State of California - Department of Fish and Wildlife

2025 ENVIRONMENTAL DOCUMENT FILING FEE CASH RECEIPT

DFW 753.5a (REV. 01/01/25) Previously DFG 753.5a

RECEIPT NUMBER: 37 — 10/13/2025 - 0812

STATE CLEARINGHOUSE NUMBER *(If applicable)*

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEADAGENCY EMAIL	DATE
City of Chula Vista		10/13/2025

COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER
San Diego	37-2025-0812

PROJECT TITLE

Battery Energy Storage System (BESS) Facility

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER
Chula Vista Energy Center 2, LLC		(916) 447 5171

PROJECT APPLICANT ADDRESS	CITY	STATE	ZIP CODE
3497 Main Street	Chula Vista	CA	91911

PROJECT APPLICANT *(Check appropriate box)*

☐ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☒ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	$4,123.50	$ 0
☐ Mitigated/Negative Declaration (MND)(ND)	$2,968.75	$ 0
☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW	$1,401.75	$ 0

☒ Exempt from fee

- ☒ Notice of Exemption (attach)
- ☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)	$850.00	$ 0
☒ County documentary handling fee		$ 50.00
☐ Other		$ 0

PAYMENT METHOD:

☐ Cash ☐ Credit ☒ Check ☐ Other **TOTAL RECEIVED** $ 50.00

SIGNATURE	AGENCY OF FILING PRINTED NAME AND TITLE
X Silvia Luna	San Diego County Clerk Silvia Luna, Deputy

CK# 175

ORIGINAL - PROJECT APPLICANT | COPY - CDFW/ASB | COPY - LEAD AGENCY | COPY - COUNTY CLERK | DFW 753.5a (Rev. 0101202

FILED

OCT 13, 2025 05:09 AM/PM
Jordan Z. Marks
SAN DIEGO COUNTY CLERK

File # 2025000892

State Receipt # 37101320250812

SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk

TYPE OR PRINT CLEARLY

Project Title

BATTERY ENERGY STORAGE SYSTEM (BESS) FACILITY

Check Document being Filed:

- ○ Environmental Impact Report (EIR)
- ○ Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- ◉ Notice of Exemption (NOE)
- ○ Other (Please fill in type):

FILED IN THE OFFICE OF THE SAN DIEGO COUNTY CLERK ON October 13, 2025

Posted October 13, 2025 **Removed** _____

Returned to agency on _____

DEPUTY _____

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office.For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: San Diego
1600 Pacific Highway
San Diego, CA 92101

From: (Public Agency): City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910
(Address)

Project Title: Battery Energy Storage System (BESS) Facility

Project Applicant: Chula Vista Energy Center 2, LLC 3497 Main Street Chula Vista CA 91911 (916) 447-5171

Project Location - Specific:
3497 Main Street (APN: 629-062-04)

Project Location - City: Chula Vista Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project:
Conditional Use Permit and Design Review for a 50 MW (megawatt) Battery Energy Storage System (BESS) facility on a portion of a 3.82-acre parcel within the Limited Industrial Precise Plan (ILP) zone.

Name of Public Agency Approving Project: City of Chula Vista

Name of Person or Agency Carrying Out Project: Chula Vista Energy Center 2, LLC

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Section 15332 (In-Fill) & Section 15303 (New Construction)
- ☐ Statutory Exemptions. State code number:

Reasons why project is exempt:

Pursuant to Sections 15332 (In-fill Development Projects) and 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, the Project qualifies for Class 32 and Class 3 categorical exemptions. The Project Site is approx. 1.9 acres in size and is substantially surrounded by urban uses. The Project is consistent with the General Plan's policies and designation for the Project Site (Limited Industrial), as well as the Project Site's zoning designation (Limited Industrial) and applicable development regulations. The Project Site has no value as habitat for endangered, rare, or threatened species; the Project will not result in significant effects relating to traffic, noise, air quality, or water quality, nor to public services or utilities. The Project is in an urbanized area, will construct small equipment and facilities on a site already used for electrical power generation and includes fewer than four commercial buildings not exceeding 10,000 square feet.

