

RESOLUTION NO. ____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA APPROVING A TENTATIVE MAP (TM21-0002) TO SUBDIVIDE 5.31 ACRES (4.85 DEVELOPABLE ACRES) CONTAINING AN EXISTING HISTORIC HOME INTO 20 RESIDENTIAL LOTS WITHIN THE SINGLE-FAMILY RESIDENCE (R1) ZONE

WHEREAS, on October 3, 2021, a duly verified application for a Tentative Map (TM21-0002) was filed with the City of Chula Vista Development Services Department by John McLaughlin (“Owner”), and a revised application was then submitted on September 12, 2023, by The Phair Company (“Applicant”); and

WHEREAS, the area of land that is the subject of this Resolution is comprised of two existing parcels, totaling 5.31 acres, located at 33 I Street, is within the Single-Family Residential (“R1”) zone, and is designated as Low-Medium Residential (“RLM”) in the Chula Vista General Plan (“Project Site”). Only 4.85 acres of the Project Site, however, will be developed; and

WHEREAS, the Applicant proposes to subdivide the 5.31 acres (comprising only 4.85 developable acres) with an existing historic home (to remain fully undisturbed) to create 20 residential lots (“Project”); and

WHEREAS, of the 20 lots, 19 lots will be developable on 4.85 acres for future single-family residences and the Project will preserve an existing historic home (Robert Mueller House) and all existing vegetation on Lot 13, which is the largest Project lot of about 0.461 acre in size; and

WHEREAS, for the purposes of determining compliance with the California Environmental Quality Act (“CEQA”), the area of proposed Lot 13 (0.461 acre in size), which contains an existing designated historic house and related vegetation that will be fully preserved, was not considered part of the Project because it is proposed to remain undisturbed. Only 4.85 acres of the Project Site will be developed; and

WHEREAS, the Director of Development Services has reviewed the Project for compliance with CEQA and determined that the Project qualifies for a Class 32 categorical exemption pursuant to Section 15332 (In-fill Development Projects) of the CEQA Guidelines. Further, no exceptions to the In-fill CEQA categorical exemption exists under CEQA Guidelines Section 15300.2(b)-(f). Also, the Director of Development Services determined that the Project qualifies for the “Common Sense” exemption from CEQA review pursuant to Section 15061(b)(3) of the CEQA Guidelines. No further environmental review is therefore required; and

WHEREAS, the Director of Development Services set the time and place for a hearing before the Planning Commission for consideration of the Project, 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 hearing was held at the time and place as advertised in the Chula Vista Council Chambers, 276 Fourth Avenue, before the Planning Commission, and the hearing was thereafter closed; and

WHEREAS, staff recommends approval and certification of the CEQA exemptions for the Project under CEQA Guidelines Sections 15061(b)(3) and 15332, and approval and adoption of TM21-0002; and

WHEREAS, the Planning Commission reviewed and considered the Staff Report and related materials for TM21-0002, as well as other Project materials, in accordance with all City Codes and requirements,

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find and determine as follows:

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

I. CEQA FINDINGS FOR THE PROJECT –

1. The City Planning Commission has reviewed and considered the Project materials and determined that the Project qualifies for a Class 32 categorical exemption pursuant to Section 15332 (In-fill Development Projects) of the CEQA Guidelines. For the purposes of determining compliance with CEQA, the area of proposed Lot 13 (0.461 acre in size), which contains a designated historic house, is not considered part of the Project because the existing house and surrounding grounds and vegetation are proposed to remain fully undisturbed. Only 4.85 acres of the Project Site will be developed as part of the Project. In addition, the Project is surrounded by urban uses, is consistent with the City General Plan designation and zoning regulations for the property, there is no sensitive habitat for rare, endangered or threatened species on the Project Site, the Project will not result in any significant impacts as to traffic, noise, air quality or water quality, and the Project Site can be adequately served by all required utilities and public services. No exceptions to the In-fill CEQA categorical exemption therefore exist as to the Project under CEQA Guidelines Section 15300.2(b)-(f).
2. The City Planning Commission has reviewed and considered the Project materials and determined that the Project qualifies for the “Common Sense” exemption from CEQA review pursuant to Section 15061(b)(3) of the CEQA Guidelines. The Project site is in an urbanized area and will not result in any significant effects on the environment.

