

RESOLUTION NO.

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT CUP23-0019 AND DESIGN REVIEW PERMIT DR23-0015 FOR THE CONSTRUCTION AND ESTABLISHMENT OF A WOMEN'S ALCOHOL REHABILITATION/RECOVERY FACILITY, LOCATED WITHIN A SINGLE-FAMILY RESIDENTIAL (R-1) ZONE OF THE CHULA VISTA MUNICIPAL CODE.

WHEREAS, on July 7, 2023 a duly-verified application for a Conditional Use Permit ("CUP") and Design Review Permit ("DR") was filed with the City of Chula Vista Development Services Department by South Bay Pioneers ("Applicant" and "Owner"); and

WHEREAS, the property that is the subject of this Resolution is a developed parcel with an existing men's alcohol recovery center located at 270 C Street ("Project Site"); and

WHEREAS, the Applicant requests approval of a CUP and DR to construct and establish a women's alcohol rehabilitation/recovery facility; and

WHEREAS, in accordance with Chula Vista Municipal Code ("CVMC"), Section 19.24.040(E) states that unclassified uses including the proposed project, is subject to CUP approval in the R-1 zone by the Planning Commission; and

WHEREAS, the Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Categorical Exemption pursuant to State CEQA Guidelines Section 15301 Class 1 (Existing Facilities), because the proposed project would not result in a significant effect on the environment, create a cumulative impact, damage a scenic highway, or cause a substantial adverse change in the significance of a historical resource. Thus, no further environmental review is required; and

WHEREAS, the Director of Development Services set the time and place for a hearing before the Planning Commission, 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 within 500 feet of the exterior boundaries of the property, at least ten (10) days prior to the hearing; 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.

WHEREAS the Planning Commission has reviewed and considered all materials for the Project;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Chula Vista that it hereby makes the following findings regarding CUP23-0019 and DR23-0015:

- 1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community.**

The proposed use will be a necessary and desirable facility in the community by providing an expansion of an existing facility, in adding a women's component in the treatment of alcoholism.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

The proposed use will not adversely affect the general wellbeing of the neighborhood or the community, due to the applicant's continued commitment to providing a successful alcohol recovery program for both men and women. All necessary building permits will also comply with the applicable sections of the California Building and Fire Codes.

- 3. The use will comply with the regulations and conditions specified in the code for such use.**

The Project will be required to continually comply with all applicable conditions, codes, and regulations.

- 4. Granting this permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.**

The General Plan designates the site as Residential Low-Medium ("RLM"). A previously-approved Conditional Use Permit (PCC-87-08) for the Subject Site granted a non-conforming condition with respect to the allowable density, in allowing a multi-family use in a single-family zone. However, under the proposed Project, it has been determined that the construction of an additional dwelling unit will not further impact or adversely affect implementation of the General Plan.

- 5. The proposed project is consistent with the City of Chula Vista's General Plan, CVMC Title 19, Sectional Planning Area, Specific Plan, etc.**

The proposed project complies with all applicable development standards, specifically within the R-1 zone, the parking standards for residential facilities, and CVMC Section 19.58.268. All required parking for the proposed building will be provided on-site. The proposed building will incorporate modern architectural elements with Hardie board siding and composite shingle roofing. In various landscaped areas throughout the site, the use of water-efficient plants and a water-efficient irrigation system should reduce the overall maintenance cost of the Project.

- 6. The proposed project is consistent with the design requirements and recommendations contained in the City of Chula Vista's Design Manual.**

The proposed building incorporates design features consistent with the standards set forth in the City's Design Manual. In various landscaped areas throughout the site, the use of water-efficient plants and a water-efficient irrigation system should reduce the overall maintenance cost of the Project.

7. The project would not adversely affect the health, safety, or general welfare of the community.

The proposed apartment project will be subject to all health, safety, and general welfare standards and regulations set forth by the City of Chula Vista. The project's design proposes sufficient parking relative to the unit amount, as well as water-efficient landscaping and irrigation system.

BE IT FURTHER RESOLVED that the Planning Commission, based on the findings above, does hereby approve the Project and CUP23-0019 and DR23-0015, subject to the following conditions. Unless specified otherwise, the following shall be completed to the satisfaction of the Director of Development Services, or their designee, prior to issuance of building permits. Additional requirements may be imposed resulting from new standards or regulations established at the time of development and/or application submittal.

