CITY OF CHULA VISTA Development Services Department

ZONING ADMINISTRATOR
NOTICE OF DECISION

NOTICE IS HEREBY GIVEN THAT THE ZONING ADMINISTRATOR FOR THE CITY OF CHULA VISTA considered a Design Review application for interior and exterior modifications to an existing industrial building within the coastal zone and the Chula Vista Bayfront Local Coastal Program ("LCP") area as described below:

Date:	**July 26, 2023**
Applicant:	**PSIP Wohl Bay Boulevard, LLC**
Project Number:	**DR22-0031**
Project Location:	**795 H Street (APN: 571-330-35)**
Project Planner:	**Arturo Ortuño**

The Applicant proposes to modify an existing 216,000-square foot industrial building, including construction of a 924-square foot two-story entrance and other associated site improvements ("Project"). The Project site is in the Industrial – General (I-G) zone of the Chula Vista Bayfront LCP Land Use Plan and was issued a Cleanup and Abatement Order ("Order") by the San Diego Regional Water Quality Control Board in July 2021 (R9-20221-0042). The Order requires that all historical wastes from previous uses discharged to soil, soil gas, and groundwater on the Project site be cleaned up or abated. In compliance with the Order, approximately 24,000 square feet of the existing manufacturing space, located within the northern portion of the building, will be demolished to facilitate effective remediation and removal of contaminated soil. The proposed entrance addition will be located on the southwest corner of the building facing H Street. The proposed addition will include an interior stairway to connect to the existing mezzanine. The demolished portion of the building will be replaced by a truck court with ten (10) loading docks facing G Street. The proposed truck court elevation is approximately five (5) feet lower than the existing sidewalk elevation along Bay Boulevard. Dense planting materials will be installed along the perimeter fence between the truck court and Bay Boulevard to further screen the loading docks from the public street. Other proposed improvements include reconfiguration of the existing parking lot and the addition of 91 off-street parking spaces, a new trash enclosure, and over 70,000 square feet of new landscaping.

In accordance with Chula Vista Municipal Code ("CVMC") 19.83.004, a Coastal Development Permit ("CDP") shall be required for any development within the coastal zone. The CDP application filed for this Project (MPA21-0023), was processed in conjunction with this Design Review.

The Director of Development Services has reviewed the proposed Project for compliance with the California Environmental Quality Act ("CEQA") and determined that the Project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. The Project consists of a partial demolition of, and minor addition to, an existing industrial building; thus, no further environmental review is required.

The Zoning Administrator, as authorized under the provisions of CVMC 19.14.582(C), makes the following findings pursuant to CVMC 19.14.582(B):

The proposed development, as conditioned, is compliant with the development regulations of the CVMC, Chula Vista Bayfront LCP, and all other applicable development standards.

The following table compares the proposed development to the standards outlined in the Chula Vista Bayfront LCP:

	Requirement	Proposed
Floor Area Ratio (FAR)	0.5 (maximum)	0.48
Building Height	44 - 95 feet*	35 feet, 10 inches
Yard Setbacks	Front: 20 feet Exterior Side: 15 feet Side: 20 feet Rear: 20 feet	Front: 217 – 225 feet (H Street) 200 feet (G Street) Exterior Side: 10 - 73 feet (Existing) Side: 49 feet (Existing) Rear: N/A

**In accordance with CVMC 19.85.012, the required building height range is intended to determine yard setbacks depending if building is less than 44 feet or between 44 and 95 feet. For buildings 44 feet or less in height, standard yard setbacks shall apply as specified in CVMC 19.85.010. For buildings between 44 and 95 feet, special yard setbacks shall apply as specified in CVMC 19.85.012.A.1.*

The proposed development is consistent with the development regulations of the I-G zone within the Chula Vista Bayfront LCP as they pertain to floor area ratio, building height, and yard setbacks. In accordance with Policy FA.2.F of the Chula Vista Bayfront LCP, the proposed design for the two-story entrance and modifications to the existing building will enhance the existing façade by breaking the monotony of the existing walls, incorporating different parapet heights, and providing a color scheme that will separate the building base from its upper elevation.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves DR22-0031 as described above, subject to the following conditions:

I. Prior to the issuance of building permits and/or the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirements:

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 building elevations approved by the Zoning Administrator.

2. A graffiti-resistant treatment shall be specified for all exterior wall and building surfaces. Additionally, the Project shall conform to CVMC 9.20 regarding graffiti control.

3. All roof appurtenances, including air conditioners and other roof-mounted equipment and/or projections, shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Director of Development Services. Such screening shall be architecturally integrated with the building design.