II. TENTATIVE SUBDIVISION MAP FINDINGS

A. Pursuant to Government Code Section 66473.5 of the Subdivision Map Act, the Planning Commission finds that Tentative Map No. TM21-0002, as conditioned herein, is in conformance with the elements of the City's General Plan and other associated regulatory documents, based on the following:

1. Land Use

The General Plan land use designation is Residential Low-Medium ("RLM"). The proposed Project is within the allowable density established by the General Plan designation (3-6 dwelling units per acre).

2. Circulation

All offsite public streets required to serve the subdivision already exist. Onsite circulation is designed in accordance with the City's design standards and/or other requirements and provides for vehicular and pedestrian connections throughout the Project Site.

3. Public Facilities

The proposed Project is conditioned to ensure that all necessary public facilities and services will be available to serve the Project concurrent with the demand for those services.

4. Housing

The proposed Project is consistent with the density prescribed by the RLM land use designation, providing additional opportunities for nineteen (19) single-family residential home ownership in the southwestern portion of the City.

5. Growth

The surrounding street segments and intersections, including Hilltop Drive and I Street, will continue to operate at an acceptable Level of Service in compliance with the City's traffic threshold standards. Implementation of the proposed Project would not result in any adverse impacts to the City's traffic threshold standards.

The Project is in the attendance area of Hilltop Drive Elementary School, within the boundaries of the Chula Vista Elementary School District. The proposed Project is also within the attendance area of Hilltop Middle School and Hilltop Senior High School, within the Sweetwater Union High School District. The Applicant will be required to pay applicable development school fees at the time of building permit issuance.

The proposed drainage improvements for the site will consist of the majority of the site's runoff being collected and conveyed to the public storm drain on Hilltop Drive,

with some runoff continuing to flow to I Street by two curb outlets. No site runoff will flow to neighboring properties. Implementation of the proposed Project would not result in any adverse impacts to the City's drainage threshold standards. The proposed improvements are adequate to handle the stormwater runoff generated from the site. A final drainage study will be required prior to issuance of any building permit.

The Project is within the boundaries of the City of Chula Vista wastewater services area. The area's existing sewer facility system includes sewer lines along Hilltop Drive and I Street, including an existing eight-inch sewer main along Hilltop Drive and a 10-inch sewer main along I Street for 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 proposed Project would allow for the development of nineteen (19) single-family homes that meet the minimum open space requirements outlined in the Chula Vista Municipal Code ("CVMC"). The development of the Project is consistent with the goals and policies of the Conservation Element of the General Plan.

7. Parks and Recreation

As it is a small residential infill project, the proposed Project would not impact existing or proposed recreational facilities. Consistent with CVMC 17.10.070, the Applicant or a future developer will be required to pay in-lieu fees towards the acquisition and development of future parks prior to issuance of any building permit.

8. Safety

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

9. Noise

The proposed Project has been reviewed for compliance with the Noise Element and will comply with applicable noise measures at the time of issuance of the first building permit.

10. Scenic Highway

The Project Site is not 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 development of the

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 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. Additionally, in consideration of the fact that neighborhoods west of Interstate 805 have traditionally borne an overconcentration of affordable housing, the proposed Project will not provide low- or moderate-income housing units as part of the development in exchange for significant community benefits.
- D. Pursuant to Government Code Sections 66474(a) through (g) of the Subdivision Map Act, the Planning Commission finds that the proposed Project:
1. Is consistent with applicable general and specific plans as specified in Government Code Section 65451. The proposed Project will remain consistent with the Chula Vista General Plan's land use, transportation, economic development, housing, public facilities and services, and environmental objectives and policies. The land uses proposed for development within the Project Site will be consistent with those depicted in the City's General Plan.
 2. Would implement design and/or improvements that are consistent with applicable general and specific plans. The City's General Plan establishes the vision for this part of the City, and the City's Design Manual and Subdivision Manual define the land use character and mix of uses, design criteria, circulation system, and public infrastructure requirements for the proposed Project. Tentative Map No. TM21-0002 is consistent with these plans and standards.
 3. Is in accordance with the allowable density specified in the General Plan for the RLM land use designation, and the Project is suitable for the proposed density of development.
 4. Is not likely to cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Project Site is physically suitable for the proposed type of development, and the proposed Project is surrounded by existing development on all sides.
 5. Is not likely to cause serious public health problems because the proposed Project has been designed to provide pedestrian sidewalk connections from the Project to nearby Hilltop Drive and I Street.
 6. Will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

- E. The Project Site is physically suited for residential development because it is generally level, with minor slopes, and is located adjacent to existing residential developments. The proposed Project conforms to all standards established by the City for a residential development.
- F. The conditions herein imposed on the grant of permit or other entitlement herein contained are approximately proportional both in nature and extent to the impact created by the proposed Project.

