



APPEAL APPLICATION FORM

Appeal the decision of the:

- Zoning Administrator
- Planning Commission

STAFF USE ONLY

Date Received: \_\_\_\_\_  
Fee: \_\_\_\_\_  
Receipt # \_\_\_\_\_  
Case # \_\_\_\_\_

Application Information

Name of Appellant Kerri Aviles Phone [REDACTED]  
Address [REDACTED]  
Business Address \_\_\_\_\_  
Project Address 1880 Auto Park Place, Chula Vista CA 91911  
Project Description Auto Collision and Repair

(Example: variance, conditional use permit, design review, etc.)

Please use the space below to provide a response to the decision you are appealing. Attach additional sheets, if necessary. Grounds for an appeal must be based on at least one of the following:

- (1) Factual Error.** The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter was inaccurate;
- (2) New Information.** New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision; or
- (3) Findings Not Supported.** The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker.

In order for an appeal to be valid, detailed responses must be included which cite at least one of the above reasons for the appeal along with substantiation of the facts and circumstances on which the claim of the appeal is based. If an appeal is filed within the time limit specified, and determined to be valid, it automatically stays proceedings in the matter until a determination is made by the City Council.

A hearing was held to approve the Auto Collision and repair shop at the base of my home. Pertinent information was withheld. Oscar Romero is the planner who presented at this hearing and submitted a slide show for the commissioners to view. What the slide show failed to demonstrate is the fact that there are already two businesses to the east and West of this proposed lot with a combined total of over 100 cars that come and go all day long. Cars that have back up alarms, use generated powered washing devices, set off multiple alarms at once and emit a tremendous amount of exhaust and pollution. Pictures and videos were provided prior to the start of the hearing however none of these issues were brought up or discussed. Zero transparency was had in this process.

Appeal Form Directions

Pursuant to the Chula Vista Zoning Ordinance Chapter 19.14, an interested party may appeal the decision of the Zoning Administrator, or Planning Commission to the City Council. The appellant must be an interested party. An interested party means a person who was present at a public hearing from which an appeal arose and who had filed a speaker slip with the decision maker at that public hearing, or a person who expressed an interest in the project in writing to that decision maker before the close of the public hearing or a decision on an action from which an appeal may be filed. The appellant must file a complete appeal application form within the specified appeal period (10 business days after the decision has been made), complete the Disclosure Statement, and pay the required fee. Once a valid appeal form is filed, the appeal will be scheduled for a hearing by the City Council within 30 days.

Aviles, Kerri

Digitally signed by Aviles, Kerri  
Date: 2020.06.10 16:04:08 -0700

Signature of Appellant

Date: 6/10/20

DO NOT WRITE IN THIS SPACE

The above matter has been scheduled for public hearing before the:  City Council On \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Development Services Department

City Clerk



## APPEAL TO THE PROPOSED AUTO COLLISION AND REPAIR FACILITY

This appeal is being submitted to oppose the decision made in regards to the Auto Collision and Repair facility that has applied to be built at 1880 Auto Park Place, Chula Vista, CA 91911,

On 4/25/2020, Residents in the Robinhood Point community were provided with written notice that an Auto Collision and Repair facility had submitted an application to be built at the base of the hill and directly next to my home. Robinhood Point consists of 291 homes with an active Home Owners Association. Many homeowners including myself began reaching out to the Associate Planner, Oscar Romero expressing our strong opposition to the proposed business. Please see the written correspondence to Mr. Romero dating from 4/25/2020 to 6/26/2020 consisting of (5) pages attached herein.

Mr. Romero indicated to that there would be a hearing in which members of the public would be able to participate in a virtual Planning Commission Meeting on 5/27/2020. Prior to the meeting date, several homeowners including myself began reaching out via e-mail to state our opposition and inquire about the specifics governing the zoning for this particular lot of land.

On 4/27/2020, Mr. Romero provided a link to view the City of Chula Vista Auto Park North Specific Plan consisting of 13 pages. This plan was adapted in 2003 and supersedes prior zoning regulations. I had the opportunity to read the Auto Park North Specific Plan and had several questions for Oscar Romero regarding what it stated. Please see my questions listed in the e-mail correspondence attached.

