Plan and permitted by the Building and Fire Departments.
28. Proposed Fire Access Roads and Driveways shall meet H-20 Loading requirements or shall be designed for a Traffic Index (T.I.) of 5.
29. The proposed trash enclosure shall be a covered trash enclosure and meet the requirements of the City of Chula Vista most current BMP Design Manual Fact Sheet SC-Q.
30. Applicant shall obtain an Encroachment Permit for any private facilities within public right-of-way and/or City easements prior to construction permit or building permit issuance.
31. Applicant shall obtain a Letter of Permission to grade and/or construct improvements offsite prior to grading permit issuance.
32. Prior to Grading Plan approval, the Applicant shall upload 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). 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.

## **Fire**

33. The Applicant shall apply for required Building and Fire Safety Engineering permits. Permits shall comply with applicable codes and requirements, including but not limited to the current edition of the California Building Code (“CBC”), and the California Fire Code (“CFC”), and the National Fire Protection Association (“NFPA”) standards, as adopted and amended by the City of Chula Vista.
34. Plans, including a hydraulic analysis, for the design and construction of private underground fire service utilities are required to be included within a permit submittal to the Development Services Department (DSD) in the form of a Private Utility Improvement Permit Plan or as part of the Architectural Building Permit Plan. Plans and the hydraulic analysis for underground fire service utilities shall be in compliance with all applicable sections of the Underground Fire Service Utility Requirements of the Chula Vista Fire Department (“CVFD”) found under the “Requirements” heading at the following web page: [CVFD Fire Prevention Requirements, Forms, and Details](#).
35. The Project is required to have two points of connection for the Underground Fire Service.
36. For 8,364 square feet of Type VB construction, the Project will require a fire flow of 2,250 gallons per minute (gpm) for a two-hour duration at 20 pounds per square inch (p.s.i.). Per CVMC section 15.36.075, CVFD allows a 25 percent reduction in fire flow when the building is protected by an approved fire sprinkler system. [2,500 gpm – 25 percent

reduction in fire flow = 2,250 gpm]. Additionally, per CVMC section 15.36.075, the maximum fire flow for the Project is capped at 5,000 gpm for a four-hour duration at 20 p.s.i.

37. The required fire flow for Type VB construction type is 2,250 gpm for a two-hour duration at 20 p.s.i.
38. Per CFC 903.2.8, the Project is to be protected throughout by an approved automatic fire sprinkler system in accordance with the adopted CFC and/or NFPA standards, respectively.
39. A Fire Control Room shall be provided. The Fire Control Room shall be in accordance with CVFD's Fire Control Room detail found under the "Fire Safety Engineering Details" heading at the following web page: [CVFD Fire Prevention Requirements, Forms, and Details](#). The Fire Control Room shall be shown on the Architectural Building Permit Plan submittal.
40. Fire Department Connections and signs ([see CVFD's Multi-Family Dwelling FDC detail](#)) must be provided. Show on elevations during the Building Permit submittal.
41. The Project will require a Fire Sprinkler Alarm Monitoring System.
42. Building address numbers shall be in accordance with CVFD's Premise Identification detail found under the "Fire Safety Engineering Details" heading at the following web page: [CVFD Fire Prevention Requirements, Forms, and Details](#). Premise Identification shall be shown on the Architectural Building Permit Plan submittal.
43. The Auto-turn Exhibit shall be in accordance with CVFD's Auto Turn Data detail found under the "Fire Safety Engineering Details" heading at the following web page: [CVFD Fire Prevention Requirements, Forms, and Details](#).
44. The Project requires Knox Boxes and/or Vaults, which shall conform to the Commercial Knox Vault/Box Requirement details found under the "Fire Safety Engineering Details" heading at the following web page: [CVFD Fire Prevention Requirements, Forms, and Details](#). The Commercial Knox Vault/Box Requirement detail shall be reproduced and have their locations shown on the Building Permit Plan submittal.
45. The Project shall have on-site fire access roadways marked as Fire Lanes in accordance with the Fire Lane Identification detail found under the "Fire Safety Engineering Details" heading at the following web page: [CVFD Fire Prevention Requirements, Forms, and Details](#). Fire Lanes shall be shown on the Building Permit Plan submittal.
46. An Illuminated Directory ([see CVFD's Illuminated Sign Directory](#)) must be provided. Show location and details on the building permit plan submittal.

47. The Project requires approved access and water supply at the time combustible materials are delivered/placed on-site. Access and water supply shall conform to the Access and Water Supply Agreement/Construction Site Policy for Compliance with Fire Safety Provisions found under the “Requirements” heading at the following web page: [CVFD Fire Prevention Requirements, Forms, and Details](#). The “Agreement” shall be signed/dated by the responsible party and reproduced on Grading, Improvement, Design Review and Architectural Building Permit Plans. See below for excerpt requirements for this requirement:

Water Supply means a fully operational and tested fire service utility system serving the permanent hydrant system.

- Access means a fully improved street section (private or public); a first layer of asphalt is also acceptable to allow for access to within 150 feet of all combustibles.
- When approved by the Fire Marshal, temporary access roadways and temporary water services may be substituted for permanent road and water supplies.

48. The number of hydrants is based upon the original fire flow and in accordance with CFC Table, C102.1.

### **Landscape Architecture**

49. Prior to the second submittal of the building permit set, the Applicant shall submit a complete set of Landscape Improvement plans for review and approval by the Director of Development Services or designee.
50. Prior to the final building inspection, the Owner shall have installed Landscape Improvements and have had said improvements inspected by City staff, per the approved Landscape Improvement plans, to the satisfaction of the Director of Development Services or designee.

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

51. The Applicant shall maintain the Project in accordance with the approved plans for DR22-0023, which include a site plan, floor plans, and elevations on file in the Development Services Department. The Project shall also maintain compliance with the conditions contained herein and Title 19 of the CVMC.
52. 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.
53. The Applicant and Property Owner shall and do hereby agree to timely and fully indemnify, 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 compile 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 fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) the City's approval and issuance of this permit and (b) the City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and the Applicant shall acknowledge their agreement to this provision by executing a copy of this permit where indicated below. The Applicant and Property Owner's compliance with this provision is an express condition of this permit and shall be binding on any and all of the Applicant/operator's successors and assigns.

54. 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 Manual, and the Non-Renewable Energy Conservation Plan as amended from time to time, unless specifically modified by the appropriate department head with the approval of the City Manager. These plans may be subject to minor modifications by the appropriate department head with the approval of the City Manager; however, any material modifications shall be subject to approval by the Planning Commission.
55. This permit shall expire if not utilized within three years of the approval date (September 27, 2026) or the end of any appeal period unless the Applicant initiates an extension prior to expiration of the permit in accordance with CVMC section 19.14.600.
56. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.

### **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 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 OF RESOLUTION OF APPROVAL**

The Property Owner and Applicant shall execute this document by 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 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 and/or 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:

\_\_\_\_\_  
Maria Miller  
*for Baldwin & Sons, LLC*

\_\_\_\_\_  
Date

**V. CONSEQUENCE OF FAILURE OF CONDITIONS**

If any of the foregoing conditions fails 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. Neither the Applicant nor a successor in interest gains any vested rights by the City's approval of this permit. 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  
Director of Development Services

\_\_\_\_\_  
*for* Jill D.S. Maland  
Lounsbery Ferguson Altona & Peak  
Acting City Attorney

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF  
CHULA VISTA, CALIFORNIA, this 27th day of September 2023, by the following vote, to-wit;

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Max Zaker, Chair

ATTEST:

\_\_\_\_\_  
Mariluz Zepeda, Secretary