III. TENTATIVE MAP GENERAL CONDITIONS OF APPROVAL

Unless otherwise specified or required by law, the Conditions of Approval and Code requirements set forth below shall be completed prior to the related Final Map approval and consent to recordation by the City as determined by the Director of Development Services and the City Engineer or their respective designees. "Dedicate" means to 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 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 exist between these Conditions of Approval, any conflict shall be resolved by the City Manager or their designee.

GENERAL/DEVELOPMENT SERVICES

1. The Applicant shall develop and maintain the Project in accordance with the approved plans for TM21-0002, the conditions contained herein, and Title 19 of the CVMC.

Historic Resources

2. Per the Existing Vegetation Survey and Assessment Plan, trees and shrubs located within the proposed property boundaries for Lot 13 shall be preserved in addition to the historic house. Any deviations from the survey plan to preserve vegetation and the house during construction of the subdivision shall require a Certificate of Appropriateness to be approved by the Zoning Administrator.

Land Development

3. The Applicant shall comply with all requirements and guidelines of the City of Chula Vista General Plan; the CVMC; the Chula Vista Subdivision Manual and Standard Tentative Map Conditions ("STMC") (Subdivision Manual Section 5-300); the Chula Vista Design and Construction Standards; the Development Storm Water Manual for

- Development and Redevelopment Projects; the Chula Vista Grading Ordinance (No. 1797); and the Subdivision Map Act.
4. The Applicant shall comply with all applicable Standard Conditions of Approval per Section 5-300 (Standardized Tentative Map Conditions) of the Subdivision Manual.
 5. In accordance with CVMC 15.04, the Applicant must obtain a Land Development permit prior to beginning any earthwork activities at the site and before issuance of any building permits. The Applicant shall submit grading plans in conformance with the City's Subdivision Manual and the City's Development Storm Water Manual requirements.
 6. The Applicant shall ensure that all private lot drainage and slopes comply with the current Building Code used by the City of Chula Vista.
 7. The Applicant shall provide Letters of Permission from offsite property owners prior to approval of any grading plans and/or issuance of any grading permit that includes offsite grading.
 8. The following applies to all Project retaining walls:
 - a) Structural wall calculations are required if walls are not built per San Diego Regional Standard Drawings or Chula Vista Standard Drawing GRD-05.
 - b) Retaining walls that will be part of a building wall must be approved as part of the building permit for the project.
 - c) Retaining wall drains shall tie into the drainage system.
 9. Prior to issuance of grading, construction, and/or building permits, the Applicant shall document compliance with City requirements pertaining to Best Management Practices ("BMP"s). The Applicant shall develop and implement post construction BMPs in accordance with the most recent regulations at the time of grading, construction, and/or building permit issuance.
 10. Prior to the issuance of any building permit within the Project, the Applicant shall provide the City with proof of Pad Certification.
 11. Prior to the issuance of a grading permit, the Applicant shall provide a letter from the property owner(s) of any site that will be accepting proposed export material. A transportation permit shall be required to export any material from the Project Site, to be issued prior to the issuance of a grading permit.
 12. Prior to the issuance of a grading permit, and prior to using any such material, the Applicant shall provide a letter from the soil engineer regarding any material to be used in onsite or offsite backfilling. This condition shall apply to any material