Mr. Romero's response stated that the site and the use had been reviewed and approved under Mitigated Negative Declaration IS-02-006. (Adopted in 2003)

The response left more questions as I had not viewed a copy of the Mitigated Negative Declaration report. Additional concerns were raised due to the fact there had not been any further studies or inspections of the area since 2003 when the new zoning occurred.

On 5/26/2020, Additional questions were e-mailed to Mr. Romero specifically asking if all of the e-mails and concerns provided by the community to him would get presented at the 5/27/2020 meeting. Mr. Romero indicated that yes, all information would be provided at the meeting. There was no deadline provided. Please see the e-mail below.

Good morning Mr. Romero and neighbors,

As a reminder tomorrow is the meeting at 6:00PM and I hope everyone in the community follows the progress and shares their concerns about the proposed building of another auto collision and repair shop at the base of the community. Per the Notice Of Public Hearing letter it states that if we want to submit comments in advance we can direct them to Mr. Romero. Mr. Romero will you be collecting and presenting the e-mails that have already been submitted to you? Neighbors if you want to submit comments during the meeting the letter directs you to <https://chulavista.granicusideas.com/meetings>.

I encourage everyone to share this within the community and send Mr. Romero your thoughts as well as participate in the meeting.

Kerri Aviles

**On 5/26/2020**, Mr. Romero responded with the statement below.

**"Hi Mrs. Aviles,**

**Yes, I will provide the emails sent earlier to the Planning Commission as well as any new ones that may come in. As a follow up, I have responded to the questions and statements posed in the earlier email and provided here for your review."** There was no mention of a cut off time in regards to receiving the information being provided.

**On 5/27/20**, at 4:34 PM, I emailed Mr. Romero providing two photos and two short videos of the lots to the East and West of the proposed lot for the Auto Collision and repair facility. Those two photos and videos were taken in my front and side yard. The photo to the West shows a large lot with approximately 80-100 vehicles parked on it. These vehicles are delivery vans that Amazon and two other delivery companies use to make deliveries every day. The van operators frequently use car alarms to locate their vehicle, use back up alarms when getting in and out of their space, use generated power washers to wash the vans and do light mechanical work in the location. All of this contributing to CO2 emissions, environmental impact, and noise.

The photo to the East depicts an Automobile Sales Dealership called RTA Auto and is located at 1860 Auto Park Pl. Chula Vista CA 91911. This dealership appears to be comprised of auto sales and large machinery rentals. There are approximately 40 cars on the lot along with a second lot that houses approximately 20 large lifts. These lifts are hoisted onto large flatbed trucks and driven off the lots. This is an active business that operates daily. These large trucks use back up alarms, make a lot of noise and contribute to the pollution and CO2 emissions here. Please see a copy of the photos consisting of (2) pages attached herein.

My point in sending Oscar Romero the videos and photos was to ensure he had a very clear understanding as to the current businesses that already exist next to our residential community. Businesses that consist of approximately 130 cars that operate daily bringing noise and pollution to our community.

**On 5/27/20**, Residents of Robinhood Point Community attempted to log on and participate in the City Planning Meeting. This was a virtual meeting, which posed some significant difficulty to participate in. The process to get set up and log in took a lot of time for many of the homeowners and some were not able to access the portal at all. It was difficult to view the meeting, hear the commissioners (as they too were suffering from technical difficulty) or provide comments. Several homeowners called me throughout the meeting asking for updates and wanting to express their concerns. In turn, I began calling in to the City Clerk requesting assistance. Additionally I forwarded the City Clerk a copy of the earlier e-mail that was sent to Mr. Romero, which contained the two photos, and videos of the existing businesses to the East

and West of the proposed lot as I wanted to be sure the Commissioners had a chance to view them. Ultimately none of my photos or videos were presented.

