

RESOLUTION NO. PCS18-0003

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION APPROVING TENTATIVE SUBDIVISION MAP PCS18-0003 TO SUBDIVIDE A 0.60-ACRE SITE INTO SIXTEEN (16) CONDOMINIUM UNITS LOCATED AT 354 MOSS STREET

WHEREAS, on August 14, 2018, a duly verified application for a Tentative Subdivision Map (PCS18-0003) was filed with the City of Chula Vista Development Services Department by Abdel Alomar (the “Applicant”); and

WHEREAS, the application requests approval to subdivide a 0.60-acre site into sixteen (16) condominium units for individual ownership and associated site improvements at 354 Moss Street (the “Project”); and

WHEREAS, the area of land that is the subject of this Resolution is an existing 0.60-acre parcel located at 354 Moss Street (the “Project Site”); and

WHEREAS, the Director of Development Services has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a Categorical Exemption pursuant to Section 15332 (In-fill Development Projects) of the State CEQA Guidelines. Thus, no further environmental review is required; and

WHEREAS, the Director of Development Services set a hearing before the Planning Commission for the consideration of and recommendation on Tentative Subdivision Map PCS18-0003. 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 Property, at least ten (10) days prior to the hearing; and

WHEREAS, pursuant to the California Governor’s Executive Order N-29-20 and the City of Chula Vista Director of Emergency Services’ Emergency Order 002-B-2020, in the interest of the public health and safety, members of the Planning Commission and staff held a hearing via teleconference. In accordance with the orders, the public was able to view and participate in the meeting online and not at the Council Chambers, 276 Fourth Avenue, and said hearing was thereafter closed.

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

I. TENTATIVE SUBDIVISION MAP FINDINGS

- A. Pursuant to Government Code Section 66473.5 of the Subdivision Map Act, the Planning Commission finds that the Tentative Subdivision Map, as conditioned herein, is in conformance with the elements of the City’s General Plan, based on the following:

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1. Land Use

The General Plan land use designation is Residential High (18-27 dwelling units per gross acre). The implementing zone is R-3 Multi-Family Residential which allows up to 32 dwelling units per net acre. The proposed 16-condominium subdivision will be developed at a density of 28 dwelling units per gross acre, which is within the allowable density and permitted number of dwelling units.

2. Circulation

All off-site public streets required to serve the subdivision already exist or will be constructed or paid for by the Applicant in accordance with the Conditions of Approval. The on-site private street is designed in accordance with the City design standards and/or requirements and provides for vehicular and pedestrian connections.

3. Public Facilities

The Project has been conditioned to ensure that all necessary public facilities and services will be available to serve the Project concurrent with the demand for those services. There are no public service, facility, or phasing needs created by the Project that warrants the preparation of a Public Facilities Financing Plan, therefore this requirement is waived.

4. Housing

The Project is consistent with the density prescribed within the Residential High General Plan designation and provides additional opportunities for multi-family residential home ownership in the southwestern portion of the City.

5. Growth Management

The surrounding street segments and intersections including Moss Street and Third Avenue and Moss Street and Fourth Avenue will continue to operate at the same Level of Service in compliance with the City's traffic threshold standard with the proposed project traffic. No adverse impact to the City's traffic threshold standards would occur as a result of the proposed project.

The Project site is located in the attendance area of Rice Elementary School, within the boundaries of the Chula Vista Elementary School District. The Project is also within the attendance area of Del Rey High School, Chula Vista High School, and Chula Vista Adult School, within the Sweetwater Union High School District. The Applicant will be required to pay applicable developer fees based upon assessable area.

The proposed drainage improvements for each building will drain storm water runoff from the roof into a ribbon gutter to convey the surface runoff on the driveway into a 4' by 4' catch basin. Drainage is then carried from the catch basin to a 90" CMP storage tank which provides flow control for the site (hydromodification). The rear portion of the site drains through 5 area drains directly to the 90" CMP Storage tank. The storage

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portion of the tank outlets through a flow control orifice by gravity into a pump chamber. The Runoff is then pumped to the Modular Wetland for final water quality treatment control. The modular Wetland outlets to the modified A-4 cleanout. An emergency overflow has been designed to carry the un-detained site runoff and connects the top of the pump chamber to the modified A-4 cleanout. The modification for the A-4 cleanout is a dissipator wall to assure that if there is a system failure there will not be an increase in outlet velocity.