Lead Agency
Contact Person: Desmond Corley Area Code/Telephone/Extension: (619) 691-5110

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes (No)

Signature: [signature] Date: 10-10-25 Title: PRES. DENT

Signed by Lead Agency (Signed by Applicant)

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Docusign Envelope ID: 900CF2A3-2A90-4717-B763-010AB9787B0C

RESOLUTION NO. 2025-170

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING CERTAIN FINDINGS OF FACT AND APPROVING CONDITIONAL USE PERMIT CUP24-0024 AND DESIGN REVIEW DR24-0016 FOR THE ESTABLISHMENT AND CONSTRUCTION OF A BATTERY ENERGY STORAGE SYSTEM FACILITY ON APPROXIMATELY 1.9 ACRES OF A 3.82-ACRE PARCEL WITHIN A LIMITED INDUSTRIAL – PRECISE PLAN ZONE

WHEREAS, on October 10, 2024, a duly verified application for a Conditional Use Permit and Design Review was filed with the City of Chula Vista Development Services Department by Chula Vista Energy Center 2, LLC ("Applicant") for property owned by 3489 Main Street Holdings, LLC ("Property Owner"); and

WHEREAS, the property that is the subject of this Resolution is an approximately 1.9-acre portion of a 3.82-acre developed parcel with an existing power-generating facility ("Project Site"); and

WHEREAS, the Applicant proposes to establish and construct a battery energy storage system (BESS) facility, not to exceed 50 megawatts, on the northern portion of the Project Site ("Project"); and

WHEREAS, the Project will be connected to the San Diego Gas and Electric ("SDG&E") transmission system by an existing 69-kilovolt transmission line connected to the SDG&E Otay substation and will charge during high-supply/low-demand hours and discharge during low-supply/high-demand hours; and

WHEREAS, in accordance with Sections 19.44.040(O) and 19.54.020(M) of the Chula Vista Municipal Code ("CVMC"), public and quasi-public uses as defined in CVMC 19.04.002 are subject to consideration and approval of a Conditional Use Permit by the City Council subsequent to its receipt of a recommendation from the Planning Commission; and

WHEREAS, the Director of Development Services reviewed the Project for compliance with the California Environmental Quality Act ("CEQA") and determined that the Project qualifies for a Class 32 categorical exemption pursuant to CEQA Guidelines Section 15332 (In-fill Development Projects), because the Project Site is approximately 1.9 acres in size and is substantially surrounded by urban uses; the Project is consistent with the General Plan's policies and designation for the Project Site (Limited Industrial), as well as the Project Site's zoning designation (Limited Industrial) and applicable development regulations; the Project Site has no value as habitat for endangered, rare, or threatened species; and approval of the Project will not result in significant effects relating to traffic, noise, air quality, or water quality, nor to public services or utilities; and

Docusign Envelope ID: 900CF2A3-2A90-4717-B763-010AB9787B0C

WHEREAS, the Director of Development Services has also determined that the Project qualifies for a Class 3 categorical exemption pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) because the Project is located in an urbanized area, consists of the construction of small equipment and facilities on a site already used for electrical power generation, and includes fewer than four commercial buildings not exceeding 10,000 square feet; 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 10 days prior to the hearing; and

WHEREAS, staff recommended that the Planning Commission adopt a Resolution recommending to the City Council approval of the Project, including Conditional Use Permit CUP24-0024 and Design Review DR24-0016; and

WHEREAS, after review and consideration of the Staff Report and related materials for the Project, the Planning Commission hearing on the Project was held at the time and place as advertised in the City Council Chambers, 276 Fourth Avenue, and the Planning Commission voted 7-0 to adopt Planning Commission Resolution No. 2025-07 recommending to the City Council approval of the subject actions, and the hearing was thereafter closed; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the public hearing on the Project held on September 24, 2025, and the Minutes and Resolution resulting therefrom are incorporated into the record of this proceeding; and

WHEREAS, the City Clerk set the time and place for a hearing before the City Council on 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 within 500 feet of the exterior boundaries of the property at least 10 days prior to the hearing; and