Oscar Romero presented a slide show depicting what the proposed Collision and Repair facility would entail. The slide show consisted of 13 slides. Three slides depict the land for which the proposed business will be built. What Mr. Romero willfully failed to show the commissioners is the proximity to my home. Each photo was taken at an angle in which my home is deliberately omitted and not visible. Picture number 3 was taken FROM MY FRONT YARD yet, this is not stated in the slide show. In addition to this omission and editing, it was also not disclosed that there are ALREADY TWO EXISTING BUSINESSES that are in full operation and run daily. In Mr. Romero's slide show, the area to the East is completely cut off not allowing the viewer to see the Auto dealership and lift rental business. Furthermore, the area to the West, Mr. Romero calls this a "a parking lot" opposed to a very active delivery center with 80-100 vehicles in daily operation. The photos he displays depicts the area as if it were open fields and clearly went to great lengths to conceal my home from the photos that were provided.

There was zero information provided to the commissioners to discuss the current noise level from the two existing businesses, pollution, environmental effects, ground water, and emissions. Additionally there is not a current California Environmental Quality Act (CEQA) that is recent and takes into account what businesses are here and existing. This presentation was nothing sort of complete fraud in that the facts were not presented to the Commissioners in order for them to conduct an honest vote. The willful omission of details demonstrates a lack in integrity and transparency and is deceitful on part of the City Planner. Neither of the two photos or the two videos that I sent in were provided for the Commissioners to review. Had the Commisioners been presented with what I sent in, it would have been clear that Mr. Romero intentionally and purposely omitted the fact that there is a home with a family living in it directly next to and above the proposed business.

During the meeting, Commissioner Nava acknowledged having worked in an auto collision and repair shop and recalled how incredibly loud they were. Additionally, One Commissioner acknowledged not having read the Auto Park North Specific Plan and relied solely on Mr. Romero's "expertise" when it came to answering questions related to the zoning of the area. The Chair commented that "there is already freeway noise to contend with so what difference would this make?" To be clear, Robinhood Point is not directly near the freeway and the sounds that do make their way here are like faint white noise with no significant impact.

The ultimate vote ended in all commissioners submitting "aye" votes for the proposed Auto Collision and Repair facility. A decision so great and one that could significantly and negatively impact the health and well being of my community and my family. Residents were given FOUR minutes (two were added in order to compensate for the electronic glitches) to log in and oppose the decision. A decision that clearly put Chula Vista businesses above Chula Vista tax paying citizens and residents. This hearing and voting process was a disservice to the Robinhood Point Community and its nearly 900 residents.

Immediately following the Commissioners vote, I notified City Planner Oscar Romero of the fraudulent act that occurred based on the willful omission of facts surrounding his proposal.

On 5/28/2020, I began communicating with Tony Cruz from Councilmen Stephen Padilla's office. I shared with Senior Aide, Tony Cruz, all of my concerns related to the omitted information and fraudulent City Planning Commission Meeting. I shared with him all of the same details that had been provided to City Planner, Oscar Romero. Mr. Cruz responded by stating that the City Clerk informed him that the e-mails had been forwarded to the Commission and that the Chair extended the Public Hearing an additional two minutes (for a total of four minutes). Furthermore, Mr. Cruz stated that I could file an appeal if I disagreed with the decision. Please see a copy of the e-mails consisting of (4) pages attached herein

On 6/11/2020, I began communicating with Director of Developmental Services, Kelly Broughton. I shared with Mr. Broughton all of my concerns related to the omitted information and fraudulent City Planning Commission Meeting. I shared with him all of the same details that had been provided to City Planner, Oscar Romero.

Mr. Broughton was unable to resolve any of the issues mentioned nor was he willing to consider the additional photos or videos that I submitted and he stated the photos and video were provided 1.5 hours prior to the meeting thus not meeting the deadline. A deadline that I had no knowledge of. As I stated earlier, Oscar Romero said in his e-mail dated 5/26/2020, that he would forward on any information provided him to the Commissioners to view at the hearing. He did not state that there was a time cut off. Please see a copy of the e-mails consisting of (6) pages attached herein.