- excavated from the site. A transportation permit shall be required prior to the issuance of a grading permit, if required.
13. Permanent stormwater requirements, including site design, source control, treatment control, and hydromodification control BMPs, all as shown in the approved Priority Development Project (“PDP”) Stormwater Quality Management Plan (“SWQMP”), shall be incorporated into the project design and shall be shown on the grading plans. Sizing calculations and specifications must be provided for each BMP.
 14. Prior to issuance of the first of any grading, construction, or building permit for the Project, the Property Owner shall enter into a Storm Water Management Facilities Maintenance Agreement for the perpetual maintenance of all permanent BMPs within the Project Site. All BMPs proposed for the Project shall be funded, owned, and maintained by the applicant for perpetuity, at no cost to the City.
 15. The Applicant shall submit a detailed operation and maintenance plan for all permanent BMPs as required by the City to preserve the intended pollution control and/or flow control performance of the BMP(s). Upon completion of construction of the BMPs/Project, the Applicant shall update/finalize the plan to reflect actual constructed structural BMPs with as-built plans and baseline photos.
 16. A complete and accurate Notice-of-Intent (“NOI”) must be filed with the State Water Resources Control Board (“SWRCB”) for the Project covered under the Construction General Permit (“CGP”). 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.
 17. Prior to approval of any Final Map or grading plan for the Project, the Engineer of Work shall submit and obtain approval by the City Engineer a waiver request for all subdivision design items not specifically waived on the Tentative Map, and not conforming to adopted City standards. The Engineer of Work request shall outline the requested subdivision design deviations from adopted City standards and state that in his/her professional opinion, no safety issues will be compromised. The waiver is subject to approval by the City Engineer in the City Engineer's sole discretion.
 18. Prior to the recordation of the first Final Map, the Applicant shall submit Covenants, Conditions, and Restrictions (“CC&R”s) for review and approval in accordance with Standard Tentative Map Condition No. 34 of the City’s Subdivision Manual (Section 5-300).
 19. Prior to the issuance of any building permit for the Project, the Applicant shall receive approval of submitted improvement plans to perform any work in the City’s right-of-way.

20. Noise and/or dust generated from any permitted activities shall be limited to those levels that comply with applicable City or other standards.
21. Any subsequent Final Map showing public or private streets shall reflect the street names approved with this Tentative Map. Any proposed changes to street names subsequent to approval of this Tentative Map shall be subject to review and approval by the Director of Development Services in accordance with Section 3-405 of the Subdivision Manual.
22. Prior to the issuance of any City permit for the Project, the Applicant shall provide proof of approval from the respective utility companies of all dry utilities proposed on the Tentative Map.
23. Prior to approval of any Final Map for the Project, 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. The Applicant shall comply with all Sweetwater Authority requirements, if any.
24. Prior to issuance of the first building permit, the approved street improvements and rough grading for the Project shall be completed to the satisfaction of the City Engineer and Director of Development Services.
25. All intersections and driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with CVMC 12.12.120, CVMC 12.12.130, 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 driveway entrances. Prior to the issuance of a grading or construction permit for the Project, analyses for stopping sight distance and corner sight distance shall be submitted demonstrating compliance to the satisfaction of the City Engineer.
26. Prior to the issuance of the first building permit for the Project, the Applicant shall remove and replace any broken or damaged curb, gutter, and/or sidewalk along the Project's frontages on I Street and Hilltop Drive in accordance with San Diego Regional Standard Drawings G-02 and G-07 (for non-monolithic) or G-03 (for monolithic) and to the satisfaction of the City Engineer. Sidewalks shall be designed and constructed with proper transitions to existing conditions.
27. Interior streets or driveways shall be designated as private.
28. Separate permits for other utilities (gas, electric, water, cable, telephone) shall be required as necessary. Utilities trenching and restoration shall be completed in accordance with Chula Vista Standard Drawing GSI-03.

29. Prior to the issuance of any City permit, the Applicant shall obtain approval from the Sweetwater Authority for any water work on or regarding Project water lines.
30. Any improvements in the right-of-way beyond the Project limits shall be designed and constructed as not to interfere with adjacent businesses, as approved by the City Engineer.
31. Onsite sewer and storm drain systems shall be private. All sewer laterals and storm drains shall be privately maintained from each building to the City-maintained public facilities. Each dwelling unit must have a separate sewer lateral, and sewer laterals are not permitted under any proposed buildings. The Public Works Operations Section shall inspect any existing sewer laterals and connections that are proposed to be used by the Project. The Applicant is advised that laterals and connections may need to be replaced as a result of this inspection.
32. For the proposed private sewer facilities, manholes shall be used where mains six inches in diameter or larger are connected to public sewer facilities.
33. 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 standards, and Title 24 standards, as applicable.
34. Prior to approval of any improvement plans, or prior to the issuance of any building permit for the Project, the Applicant shall enter into an Encroachment Agreement for any private improvements, structures, or facilities proposed within the public right-of-way or a City easement, or upon City-owned land.
35. Prior to the issuance of any City permit for the Project, the Applicant shall obtain any required permit(s) from affected agencies and shall successfully implement any requirements stipulated in any such permit.
36. Two new streetlights, designed and installed in accordance with City standards, shall be constructed adjacent to both proposed driveways. The existing streetlights on wooden poles across from these driveways shall be removed and salvaged. The final location of the new streetlights shall be reviewed with the improvement plans for the Project.
37. Signing and striping plans for the Project shall show all proposed signage and striping in accordance with California Manual on Uniform Traffic Control Devices (“CA MUTCD”) and City of Chula Vista requirements.
38. Prior to the first final building inspection of the first residential unit, the infrastructure serving the Project Site shall be constructed and fully operational to the satisfaction of the Director of Development Services and/or the City Engineer.