The Project Site is within the boundaries of the City of Chula Vista wastewater services area. The existing area sewer facility system has sewer lines along Moss Street including an existing off-site 8" sewer main, along the frontage of the proposed project site. The Applicant will be required to submit a final sewer study prior to connecting to the City's sewer system.

6. Open Space and Conservation

The Project proposes multi-family homes that meet the minimum open space requirement per the Chula Vista Municipal Code. The Project is required to pay in-lieu park fees towards the acquisition and development of future parks. The development of the site is consistent with the goals and policies of the Conservation Element.

7. Parks and Recreation

The proposed project would not induce significant population growth, as it is a small residential infill project and would not impact existing or proposed recreational facilities. The Project has been conditioned to pay Parkland Acquisition and Development (PAD) fees prior to final inspection.

8. Safety

The City Engineer, Fire and Police Departments have reviewed the proposed subdivision for conformance with City safety policies and have determined that the proposal meets those standards.

9. Noise

The Project has been reviewed for compliance with the Noise Element and will comply with applicable noise measures at the time of issuance of Building Permits.

10. Scenic Highway

The Project Site is not located adjacent to or visible from a designated scenic highway.

- B. Pursuant to Government Code Section 66473.1 of the Subdivision Map Act, the configuration, orientation, and topography of the site allows for the optimum siting of lots for natural and passive heating and cooling opportunities and that the development of the

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site will be subject to site plan and architectural review to ensure the maximum utilization of natural and passive heating and cooling opportunities.

- C. Pursuant to Government Code Section 66412.3 of the Subdivision Map Act, the Planning Commission certifies that it has considered the effect of this approval on the housing needs of the region and has balanced those needs against the public service needs of the residents of the City and the available fiscal and environmental resources.
- D. The site is physically suited for residential development because it is generally level and is located adjacent to existing residential developments. The Project conforms to all standards established by the City for a residential development.
- E. The conditions herein imposed on the grant of permit or other entitlement herein contained is approximately proportional both in nature and extent to the impact created by the proposed development.
- F. Pursuant to Government Code Section 66474 (a)-(g) of the Subdivision Map Act, the Planning Commission hereby finds that the proposed project:
 - 1. Is consistent with the Chula Vista General Plan, as specified in Section 65451, and land use, transportation, economic development, housing, public facilities and services, environmental and growth management objectives and policies.
 - 2. Design or improvement is consistent with applicable the General Plan. The General Plan establishes the vision for the western part of the City, and the Project defines the land use character and mix of uses, design criteria, circulation system, and public infrastructure requirements for the Project. The Tentative Map is consistent with the General Plan.
 - 3. Site is suitable for the proposed density of development. The Project's zoning supports the design of a viable residential project that will create a strong sense of place for residents. The densities are in accordance with the General Plan for the area.
 - 4. Site is physically suitable for the type of development. The Project is surrounded by other in-fill residential projects. The Project is designed to be compatible with the surrounding community.
 - 5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Project has been designed to provide a landscaped buffer for the surrounding in-fill residential projects and to comply with CEQA.
 - 6. The design of the subdivision or type of improvements is not likely to cause serious public health problems because the Project has been designed to provide quality open space and amenities.

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7. Subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

II. TENTATIVE MAP GENERAL CONDITIONS OF APPROVAL

Unless otherwise specified or required by law: (a) the Conditions of Approval and Code requirements set forth below shall be completed prior to recordation of the related Final Map as determined by the Director of Development Services and the City Engineer, or designees, unless otherwise specified, "dedicate" means grant the appropriate easement, rather than fee title. Where an easement is required the Applicant shall be required to provide subordination of any prior lien and easement holders in order to ensure that the City has a first priority interest and rights in such land unless otherwise excused by the City. Where fee title is granted or dedicated to the City, said fee title shall be free and clear of all encumbrances, unless otherwise excused by the City.