On 6/10/2020, I submitted a request for an appeal. In my statement I said, " A hearing was held to approve the Auto Collision and repair shop at the base of my home. Pertinent information was withheld. Oscar Romero is the planner who presented at this hearing and submitted a slide show for the commissioners to view. What the slide show failed to demonstrate is the fact that and that my home is in close proximity there are already two businesses to the east and West of this proposed lot with a combined total of over 100 cars that come and go all day long. Cars that have back up alarms, use generated powered washing devices, set off multiple alarms at once and omit a tremendous amount of exhaust and pollution. Pictures and videos were provided prior to the start of the hearing however none of these issues were brought up or discussed. Zero transparency was had in this process.

On 6/16/2020, I paid a \$250 fee in order to stay the proceedings in regards to the building of the Auto Collision and Repair facility. Additionally I requested copies of the minutes from

the 5/27/20 meeting and a copy of the California Environmental Quality Act (CEQA.)

**On 6/19/2020**, I was provided with a copy of the Mitigated Negative Declaration (MND) consisting of 20 pages. This document is dated 4/21/2003. The MNG discusses future projects for the Auto Park North area and provides historical background regarding this Super Fund land. The area for the proposed Auto Collision and Repair Shop is described as; "highly disturbed industrial property. There is currently a deed restriction placed on this property to prevent this site from being used for residential purposes. In the unlikely event that impacted soil is encountered during construction, a Soil Management Plan needs to be prepared to address future intrusive construction activities. Proposed projects to the area will generate an incremental increase in short and long term emissions as development occurs. Air pollutants will be generated during both the construction and operation phases of the project. FUGITIVE DUST would be created during construction operations as a result from construction related activities." 23 steps were outlined to address mitigations necessary to avoid significant impacts. Please refer to the MNG report submitted by the City of Chula Vista.

Today I come before you and provide clear documentation stating the residents of Robinhood Point Community explicitly oppose the building of the Auto Collision and Auto Repair Facility. The impact that the constant noise stemming from such a business will create is unsuitable for my family and other residents. The droning sounds of ratchets, air compressors, banging mixed with the fumes from chemicals and paint create a toxic environment that this community refuses to accept. Coupled with the willful and fraudulent withholding of pertinent information on part of the City Planner, Oscar Romero, regarding the proximity of my home and community to the proposed business as well as the fact that there are already very active businesses in the area.

South Chula Vista is home to many industrial and Super Fund sites. Local dumps, land fill, toxic swampland and former slaughterhouses. With time and clean up measures, portions of South Chula Vista have recovered and have gone on to become beautiful residential communities, like Robinhood Point Community. Chula Vista and in particular, District 3 deserve to continue in preserving our community and moving away from toxic businesses that we have worked so hard to recover from. Adding one more Auto Collision and Repair Facility to the already dozens of repair shops in South Chula Vista, District 3 is not necessary and is bad business for our community.

I am urging you to thoroughly review the documentation that has been provided to you and recognize the fact that the City Commissioners approved this project based on partial facts and willful withholding of crucial information. The Robinhood Point community deserves better and I respectfully request that the proposal for an Auto Repair and Collision Facility be denied.

Kerri Aviles





## **ATTACHMENTS**

1. E-mail correspondence with City Planner Oscar Romero
2. E-mail correspondence with senior aide to Councilmen Stephen Padilla, Tony Cruz
3. E-mail correspondence with Director of Development Services, Kelly Broughton
4. 3-Photos taken from Oscar Romero's slide show
5. Photos taken by Kerri Aviles



E-mail correspondence with Assistant City Planner Oscar Romero

To: Oscar Romero  
Cc: Mark Aviles  
Subject: Auto Collision and Repair Facility  
Hello Mr. Romero,

I am writing you in response to a letter that I received in regards to an application that has been filed with the City for an auto repair shop located at 1880 Auto Park Place.

I would like for you to provide information as to what exactly "limited industrial" refers to as my understanding of this is that a repair shop most certainly does not fall into that category.

Myself and the homeowners I have spoken with all strongly oppose such a business being established at this location.

This business would sit at the foot of the hill from my home and would impede greatly on the residential quality of life that we have.

I have notified the Board of Directors and have asked that they immediately assist in responding to this. I am seeking information related to all meetings involving this proposed project.