WHEREAS, after review and consideration of the Staff Report and related materials for the Project, the duly called and noticed public hearing on the Project was held before the City Council in the City Council Chambers, 276 Fourth Avenue, to hear public testimony with regard to the same, and the proceedings and any documents submitted to the City Council as the decisionmakers shall comprise the entire record of the proceedings.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista, after hearing public testimony and staff's presentation and after reviewing all of the subject documents, does hereby find, determine, and resolve as follows:

I. COMPLIANCE WITH CEQA

Pursuant to Sections 15332 (In-fill Development Projects) and 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, the Project qualifies for Class

Docusign Envelope ID: 900CF2A3-2A90-4717-B763-010AB9787B0C

32 and Class 3 categorical exemptions to the provisions of CEQA. The Project Site is approximately 1.9 acres in size and is substantially surrounded by urban uses. The Project is consistent with the General Plan's policies and designation for the Project Site (Limited Industrial), as well as the Project Site's zoning designation (Limited Industrial) and applicable development regulations. The Project Site has no value as habitat for endangered, rare, or threatened species, and approval of the Project will not result in significant effects relating to traffic, noise, air quality, or water quality, nor to public services or utilities. The Project is located in an urbanized area, consists of the construction of small equipment and facilities on a site already used for electrical power generation and includes fewer than four commercial buildings not exceeding 10,000 square feet.

II. CONDITIONAL USE PERMIT FINDINGS

Pursuant to CVMC 19.14.080, the City Council finds the following to be true:

A. *The proposed use at this location is necessary or desirable to provide a service or facility that will contribute to the general wellbeing of the neighborhood or the community.*

The Project will provide a facility to store renewable energy, stabilize voltage fluctuations from renewable energy sources, and provide local capacity in the event regional transmission lines are inoperative or de-energized during Public Safety Power Shutdown high-wind conditions.

B. *The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, nor will it be injurious to property or improvements in the vicinity.*

The Project will be subject to all health, safety, and general welfare standards and regulations set forth by the City of Chula Vista and other applicable agencies, including but not limited to California Public Utilities Commission General Order 167 and Senate Bill 283 – Clean Energy Safety Act of 2025. All additional permitting will comply with the applicable sections of the California Building and Fire Codes.

C. *The proposed use will comply with the regulations and conditions specified in CVMC Title 19 for such use.*

Upon review, the Project is compliant with all applicable conditions, codes, and regulations contained within the CVMC and will be required to comply with the same, including but not limited to the performance standards in CVMC 19.66, upon permitting.

D. *Granting this conditional use will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.*

Docusign Envelope ID: 900CF2A3-2A90-4717-B763-010AB9787B0C

The Project Site is designated as Limited Industrial in the Chula Vista General Plan. The proposed use, as a public or quasi-public facility, is consistent with the General Plan designation and the Limited Industrial – Precise Plan (ILP) zoning of the Project Site.

III. DESIGN REVIEW FINDINGS

Pursuant to CVMC 19.14.593, the City Council finds the following to be true:

A. *The Project is consistent with the City of Chula Vista's General Plan and CVMC Title 19.*

The Project complies with all applicable development standards, including the regulations for the ILP zone, including height, setbacks, and lot coverage. Two parking spaces are proposed on the Project Site to accommodate periodic maintenance vehicles.

B. *The Project is consistent with the design requirements and recommendations contained in the City of Chula Vista's Design Manual.*

The Project will be screened from views along Main Street and from adjacent properties through the use of existing landscaping and a 10-foot galvanized fence. The existing power generating facility does not have an architectural style, and the proposed BESS structures are utilitarian in nature. However, the structures will be constructed using a high-quality steel material and painted white to ensure a clean appearance. Additionally, the Project Site will feature new site lighting that will be fully shielded to prevent glare onto adjacent properties.

C. *The Project will not adversely affect the health, safety, or general welfare of the community.*

The Project will be subject to all health, safety, and general welfare standards and regulations set forth by the City of Chula Vista and other applicable agencies, including but not limited to California Public Utilities Commission General Order 167 and Senate Bill 283 – Clean Energy Safety Act of 2025. All additional permitting will comply with the applicable sections of the California Building and Fire Codes.