Should conflicting wording or standards occur between these Conditions of Approval, any conflict shall be resolved by the City Manager or designee.

GENERAL/DEVELOPMENT SERVICES

1. Applicant shall develop and maintain the Project Site in accordance with the approved plans, which include site plans, floor plan, and elevation plan on file in the Planning Division, the conditions contained herein, and Title 19.
2. Prior to, or in conjunction with the issuance of the first Building Permit, the Applicant shall pay all applicable fees, including any unpaid balances of permit processing fees for deposit account DDA0276.

Land Development Division/Landscape Architecture Division:

3. The Applicant shall comply with all applicable City of Chula Vista Standard Tentative Map Conditions per Section 5-300 of the City Subdivision Manual, as approved and amended from time to time, to the satisfaction of the Director of Development Services and City Engineer.
4. The following fees will be required based on the Final Building Plans submitted. Please see reference to fee schedule at:
<http://www.chulavistaca.gov/home/showdocument?id=8129>

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- a. Sewer Connection and Capacity Fees
 - b. Traffic Signal Fees
 - c. Public Facilities Development Impact Fees (PFDIF)
 - d. Western Transportation Development Impact Fees (WTDIF)
 - e. Other Engineering Fees as applicable per attached Master Fee Schedule.
5. Additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule will be required for the submittal of the following items:
 - a. Grading Plans
 - b. Construction Permit
 - c. Final Map
 6. Payment of the Parkland Acquisition and Development (PAD) fee per dwelling unit is required prior to final inspection with CVMC 17.10.100, as amended by Ordinances 2010-3163 and 2014-3324.
 7. All driveways, monuments signs, utility boxes and fire hydrants location shall comply with the sight visibility requirements of City of Chula Vista Municipal Code Sections 12.12.120 and 12.12.130, and City of Chula Vista Chula Vista Sight Design Standard CVD-TR07B.
 8. Any private facilities within Public right-of-way or City easement will require an Encroachment Agreement approval prior to Grading plan or Building Permit approval/issuance.
 9. Proposed Fire Access Road shall meet H-20 Loading requirements or shall be designed for a Traffic Index (T.I.) of 5.
 10. Street or driveway within the complex shall be designated as private.
 11. Sewer lateral and storm drain connections to existing public utilities. The Public Works Operations Section will need to inspect any existing sewer laterals and connections that are to be used by the new development. Laterals and connections may need replacement as a result of this inspection.
 12. Developer must obtain a Land Development Permit prior to beginning any earthwork activities at the site and before issuance of Building Permits in accordance with Municipal Code Title 15.04. Developer shall submit Grading Plans in conformance with the City's Subdivision Manual and the City's Development Storm Water Manual and the City of Chula Vista Best Management Practices (BMP) Design Manual.
 13. Prior to approval of a Grading, Building or Construction Permit, Project shall comply with all requirements of the MS4 Permit and City of Chula Vista BMP Design Manual, December 2015 and as amended (BMP Design Manual) for both construction and post-construction phases of the project. Prior to any Permit issuance, documentation shall be provided, to the satisfaction of the City Engineer,

to demonstrate such compliance. A copy of the BMP Design Manual is available on the City of Chula Vista website at: <http://www.chulavistaca.gov/departments/public-works/services/storm-water-pollution-prevention/documents-and-reports>.