Sincerely,  
Kerri Aviles

**April 27, 2020, 09:07:13 AM**, Oscar Romero <oromero@chulavistaca.gov> wrote:

Hi Ms. Aviles,

I am the project planner and can answer any questions you may have. The project is within the Auto Park North Specific Plan and supportive uses such as Vehicle Collision and Automotive Repair are permitted at this location. The zone for the site is actually Industrial and the General Plan is Limited Industrial. When there is a

Specific Plan, the uses permitted are no longer limited to the zone but are reviewed under the specific plan. If you have any follow up questions or comment please let me know.

Thanks,

Oscar Romero

Associate Planner

City of Chula Vista

(619) 691-5098

[oromero@chulavistaca.gov](mailto:oromero@chulavistaca.gov)

**April 27, 2020 12:25 PM**

To: Oscar Romero

Cc: Mark Aviles; Stan Donn; Sue Morassi; Raymond Estrada; Alan Engelhorn

Subject: Re: Auto Collision and Repair Facility

Hello Mr. Romero,

The response you have provided is confusing and concerning. The initial letter that I received stated that this location is zoned as IP (Industrial) with a general plan of IL (Limited Industrial). In reviewing the Industrial Base Zone codes, there is no mention of a business such as a collision and vehicle repair facility falling into the categories described. Has something changed? The information I have describes IP zones as "Intended to create a campus like environment characterized by comprehensive site design, substantial landscaping and amenities that serve the surrounding development in a manner that preserves the industrial

nature of the zones. IP zones have different categories to include 1-3 some for office use and light industrial. I am really trying to understand how a collision and vehicle repair shop falls into any of the categories listed? Tow trucks coming and going, loud repair machinery, fumes and exhaust from the work being done etc. Your letter states that an application has been filed with the City. What is the next step? Several of us want to attend all meetings related to this and remain in opposition of such a business being established at the base of our homes. I look forward to hearing from you.

Sincerely,  
Kerri Aviles  
619-890-0522

**April 27, 2020, 01:44:52 PM**, Oscar Romero <oromero@chulavistaca.gov> wrote:

Hi Ms. Alvez,

The IP Zoning designation and LI General Plan designation is correct. In addition to both zoning and the general plan there is also a Specific Plan in this area, noted as the Auto Park North Specific Plan which takes precedence in regard to permitted uses and development standards. Please review the link provided sharing the Auto Park North Specific Plan document. At this time the next step for this project will be a public hearing which you will receive notice via mail or email if you request. Let me know if there are any other comments or questions.

Auto Park North Specific

Plan:[https://gisweb.chulavistaca.gov/ZoneFinder/pdfs/SpecificPlans/AutoParkNorth\\_SpecificPlan.pdf](https://gisweb.chulavistaca.gov/ZoneFinder/pdfs/SpecificPlans/AutoParkNorth_SpecificPlan.pdf)

Thanks,

**Oscar Romero**

Associate Planner

City of Chula Vista

(619) 691-5098

[oromero@chulavistaca.gov](mailto:oromero@chulavistaca.gov)

**April 27, 2020, 04:41:47 PM**, Kerri Aviles <[REDACTED]> wrote:

Hello Mr. Romero,

Thank you for the link to the Auto Park North Specific Plan. I have had an opportunity to read it and have follow up questions please.

On Page 2; 1, H, 1 C-The reference is made that, " The adjacent residential uses to the north require consideration and could limit the desirable types of non-residential uses of this site." With that being said, yes, our homes are to the north of this proposed project and we would be in opposition of a repair shop at the base of the slope from our homes. This is extremely undesirable for many reasons to include, noise, pollution, unwanted blight in the form of unsightly vehicles etc.

On Page 5; B, 3, M-Permitted uses of this site include; "collision repair as a supporting service to a sales dealership" What dealership will this repair shop be connected to? It appears clear that these areas are intended for car dealers and the collision/repair component is meant to go in conjunction with this and not independently.

On Page 6; II, C-It states; "out door use prohibited. All permitted uses shall be conducted within completely enclosed buildings except for automobile display, inventory parking, parking and loading facilities, dining." I would like to know how would a collision and repair shop be able to operate and conduct their business in an enclosed setting? My concerns would be that they won't be doing that and that their repair work will impede on the quality of life that we have in our residential community.