IV. CONDITIONS OF APPROVAL

Unless otherwise specified, the following shall be accomplished to the satisfaction of the Director of Development Services or their designee prior to issuance of building permits:

Planning

1. The Project shall be operated exclusively in conjunction with the California Independent System Operator ("CAISO") or their successor. The energy stored at the

Docusign Envelope ID: 900CF2A3-2A90-4717-B763-010AB9787B0C

BESS facility shall not be sold to a private entity. Any proposed change in operational control from CAISO shall be subject to prior review and approval by the City Council.

2. 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 appropriate standard established by the Director of Development Services.

3. The Applicant shall develop the Project and Project Site in accordance with the approved plans for CUP24-0024 and DR24-0016, 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 with this permit.

4. 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 architecturally compatible 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.

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.

6. No clearing of vegetation shall take place during the nesting bird season (generally between February 1 and August 31). If vegetation removal is required during the nesting bird season, the Applicant shall conduct take avoidance surveys for nesting birds within 100 feet of areas proposed for vegetation removal. Surveys should be conducted by a qualified biologist(s) within three days prior to vegetation removal. If active nests are observed, a qualified biologist will determine appropriate minimum disturbance buffers or other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. Furthermore, implementation of Area-Specific Management Directives (conditions of coverage) in accordance with Table 3-5 of the Chula Vista Multiple Species Conservation Program ("MSCP") Subarea Plan for active Cooper's hawk nests (if detected during nesting bird surveys) includes establishment of a 300-foot impact avoidance area.

7. In the event of a fire or chemical leaks from the facility, the Applicant shall ensure that all runoff shall be diverted away from the Otay River and sensitive habitats. If necessary, any such hazardous pollutants shall be retained on site and subsequently properly disposed of.

Docusign Envelope ID: 900CF2A3-2A90-4717-B763-010AB9787B0C

8. The Project has been determined to be exempt from CEQA pursuant to Sections 15303 (New Construction or Conversion of Small Structures) and 15332 (In-fill Development Projects) of the CEQA Guidelines, and in accordance with CEQA Guidelines Section 15062. City of Chula Vista staff shall file a Notice of Exemption (NOE) with the County Clerk and State Clearinghouse within five (5) working days of the effective date of this approval.

9. The applicant shall provide community benefits within the City of Chula Vista totaling $196,000, including:

    a. A one-time donation of:

        i. $15,000 to the Chula Vista Elementary and Sweetwater Union High School Districts;
        ii. $15,000 to various community organizations for special events;
        iii. $40,000 for workforce training and development; and
        iv. $50,000 to the City of Chula Vista for Park amenities within Council District 4.

    b. A recurring community benefit of:

        i. $1,000 annual school scholarship within the Sweet Water Union High School District; and
        ii. $15,000 annual donation to the City of Chula Vista for Park amenities in Council District 4 for a period of five (5) years.

    The initial $50,000 one-time Park amenities donation and the first $15,000 annual Park amenities contribution shall be provided prior to building permit issuance. The applicant shall also submit a bi-annual Community Benefits and Contributions Report to the City for the duration of the commitments.

Land Development

10. The Project shall comply with all applicable requirements and guidelines of the CVMC; the Chula Vista Subdivision Manual; City of Chula Vista Design and Construction Standards; the Development Storm Water Manual for Development and Redevelopment Projects; the City of Chula Vista Grading Ordinance (No. 1797); and the Subdivision Map Act.

11. The Applicant shall be required to pay applicable fees to the Development Services Department based on the final approved building plans for the Project including, but not limited to, the following:

    a. Transportation development impact fees

    b. Public facilities development impact fees

Docusign Envelope ID: 900CF2A3-2A90-4717-B763-010AB9787B0C

c. Parkland acquisition and development fees

d. Sewer capacity fees and sewer administration fees

e. Other applicable Engineering fees in accordance with the City of Chula Vista Master Fee Schedule

12. Prior to the final building inspection for the Project, the infrastructure serving the Project Site shall be constructed and fully operational to the satisfaction of the Director of Development Services, or their designee.