14. The Applicant shall enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain private biofiltration basins, and all BMP's facilities located within the Project prior to the issuance of any Grading or Building Permits, whichever occurs first.
15. All construction sites are required to implement Construction BMPs in accordance with the performance standards outlined in Appendix K of the BMP Design Manual. In general:
 - a. For projects disturbing less than one (1) acre, a Construction Storm Water Pollution Control Plan (CSWPCP) is required that identifies the pollution prevention measures that will be taken to comply with City standards.
16. Developer shall obtain a Construction Permit from the Land Development Division of the Development Services Department to perform the following work in the City's right-of-way prior to obtaining any Building Permit for the Project:
 - a. Removal and replacement of any broken or damaged curb, gutter, and sidewalk per SDRSD G-02, and G-07 along the project's frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
 - b. Removal and replacement of existing driveway(s) meeting design standards as shown in Chula Vista Construction Standard GSI-01. Current Driveway(s) shall be replaced, if it does not meet the City of Chula Vista Design Standards/ADA Standards, or if existing driveway is cracked or broken. Dedication of R/W as needed in order for driveway to comply with (American Disability Act) ADA requirements.
 - c. Additional asphalt paving for the replacement of the existing curb, gutter and sidewalk.
 - d. Utilities Trenching and Restoration per GSI-03.
17. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
18. The construction and completion of all improvements and release requirements shall be secured in accordance with Section 18.16.180 of the Municipal Code.
19. 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.

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20. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, American's with Disabilities Act (ADA) Standards, and Title 24 standards, as applicable.
21. The Project will require the filing of a Condominium Final Map in accordance with Sections 66426 and 66427 of the Subdivision Map Act. The Applicant shall enter into an agreement prior to approval of the Final Map to secure all Public Improvements required for the development of the Project.
22. Prior to approval of any Final Map, the Applicant shall present verification to the City Engineer in the form of a letter from the Sweetwater Authority that the subdivision will be provided adequate water service and long-term water storage facilities.
23. For all mapping purposes, use benchmarks within the City of Chula Vista Benchmark network.
24. Prior to Final Map or Grading, the Applicant shall upload copies of the Street Improvement Plan, Grading Plan, Final Map and Site Improvement Plan in digital 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 @ <http://www.chulavistaca.gov/goto/GIS>. The data upload site only accepts zip formatted files.
25. The Applicant shall submit Covenant's, Conditions and Restrictions (CC&R's) as approved by the City Attorney to the City Engineer and the Director of Development Services Department for approval prior to approval of the Final Map. Said CC&R's shall include the following:
 - a. Indemnification of City for private sewer spillage.
 - b. Indemnification of City – General.
 - b. Listing of maintained private facilities.
 - c. The City's right but not the obligation to enforce CC&R's
 - d. Provision that no private facilities shall be requested to become public unless all homeowners and 100% of the first mortgage obligee have signed a written petition.
 - e. Maintenance of all walls, fences, lighting structures, paths, recreational amenities and structures, sewage facilities, drainage structures and landscaping.
 - f. Implement education and enforcement program to prevent the discharge of pollutants from all on-site sources to the storm water conveyance system.
26. Said CC&R's shall be consistent with Chapter 18.44 of the Subdivision Ordinance and shall be recorded concurrently with the Final Map.

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27. The Applicant shall submit homeowner's association (HOA) budget for review and approval by the City Engineer for the maintenance of private streets, storm drains and sewage systems. Said budget shall include the following maintenance activities:
 - a. Street, sewer and storm drain maintenance
 - b. Water quality facility maintenance and inspection.
28. All utilities serving the subject property and existing utilities located within or adjacent to the subject property shall be under grounded in accordance with the applicable Chula Vista Municipal Code Section. Further, all new utilities serving the subject property shall be under grounded prior to the issuance of Building Permits.
29. Prior to approval and issuance of the first Building Permit, the Applicant shall submit complete landscape construction documents for approval demonstrating that the installed landscape will comply with the City of Chula Vista Landscape Water Conservation Ordinance (LWCO), Chapter 20.12 of the Municipal Code.

Fire Department:

30. 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 Building Code (CBC), Fire Code (CFC), Mechanical Code, and Residential Code as adopted and amended by the State of California and the City of Chula Vista.
31. Prior to the issuance of Building Permits, the Applicant shall provide a water flow letter from the applicable water agency having jurisdiction indicating that the fire flow is available to serve this Project.
32. 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, on site fire hydrants and mains shall be provided. At least one on-site private hydrant is required for this Project due to this dimension being exceeded.
33. Fire Hydrants shall be located and spaced in accordance with California Fire Code, Appendix C.
34. The design and permitting of private fire service underground piping shall be through a separate permit through the fire department. Any private fire service underground piping shown on improvement plans shall be for reference/conceptual only.
35. 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.
36. The Project is to be protected throughout by an approved automatic fire sprinkler system. Group R-3 occupancies required individual fire sprinkler systems installed in accordance

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with NFPA 13D/CA Res Code served from the domestic meter. Group R-2 occupancies required individual fire sprinkler systems installed in accordance with NFPA 13R served from dedicated fire service laterals.