On Page 8; V-Hours of operation for collision repair are 7:30 AM-6:00 PM Monday -Friday. There is no mention of weekends and I would like to know if this is in fact the case or subject to change?

Thank-you for taking the time to answer my questions.

Sincerely,  
Kerri Aviles

**April 28 at 9:26 AM**

Oscar Romero <oromero@chulavistaca.gov>

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Hello Ms. Aviles,

- 1) This project is a permitted use, the discretionary permit under review is the Design of the building and site, not the use. This project will require a public hearing possibly on May 27<sup>TH</sup> and will provide an opportunity for public input and consideration on this project. As for environmental review of this project, the site and the use have been reviewed and approved under Mitigated Negative Declaration IS-02-006.
- 2) The categories for uses are Automobile Sales, Automobile Inventory Parking, and Supporting Services which have specific permitted uses that are allowed and not dependent of the other. Under Supporting Services, "collision repair" is a use that is permitted and not required to be part of a specific dealership but instead provides a Supportive Service to the Auto Park North area.
- 3) The proposed building will accommodate vehicle access and conduct all operations indoors.
- 4) The hours of operation proposed are consistent with those mentioned.

Let me know if you have any other questions or if there was any confusion on behalf of the responses provided.

Oscar Romero

**May 26, 2020, at 9:32 AM**, Kerri Aviles [REDACTED] wrote:

Good morning Mr. Romero and neighbors,

As a reminder tomorrow is the meeting at 6:00PM and I hope everyone in the community follows the

progress and shares their concerns about the proposed building of another auto collision and repair shop at

the base of the community.

Per the Notice Of Public Hearing letter it states that if we want to submit comments in advance we can direct them to Mr. Romero. Mr. Romero will you be collecting and presenting the e-mails that have already been submitted to you?

Neighbors if you want to submit comments during the meeting the letter directs you to go to <https://chulavista.granicusideas.com/meetings>

I encourage everyone to share this within the community and send Mr. Romero your thoughts as well as

participate in the meeting.

Thank-you,

Kerri Aviles

From Oscar Romero <oromero@chulavistaca.gov>

To: 'Kerri Aviles' [REDACTED]

Cc: Mark Aviles [REDACTED]; Stan Donn <sdonn@chulavistaca.gov>; Sue Morassi [REDACTED]; Raymond Estrada [REDACTED]; Alan Engelhorn [REDACTED]

**Sent: Tuesday, May 26, 2020, 11:15:42 AM**

**Subject: RE: Auto Collision and Repair Facility**

Hi Mrs. Aviles,

Yes, I will provide the emails sent earlier to the Planning Commission as well as any new ones that may come in. As a follow up, I have responded to the questions and statements posed in the earlier email and provided here for your review

**May 27, 2020, 04:35:21 PM**

**Subject: Re: Auto Collision and Repair Facility**

Hello, before the meeting starts tonight, I am sending two photos and two short videos. The photos/videos are of the lots

that will be directly next to the proposed site of the collision and repair shop. What I would like everyone to take note of is

the fact that we consistently have noise generated from vehicles with the back up alarm, generators on and the lot that

houses the delivery vans (which is empty at the moment because the vans are currently out on delivery) uses the car

alarms for staff to locate the van they are assigned to. At any given time in the mornings, five plus alarms are going off. In addition to all of this, exhaust from these cars is choking our community out. We are strongly opposed to the consideration of this proposed

business.  
Thank you,  
Kerri Aviles

**May 27, 2020 at 7:41:34 PM**

To: Oscar Romero <[oromero@chulavistaca.gov](mailto:oromero@chulavistaca.gov)>

**Subject: Re: Auto Collision and Repair Facility**

Hello Mr. Romero,

I must say how disappointing it was to watch this meeting proceed with several facts missing. I'm a believer in true transparency and noted information withheld in particular it was not noted that their IS a very loud and busy business East of this lot when is evidenced by the video I submitted to you yet never discussed during the meeting. Additionally, while all of you suffered from technical difficulties the public was jumping through hoops trying to get comments submitted and calls logged. I've documented the outcome, the ayes, the business hours promised as well as all of the efforts that will go into place to ensure there is no noise and that "large trees are planted" to assist as a buffer I will forward the information on to he Home Owners Association as well as the management company so that they can remain involved and follow the progress and assist in assuring there is accountability.