13. The Applicant shall deposit applicable fees in accordance with the City of Chula Vista Master Fee Schedule for any submittals required by the Subdivision Manual and/or the CVMC.

14. 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). Neither landscaping, street furniture, nor signs shall obstruct the visibility of drivers at street intersections or driveways.

15. Prior to the issuance of any building permit for the Project, the Applicant shall submit an improvement plan and obtain a construction permit for the installation of any required sidewalk, curb and gutter, street trees, private driveways, and associated signage and striping in the City's right-of-way including, but not limited to:

    a. The Project driveway shall be constructed to City standard GSI-01. The improvement plans shall show the location of the existing cross gutter adjacent to the property. The proposed driveway shall not conflict with the existing cross gutter.

    b. Installation of curb, gutter, and sidewalk in accordance with San Diego regional standard drawings G-2 and G-7 along the Project's frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.

    c. Installation of red curb on both sides of the driveway entrance according to sight visibility requirements. The red curb shall extend to the sight visibility triangle limits.

    d. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required as necessary. Utilities trenching and restoration shall be conducted in accordance with Chula Vista construction standard GSI-03.

16. The Applicant shall identify, process, and obtain required permits from other agencies and/or jurisdictions prior to the issuance of any City permit for the Project.

Docusign Envelope ID: 900CF2A3-2A90-4717-B763-010AB9787B0C

17. Any right-of-way improvements beyond the Project limits shall be designed and constructed so as not to interfere with access for adjacent businesses, as approved by the City Engineer.

18. Prior to beginning any earthwork activities at the Project Site, and prior to the issuance of a building permit for the Project, 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 Subdivision Manual and the City's current (at the time of submittal) Best Management Practices ("BMP") Design Manual.

19. Prior to importing any fill material to be used on the Project Site, the Applicant shall obtain a transportation permit from the City. The transportation permit submittal shall include a letter from the Project's geotechnical engineer deeming the imported material to be suitable for transport. If applicable, the Applicant shall also obtain a transportation permit prior to exporting any material from the Project Site. In the case that a transportation permit is sought for exporting material, the application shall include a letter from the property owner of the site proposed to receive the material.

20. Prior to the issuance of a grading permit for the Project, required technical reports (e.g., geotechnical, drainage, and sewer reports, etc.) shall be submitted to the City for review and approval.

21. The submitted Stormwater Quality Management Plan ("SWQMP") is considered conceptually complete and provides sufficient information regarding the Project BMP's objectives to move forward with construction documents. Additional requirements may be imposed upon submittal of permit drawings or at the time of Project development, depending upon the final plans submitted for review and approval.

22. Prior to the issuance of a grading permit for the Project, a Stormwater Pollution Prevention Plan ("SWPPP") must be submitted and approved.

23. The submitted drainage report is considered conceptually complete and provides sufficient information regarding the Project's drainage objectives to move forward with construction drawings. Additional requirements may be imposed upon submittal of permit drawings or at the time of Project development, depending upon the final plans submitted for review and approval.

24. The following applies to any retaining wall on the Project Site:

    a. When grading plans are submitted for permitting, all retaining walls shall be noted on the plans, including detailed wall profiles.

    b. Structural wall calculations shall be required if Project walls are not built in accordance with San Diego regional standard drawings or Chula Vista construction standard GRD-05.

Docusign Envelope ID: 900CF2A3-2A90-4717-B763-010AB9787B0C

c. Retaining walls that will be part of a building wall shall 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 Project Site's drainage system.

25. Prior to the issuance of any building permit for the Project, the Applicant shall provide the City with proof of pad certification.

26. The onsite sewer and storm drain system(s) shall be private. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.

27. All proposed sidewalks, walkways, pedestrian ramps, and accessible parking (if any) shall be designed to meet Chula Vista design standards, Americans with Disabilities Act standards, and Title 24 (Building Standards) as applicable.