4. All ground-mounted utility appurtenances (transformers, air conditioning condensers, etc.) shall be located out of public view and adequately screened using a combination of concrete or masonry walls, berming, and/or landscaping.

5. All exterior lighting shall include shielding to reduce any glare onto adjacent residences and properties. Details for said lighting shall be included in the architectural plans.

6. A separate sign permit shall be required for any proposed signage on the Project site, and proposed signage shall be consistent with the provisions of CVMC 19.85.005.

Land Development

7. The Applicant shall comply with all current 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 Chula Vista Best Management Practices ("BMP") Design Manual; the City of Chula Vista Grading Ordinance No. 1797; and the State of California Subdivision Map Act.

8. The Applicant will be required, based on the Final Building Plans submitted, to pay all applicable fees per the master fee schedule.

9. 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.

10. Grading permit is required based on the earthwork quantities provided of 6,800 cubic yards ("CY"). Prior to beginning any earthwork activities at the site and before issuance of Building Permit, the Applicant shall submit grading plans to the Land development Division for processing, reviewing, and permitting in accordance with CVMC 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.

11. Applicant shall provide a letter from the site that will be accepting the export material estimated at 5,200 CY, prior to grading permit issuance. In addition, a Transportation permit is required to export said materials.

12. 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.

13. Design Review Drainage Report is considered conceptually complete and provides adequate information on the projects 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.

14. 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.

15. 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.

16. All construction sites are required to implement Construction BMPs in accordance with the performance standards outlined in Appendix K of the BMP Design Manual.

17. Prior to issuance of the Building Permit, the Applicant shall obtain a Construction Permit to construct the following:

    a. An American with Disabilities Act ("ADA") pedestrian ramp at the Southwest Corner of G Street and Bay Blvd.
    b. Upgrade the existing ped ramp at the Northwest Corner crossing Bay Blvd to meet ADA standards.
    c. The crosswalk crossing H Street at Bay Blvd shall have ladder striping per TRF-1. Striping plan shall be submitted for review and approval prior to any striping work.

18. All driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with CVMC 12.12.120 and Chula Vista standard drawing RWY-05 (Sight Distance Requirements). Also, landscaping, street furniture, or signs shall not obstruct the visibility of driver at the street intersections or driveways.

19. 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.

20. 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.

21. An Irrevocable Offer of Dedication ("IOD") of ten (10) feet is required on Bay Boulevard between H Street and G Street prior to Final Inspection.

22. An IOD of ten (10) feet required a long the frontage of the building on H Street prior to Final Inspection.

23. Any improvements in the right-of-way beyond the project limits shall be designed and constructed as to not interfere with adjacent owners or businesses, as approved by the City Engineer.

24. 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.

25. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.

26. Any private facilities (if applicable) within public right-of-way or City easement will require an Encroachment Agreement prior to Improvement Plan or Building Permit approval.

27. Before the final inspection the applicant shall provide a "Will Serve" letter from Sweetwater Authority for any water work.

28. Building Demolition will require a demolition permit prior to any demolition work.

29. The Applicant is advised that there may be additional requirements set at the time his/her 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

30. 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/development-services/resources/dsdformsspecifications Said plans shall conform to the following City documents including but not limited to:

    a. Landscape Water Conservation Ordinance ("LWCO"), Chapter 20.12 of the CVMC.
    b. City of Chula Vista Landscape Manual
    c. Shade Tree Policy (576-19)

31. Prior to the final building inspection, the Property 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.

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

1. The Applicant shall maintain the Project in accordance with the approved plans for DR22-0031, 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.

2. Approval of this permit shall not waive the Applicant/Owner's responsibility to comply with all applicable sections of Title 15 (Buildings and Construction) and 19 (Planning and Zoning) of the CVMC, the certified Chula Vista Bayfront LCP, and any other applicable City Ordinance in effect at the time of building permit issuance.

3. This permit authorizes only the use specified in the application for DR22-0031. Any new use, modification or expansion of the use, or activities not authorized under this DR, shall be subject to review and approval by the Director of Development Services or designee.

4. This permit shall become void if not used or extended within three years of the effective date thereof July 26, 2026, in accordance with CVMC 19.14.260. Failure to comply with any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.

5. The Applicant and Property Owner shall and do hereby agree to 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 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 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.

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. 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 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.

8. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood, and agreed to the conditions contained herein and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days shall indicate the Applicant/Representative's and Property Owner's desire that the Project and corresponding application(s) for building permits and/or business license(s) be held in abeyance without approval.

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Emil Wohl Date
for PSIP Wohl Bay Boulevard, LLC
(Applicant/Owner)

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 26th day of July 2023.

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D. Todd Phillips
Zoning Administrator