Kerri Aviles

Sent: Tuesday, June 16, 2020 11:11 AM

To: Stan Donn; Oscar Romero

Cc: avilestony [REDACTED]

Subject: Requesting a copy of the CEQA and slide show presentation from 5/27/20

Good morning,

An appeal has been submitted on behalf of the Robinhood Hood Point home owners that will be directly impacted by the proposed building of the Auto Collision and Repair Facility located at 1880 Auto Park Place, Chula Vista CA.

We are requesting a copy of the slide show presentation that was provided for the six Commissioners to view at the meeting on 5/27/20. Additionally, we are requesting a copy of the California Environmental Quality Act (CEQA) and need to know the date of when this was conducted.

Thank-you,

Kerri Aviles  
Robinhood Point Home Owner  
[REDACTED]

Good morning Ms. Aviles,

Please submit a public records request for the slide show and Mitigated Negative Declaration (IS-02-006). The link for the request is provided here, <https://www.chulavistaca.gov/departments/city-clerk/public-records>. If there are any other questions, please let me know.

Thanks,

Oscar Romero  
Associate Planner  
City of Chula Vista  
(619) 691-5098  
oromero@chulavistaca.gov



**E-mail correspondence with Kelly Broughton, Director Development Services**

**From:** Aviles, Kerri <[REDACTED]>  
**Sent:** **Thursday, June 11, 2020 11:54 AM**  
**To:** Kelly Broughton <[kbroughton@chulavistaca.gov](mailto:kbroughton@chulavistaca.gov)>  
**Subject:** Planning commission

Hello,

I am looking to obtain the name, phone number and e-mail for the City Manager and the Director for the planning commission.

Thank-you

Kerri Aviles

**From:** Kelly Broughton <[kbroughton@chulavistaca.gov](mailto:kbroughton@chulavistaca.gov)>  
**Sent:** **Thursday, June 11, 2020 12:31 PM**  
**To:** Aviles, Kerri <[REDACTED]>  
**Subject:** RE: Planning commission

Kerri,  
The current City Manager is Gary Halbert, his office number is (619) 691-5031, his email address is [GHalbert@chulavistaca.gov](mailto:GHalbert@chulavistaca.gov)  
There is no Director for the City's Planning Commission. The Chair of the Commission is Gabe Gutierrez. We do not provide individual contact information of members of City Boards and Commissions. You may direct correspondence to the Planning Commission Secretary, Patricia Salvacion at her email address [psalvacion@chulavistaca.gov](mailto:psalvacion@chulavistaca.gov) and she can transmit that to the Commission.

Kelly Broughton, Director  
Development Services  
City of Chula Vista

**From:** Aviles, Kerri <[REDACTED]>  
**Sent:** **Thursday, June 11, 2020 1:13 PM**  
**To:** Kelly Broughton <[kbroughton@chulavistaca.gov](mailto:kbroughton@chulavistaca.gov)>  
**Subject:** RE: Planning commission

Hello,

Thank-you for your assistance. On 5/28/20 I did log into the City of CV portal and submitted an e-mail to address the commissioners and have never heard back. I need to escalate an urgent concern and will reach out to the City Attorney who was a part of the hearing but wanted to double check who the City Manager was.

Thank-you so much!

**From:** Kelly Broughton <[kbroughton@chulavistaca.gov](mailto:kbroughton@chulavistaca.gov)>  
**Sent:** Thursday, June 11, 2020 1:25 PM  
**To:** Aviles, Kerri <[REDACTED]>  
**Subject:** RE: Planning commission

You are welcome. I will inquire into your comment submitted on 5/28/20.