28. Any proposed private water, sewer, and fire line structures shall be submitted on a separate building plan and permitted by the Building Services Division and Fire Department.

29. Any proposed trash enclosure shall be covered in accordance with the City's current BMP Design Manual (Fact Sheet SC-Q).

30. Prior to the issuance of a construction permit or building permit for the Project, the Applicant shall obtain an encroachment permit for any private facilities within public rights-of-way and/or City easements. City Council authorization is required for Encroachment Permits for underground and overhead of private structures, facilities, or improvements within the public right of way pursuant to Chula Vista Municipal Code (CVMC) 12.28.020.

31. Prior to the issuance of a Certificate of Occupancy (if applicable) or the final inspection, the Applicant shall demonstrate to the reasonable satisfaction of the Director of Development Services that sufficient design features have been incorporated in the finished works to avoid significant impacts to the floodplain or flooding of improvements for any portion of the Project that may be located in Federal Emergency Management Agency (FEMA) Zone AE. The improvements shall conform to the requirements in CVMC 14.18.160.

32. Prior to grading plan approval, the Applicant shall upload digital files in a format such as AutoCAD DWG or DXF (AutoCAD version 2000 or above) files, ESRI GIS shapefile, or personal geodatabase (ArcGIS version 9.0 or above). The files should be transmitted directly to the GIS section using the City's digital submittal file upload website at: http://www.chulavistaca.gov/goto/GIS. The data upload site only accepts zip formatted files.

Docusign Envelope ID: 900CF2A3-2A90-4717-B763-010AB9787B0C

33. If stained or suspect soil is encountered during grading or any other construction activity, it shall be evaluated by a qualified environmental consultant and disposed of in accordance with applicable laws and regulations.

34. If soil is exported from the Project Site during grading or any other construction activity, it shall be sampled and analyzed for petroleum hydrocarbons and metals. A letter of acceptance from the property owner of the receiving site shall be provided to the City prior to the export. The letter shall be written to the satisfaction of the Director of Development Services.

Fire

35. The Project utilized a third-party Fire Protection Engineer ("FPE") to pre-review all plans, technical documents, and reports to confirm compliance with federal, state, and local jurisdiction code requirements on behalf of the City of Chula Vista and the Chula Vista Fire Department. The Applicant shall provide the required FPE-certified plans, documents, and reports, including all commissioning reports and certifications, as part of the building permit submittal.

36. The architectural and engineering building permit plans shall be stamped by the Project FPE and/or a certified Professional Engineer ("PE") prior to submittal for building permit review. The stamping of said plans shall be accompanied by a letter from the Project FPE/PE indicating that the Project was reviewed for and is in full compliance with adopted federal, state, and local jurisdiction code requirements. This letter shall be reproduced on the architectural and engineering building permit plan submittal.

37. The Project FPE/PE shall be responsible for performing third-party inspections, testing, and commissioning of the Project. Final commissioning paperwork from the Project FPE/PE shall be submitted to the Chula Vista Fire Department as part of the building permit Fire Final Inspection and is required prior to issuance of a Certificate of Occupancy for the Project.

38. Prior to any construction, the Applicant shall apply for and receive approval for all required construction permits.

39. The Project design shall be in accordance with California Title 24 (Building Standards) and City of Chula Vista Fire Ordinances and Construction Standards and Details.

40. Fire access roadway / drivable area site plan (Ground Surface Plan Sheet 5) "Legend Area Green - Permanent Roadway shall be designed to withstand 75,000 lbs. Gross Vehicle Weight Rating (GVWR). Permeable pavement can be used if designed to withstand the above." Remove "compacted aggregate" wording as that surface will not be allowed. Detail CVEC2-C-03 – Concrete capped drainage V-Ditch shall be able to supports the 75,000 GVWR.

41. Turning radius of proposed fire access road shall be in accordance with Chula Vista Fire Department ("CVFD") Auto turn detail.

Docusign Envelope ID: 900CF2A3-2A90-4717-B763-010AB9787B0C

42. The Project is located within the Local Response Area (LRA) of the High Fire Hazard Severity Zone and shall comply with Chapter 7A of the California Building Code. If building plans are submitted after January 1, 2026, the Project shall comply with Part 7 of the California Wildland Urban Interface Code.