37. Group R-2 occupancies served by a NFPA 13R system are to be protected throughout by an approved fire sprinkler monitoring system.

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

38. Approval of this request shall not waive compliance with any sections of the CVMC, nor any other applicable City Ordinances in effect at the time of Building Permit issuance.
39. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, Planning Commission members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Tentative Subdivision Map and (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the Tentative Subdivision Map contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Tentative Subdivision Map where indicated below. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.
40. All of the terms, covenants and conditions contained herein shall be binding upon and inure to the benefit of the heirs, successors, assigns and representatives of the Developer as to any or all of the Property.
41. The Applicant shall comply with all requirements and guidelines of the City of Chula Vista General Plan; the City's Growth Management Ordinance; Chula Vista Landscape Manual, Chula Design Plan 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.
42. If any of the terms, covenants or conditions contained herein shall fail to occur or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted including issuance of Building Permits, deny, or further condition the subsequent approvals that are derived from the approvals herein granted; institute and prosecute litigation to compel their compliance with

said conditions; and/or seek damages for their violation. The Applicant shall be notified 10 days in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.

IV. 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 and any such protest must be in a manner that complies with Government Code Section 66020(a) and failure to follow timely this procedure will bar any subsequent legal action to attack, set aside, void or annual 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; and it does not apply to any fees, dedication, reservations, or other exactions which have been given notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

V. EXECUTION AND RECORDATION OF RESOLUTION OF APPROVAL

The Property Owner and Applicant shall execute this document signing on the lines provided below, indicating that the Property Owner and Applicant have each read, understood and agreed to the conditions contained herein, and will implement 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 returned to the City's 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 the corresponding application for building permits and/or a business license, be held in abeyance without approval.

DocuSigned by:
Abdel Alomar
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Signature of Property Owner

5/1/2021

Date

Abdel Alomar

Printed Name of Property Owner

DocuSigned by:
Abdel Alomar
5EB90FABF2AA4E7...

Signature of Applicant

5/1/2021

Date

Abdel Alomar

Printed Name of Applicant

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VI. CONFORMANCE WITH CITY SUBDIVISION MANUAL

The Planning Commission does hereby find that the Project is in conformance with the City of Chula Vista Subdivision Manual, Section 18.12 and the requirements of the Zoning Ordinance.

VII. INVALIDITY; AUTOMATIC REVOCATION

It is the intention of the Planning Commission that its adoption of this Resolution is dependent upon the enforceability of each and every term, provision, and condition herein stated; and that in the event that any one or more terms, provisions, or conditions are determined by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, this resolution and the permit shall be deemed to be automatically revoked and of no further force and effect ab initio.

BE IT FURTHER RESOLVED that the Chula Vista Planning Commission does hereby approve Tentative Subdivision Map PCS18-0003, subject to the conditions listed above for the subdivision of a 0.6 acres site into sixteen (16) condominium units for individual ownership at 354 Moss Street.

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA, CALIFORNIA, this 28th day of April 2021, by the following vote, to-wit:

AYES: Burroughs, De La Rosa, Gutierrez, Milburn, Nava, Torres, Zaker
NOES: 0
ABSENT: 0
ABSTAIN: 0

DocuSigned by:
Gabriel Gutierrez
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Gabe Gutierrez, Chair

ATTEST:

DocuSigned by:
Patricia Salvacion
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Patricia Salvacion, Secretary

Presented by:

DocuSigned by:
Tiffany Allen
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Tiffany Allen
Director of Development Services

Approved as to form by

DocuSigned by:
Glen R. Googins
CF406508504448F...
Glen R. Googins
City Attorney