Planning

1. A graffiti-resistant treatment shall be specified on the building permit drawings for all wall and building surfaces up to 10 feet above finished grade. Additionally, the Project shall conform to CVMC 9.20.060 (Prevention Provisions) and CVMC 9.20.055 (Removal Provisions) regarding graffiti control or meet a different and appropriate standard consistent with the intent of the provisions that is established by the Director of Development Services.
2. The Applicant shall develop the Project and Project Site in accordance with the approved plans for CUP23-0019 and DR23-0015, which include a site plan, floor plans, and elevations on file in the Development Services Department. The colors and materials specified on the building permit drawings shall be consistent with the colors and materials shown on the plans approved by the Planning Commission for this Design Review.
3. Ground-mounted utility appurtenances such as transformers and/or air conditioning condensers shall be located out of public view and/or adequately screened using a combination of concrete or masonry walls, berming, and/or landscaping. The sound from such appurtenances shall also be buffered from adjacent properties and streets using the same method(s). The method and type of screening shall be specified on the building permit drawings for the Project.
4. 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. Such screening shall be architecturally integrated with the proposed

building design. The method and type of screening shall be specified on the building permit drawings for the Project.

5. All exterior lighting shall be shown on the building permit drawings for the Project and shall include shielding to prevent any glare onto adjacent properties. Details for said lighting shall also be included in the building permit drawings for the Project.

Land Development

6. The Applicant shall comply with all requirements and guidelines of the CVMC; the Chula Vista Subdivision Manual; the Chula Vista Design and Construction Standards; the Development Storm Water Manual for Development and Redevelopment Projects; Chula Vista Grading Ordinance (No. 1797); and the Subdivision Map Act.
7. The Applicant shall comply with all requirements and guidelines of the City of Chula Vista Municipal Code; the Chula Vista Subdivision Manual; City of Chula Vista Design and Construction Standards; the Development Storm Water Manual for Development & Redevelopment Projects; the City of Chula Vista Grading Ordinance No. 1797; the State of California Subdivision Map Act.
8. The following fees will be required based on the Final Building Plans submitted.
9. Please see reference to fee schedule at: City of Chula Vista Fee Schedule
 - a. Sewer Connection and Capacity Fees
 - b. Public Facilities Development Impact Fees (PFDIF)
 - c. Transportation Development Impact Fees (TDIF)
 - d. Other Engineering Fees as applicable per the City's Master Fee Schedule.
10. Prior to Final Building inspection, the infrastructure serving the project site shall be constructed and fully operational to the satisfaction of the Director of the Development Services Department.
11. The Applicant shall deposit any applicable fees in accordance with the City Master Fee Schedule for any required submittals per the Subdivision Manual and Municipal Code.
12. The Applicant shall submit an improvement plan and obtain a Construction Permit for any proposed, if any, construction work in the right-of-way.
13. Construct the existing driveway to current City standards and make it ADA compliance, as part of the 1st City permit. Add a note to say: Driveway to be constructed per GSI-01.
14. Removal and replacement of any broken curb, gutter, and sidewalk fronting the property per San Diego Regional Standard Drawings SDRSD G-02, and G-07 as determined by Public Works Inspectors. Sidewalk shall be designed and constructed with proper transitions to existing conditions.

15. Utility trenching and restoration, if any, per GSI-03.
16. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary. Utilities Trenching and Restoration shall be per Chula Vista Construction Standard GSI-03.
17. It is the applicant responsibility to identify, process, and obtain any required permit from any agency or/and jurisdiction for the project, prior to issuance of any City permit.
18. 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.
19. Prior to beginning any earthwork activities at the site and before issuance of Building Permit, if the combined volume of the cut and fill is more than 250 cubic yard and/or the cut or fill depth is more than 3 ft; the Applicant shall submit grading plans to the Land Development Division for processing, reviewing, and permitting in accordance with Municipal Code Title 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.
20. Approval letter from the geotechnical engineer accepting the import material and a Transportation Permit are required prior to importing any material to the job site.
21. The applicant shall provide technical reports such as geotechnical, drainage, and any other required report, and shall be reviewed and approved prior to issuance of any permit.
22. Design Review Storm Water Quality Management Plan ("SWQMP") is considered conceptually complete and provides adequate information on the projects BMP's 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.
23. Permanent storm water requirements, including site design, source control, and Best Management Practices (BMPs), all as shown in the approved Standard SWQMP, shall be incorporated into the project design, and shall be shown on the plans.
24. Construction Stormwater Pollution Control Plan (CSWPCP) must be submitted and approved prior to issuance of the grading permit.
25. The following applies to any retaining wall on the site, if any:
 - 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 San Diego Regional Standard Drawings, 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.
26. The Applicant shall Grant an Irrevocable Offer of Dedication of 1 feet along the entire Project's frontage along C street, prior to issuance of any City permit.
27. The Applicant shall Grant the City a landscape easement of 5.5 feet prior to the issuance of any City permit.
28. A "Will Serve" letter from Sweetwater Authority District shall be provided prior to the issuance of any City permit.
29. 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.
30. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking, if any, shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.
31. Any proposed private water and fire lines structures are to be submitted on the Building Plan and permitted by the Building and Fire departments.
32. Any proposed Fire Access Roads and Driveways shall meet H-20 Loading requirements or shall be designed for a Traffic Index (T.I.) of 5.
33. Any Proposed trash enclosure shall be a covered trash enclosure and meet requirements of City's most current Best Management Practices, BMP Design Manual Fact Sheet SC-Q.
34. 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.
35. The Applicant is advised that there may be additional requirements set at the time the development takes place, depending upon final plans submitted for Grading, Improvements and/or Building Permits. This response is based solely on the material that were submitted for our review.