39. Prior to the issuance of any City permit for the Project, the Applicant shall provide a “Will Serve” letter from the Sweetwater Authority for water service.
40. Any proposed trash enclosures shall be covered, consistent with the requirements of the City’s current BMP Design Manual.
41. Prior to approval of the grading plans, the Applicant shall upload digital files to the GIS section using the City's digital submittal file upload website: <http://www.chulavistaca.gov/goto/GIS>. The files should be in a format such as AutoCAD .dwg or .dxf (AutoCAD version 2000 or above) or ESRI GIS shapefile, file, or personal geodatabase (ArcGIS version 9.0 or above). The data upload site only accepts zip-formatted files.

Fire

42. The Applicant shall apply for and obtain required building permits. Said permits shall comply with applicable codes and requirements, including but not limited to the current edition(s) of the California Building Code (“CBC”) and California Fire Code (“CFC”) as may be amended by the City of Chula Vista.
43. 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 Chula Vista Fire Department (“CVFD”).
44. Fire hydrants shall be located and spaced in accordance with Appendix C of the California Fire Code, and all exterior portions of the proposed building shall be within 400 feet of a hydrant, as measured by an approved method.
45. 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. CVFD will consider enhancements to fire protection systems if not already required by the Building or Fire Code.
46. Fire apparatus access road dimensions shall be a minimum of 20 feet in width and shall have an unobstructed vertical clearance of 13 feet 6 inches. The building permit shall include an Auto-Turn analysis using CVFD auto turn data with transposed results shown on the site plan.
47. The Project is to be protected throughout by an approved automatic fire sprinkler system in accordance with CFC 903.2.8.1.

Landscape Architecture

48. Prior to the issuance of the first building permit for the Project, the Applicant shall submit payment of the required Park Acquisition and Development (“PAD”) fees for new dwelling units as required by CVMC Chapter 17.10.
49. The Applicant shall submit a complete set of landscape improvement plans for review with the building permit application set. Please see the following link for further information about submitting landscape improvement plans, and to download a landscape improvement review packet:
<https://www.chulavistaca.gov/departments/development-services/resources/dsdformsspecifications>.

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

50. Approval of this request shall not waive compliance with any part of the CVMC nor any other applicable City Ordinances in effect at the time of building permit issuance.
51. The Property Owner and Applicant shall and do 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 of TM21-0002; 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 and Applicant shall acknowledge their agreement to this provision by executing a copy of this approval permit where indicated below. The Property Owner’s and Applicant’s compliance with this provision shall be binding on any and all of their successors and assigns.
52. The Applicant shall comply with all requirements and guidelines of the Chula Vista General Plan; the the City’s Water Conservation 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 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.
53. This permit shall expire if not utilized within three years of the approval date (October 9, 2027) or the end of any appeal period unless the Applicant initiates an

extension prior to expiration of the permit in accordance with CVMC Chapter 18.12.190.

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 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 construction permits be held in abeyance without approval.

John McLaughlin
Owner

Date

Jeff Phair, The Phair Company
Applicant

Date

V. CONFORMANCE WITH CITY SUBDIVISION MANUAL

The Planning Commission hereby finds that the Project is in conformance with the Chula Vista Subdivision Manual, CVMC Chapter 18.12, and the requirements of the Zoning Ordinance (CVMC Title 19).

VI. 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. Failure to satisfy the conditions of this permit may also result in the imposition of civil or criminal penalties.

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 automatically revoked and of no further force and effect.

Presented by:

Approved as to form by:

Laura C. Black, AICP
Director of Development Services

Marco A. Verdugo
City Attorney