43. The Project Site shall maintain compliance with the brush management requirements/standards for the High Fire Hazard Severity Zone.

44. The BESS structures shall be installed directly on permanent foundations at the approved locations upon delivery and shall not be staged at temporary or intermediate locations, either on the Project Site or elsewhere.

45. A valid easement for use of the private road must be maintained at all times during the ongoing use of the Project Site. The road shall be kept in a condition that ensures continuous, unobstructed access.

Landscape Architecture

46. Prior to the issuance of a building permit for the Project, the landscape improvement plans shall demonstrate that appropriate planting and irrigation protection is provided during construction. "Landscape Protection Notes" shall be added to the plan set on the title sheet and shall include the notes listed in Part Three, Section Two, Chapter 2.1.5 of the Chula Vista Landscape Manual.

47. Prior to removal or alteration of any landscaping in the public right-of-way, the Applicant shall obtain approval from the City's Open Space Manager or their designee.

V. IMPLEMENTATION, ENFORCEMENT OF CONDITIONS, AND DEFENSE OF APPROVALS

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 and the Project Site in accordance with the approved plans for CUP24-0024 and DR24-0016, 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 permit issuance.

3. The City reserves the right to review this permit and its approved use if, at any time, it has cause to believe that the use is out of compliance with this permit. Should the use be deemed noncompliant, the Director of Development Services shall review this permit and determine, in consultation with the Applicant and Property Owner, whether the permit must be modified from its original approval or revoked, or whether a new

Docusign Envelope ID: 900CF2A3-2A90-4717-B763-010AB9787B0C

permit is required. If a new permit is required, the Director of Development Services shall determine the timeline for review. Such review shall not result from changes to the applicable standards and regulations in effect at the time of this permit's issuance.

4. 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.

5. These plans may be subject to minor modifications with the approval of the Director of Development Services. However, any substantial modifications shall be subject to approval by the City Council.

6. These permits shall expire within three years of the approval date (October 7, 2028) unless the Applicant initiates an extension prior to expiration of the permit in accordance with CVMC 19.14.260 and 19.14.600.

7. 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.

8. The conditions of approval for CUP24-0024 and DR24-0016 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.

VI. 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). Failure to timely follow this procedure will bar any subsequent legal action to attack, 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, and it does not apply to any fees, dedication, reservations, or other exactions that have been given notice

Docusign Envelope ID: 900CF2A3-2A90-4717-B763-010AB9787B0C

similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

VII. 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 Clerk. 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 subsequent permit applications be held in abeyance without approval.

DocuSigned by:
Annette Crawford
F85363SB5604471...

10/10/2025

Annette Crawford
for 3489 Main Street Holdings, LLC
Property Owner

Date

DocuSigned by:
Harold Dittmer
E5F237AC88EC4DC...

10/9/2025

Harold E. Dittmer
for Chula Vista Energy Center 2, LLC
Applicant

Date

VIII. INVALIDITY; AUTOMATIC REVOCATION

It is the intention of the City Council 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 shall be deemed to be automatically revoked and of no further force and effect ab initio.

Docusign Envelope ID: 900CF2A3-2A90-4717-B763-010AB9787B0C

Presented by

Signed by:
Roy Sapa'u
257B17BE38BA484...
Roy Sapa'u
Director of Development Services

Approved as to form by

Signed by:
Marco A. Verdugo
96F667613088476...
Marco A. Verdugo
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 7th day of October 2025 by the following vote:

AYES:	Councilmembers:	Chavez, Fernandez, Inzunza, and McCann
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	Preciado

DocuSigned by:
7804EC23B90B473...
John McCann, Mayor

ATTEST:

DocuSigned by:
3074D104EAE342E...
Kerry K. Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 2025-170 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 7th day of October 2025.

Executed this 7th day of October 2025.

DocuSigned by:
3074D104EAE342E...
Kerry K. Bigelow, MMC, City Clerk