Landscape Architecture

36. Prior to the second submittal of the building permit set, Applicant shall submit a complete set of Landscape Improvement plans for review and approval by the Director of Development Services or designee. For further information about submitting Landscape

Improvement plans and to download a Landscape Improvement review packet see the following link.

<https://www.chulavistaca.gov/departments/developmentservices/resources/dsdformsspecifications>

Said plans shall conform to the following City documents including but not limited to:

- i. Landscape Water Conservation Ordinance (LWCO), Chapter 20.12 of the City of Chula Vista Municipal Code
- ii. City of Chula Vista Landscape Manual
- iii. Shade Tree Policy (576-19)

37. Prior to the final building inspection, the Owner shall have installed Landscape Improvements and have had said improvements inspected by City staff, per approved Landscape Improvement Plans, to the satisfaction of the Director of Development Services or designee.

38. New dwelling units generate Park Acquisition and Development (PAD) fees in accordance with Chapter 17.10 of the City of Chula Vista Municipal Code. Payment of the PAD fee per dwelling unit is required in accordance with CVMC 17.10.100; however, pursuant to Ordinance No. 3324, payment of PAD fees can be deferred to prior to final inspection. The PAD fee amount shall be based on the rates in effect at the time in which they are due. The PAD fee is adjusted on an annual basis on October 1st and costs are subject to change at that time.

BE IT FURTHER RESOLVED that the following ongoing conditions shall apply to the Project Site for as long as it relies upon this approval:

1. The Applicant shall maintain the Project Site in accordance with the approved plans for CUP23-0019 and DR23-0015, 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, as well as other applicable regulations of the CVMC.
2. 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.
3. The Applicant and Property Owner shall and do hereby agree to timely and fully indemnify, protect, reimburse, 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, fees, 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.

4. The Applicant shall comply with all applicable requirements and guidelines of the Chula Vista General Plan, the Chula Vista Landscape Manual, the CVMC, 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 City staff with the approval of the Director of Development Services. However, any substantial modifications shall be subject to approval by the Planning Commission.
5. This permit shall expire if not utilized within three years of the approval date (February 25, 2028) 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.
6. 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.
7. The conditions of approval for CUP23-0019 and DR23-0015 shall be applied to the subject property until such time as the approval may be revoked, and the existence of this approval with conditions shall be recorded with the title of the property.
8. If applicable, 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.
9. The Applicant shall comply with all applicable 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 City of Chula Vista Grading Ordinance (No. 1797); and the Subdivision Map Act.

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, any such protest must be in a manner that complies with Government Code Section 66020(a), and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void, or annul imposition. The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this Project, 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.

IV. EXECUTION 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 the same. Upon execution, this document shall be signed and returned to the City's Development Services Department.

Chris Naumann
for South Bay Pioneers
Applicant & Property Owner

Date

V. CONSEQUENCE OF FAILURE OF CONDITIONS

If any of the foregoing conditions fails to be met, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fails 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 is 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.

Presented by:

Approved as to form:

Robert A. Vacchi
Interim Director of Development Services

for Marco A. Verdugo
City Attorney

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF
CHULA VISTA, CALIFORNIA, this 26th day of February 2025, by the following vote, to-wit;

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael De La Rosa, Chair

ATTEST:

Mariluz Zepeda, Secretary