Kelly Broughton, Director  
Development Services  
City of Chula Vista

**From:** Kelly Broughton <[kbroughton@chulavistaca.gov](mailto:kbroughton@chulavistaca.gov)>  
**Sent:** Thursday, June 11, 2020 2:31 PM  
**To:** Aviles, Kerri <[REDACTED]>  
**Subject:** RE: Planning commission

Kerri,  
Staff was able to locate the below web notification submission sent to the attention of the City Council's office. If this is the correspondence you are referring to, let me try and respond.

The Public Notice that was provided for the Planning Commission hearing provides two ways to submit information to be provided to, and considered by the Commission.

The first way outlined in the Public Notice is "...before the agenda is published, please contact the Project Manager, Oscar Romero [atoromero@chulavistaca.gov](mailto:atoromero@chulavistaca.gov)...."

The second way provided in the Public Notice is "...must be received in the Development Services Department, no later than 5 p.m. the day before consideration...."

Pursuant to City email records, your files provided to Mr. Romero were submitted at 4:35 p.m. on the day of the Public Hearing, thereby not meeting either of the above two Public Notice requirements to submit information for consideration by the Commission.

Kelly Broughton, Director  
Development Services  
City of Chula Vista

To: Kelly Broughton <[kbroughton@chulavistaca.gov](mailto:kbroughton@chulavistaca.gov)>

Cc: Kerri Aviles [REDACTED]

**Sent: Thursday, June 11, 2020, 02:54:38 PM**

**Subject:** RE: Planning commission

Yes this is correct. Prior to the hearing, I took two photos and short video clips of the businesses to the East and West of this proposed lot. I wanted it known that there are currently two businesses that house approximately 100-130 vehicles that come and go all day. One lot is used for Amazon delivery and the other has fork lifts and crane type vehicles. Both create a lot of noise, pollution and environmental impact to us.

During the hearing, the slide show that was shared with the commissioners omitted these facts and obscured the two current businesses from viewing and this information was never provided.

Now a wrecking yard also known as the vehicle collision and automotive repair facility plans to build and operate at the base of my home. We are already choked out from all of the current business activity and are very displeased at the lack of transparency with this hearing and the withholding of pertinent information.

I submitted a request yesterday to appeal the decision. After my submission I was contacted and told, "make a check payable to the City of Chula Vista for \$250 and mail it to the attention of Oscar Romero." The SAME Oscar Romero who presented before the commissioners at this hearing and willfully omitted pertinent information.

I would like to make contact with the City Attorney Michael McDonnel, City Manager Gary Halbert, the six commissioners who were present and whomever oversees the Planning Department. This can not be brushed aside and must be addressed.

I am adding my personal email here for future correspondence and really appreciate your assistance.

Thank-you!  
Kerri  
[REDACTED]

**From:** Kerri Aviles <[REDACTED]>  
**Sent:** Friday, June 12, 2020 9:22 AM  
**To:** Kelly Broughton <kbroughton@chulavistaca.gov>  
**Cc:** avileston@yahoo.com  
**Subject:** Fw: Planning commission/correspondance with O.R.

Good morning,

I wanted to share some additional information with you.

On 4/25/20, I sent Oscar Romero an e-mail stating that we were not in agreement with the proposed business coming in and being built at the base of my home. Other neighbors also reached out. Sue Morassi and Raymond Estrada, there should be e-mails from them as well.

On 4/27/20, Oscar Romero responded and citing was the zoning codes for that area are and I was concerned with his response. I responded back to him and cited information related to those specific zoning codes letting him know this type of business does not meet the requirements. Mr. Romero stated that Auto Park North Specific Plan trumps the zoning codes and that this business does meet the criteria.

On 5/26/20, I e-mailed Oscar Romero again stating our opposition to this proposed business.

I will add that with each of his responses, my concern grew and I did not feel he had the interest of the citizens. This began feeling like a business opportunity that was going to get pushed through regardless. Additionally, I have never been a part of a Planning Commission Hearing before and was trying to convey my message to him repeatedly prior to the start of the hearing. There were others who were also reaching out and sending him e-mails.

On the day of the hearing, 5/27/20, I sent a final e-mail with the photos and short video clips for Oscar Romero to view. I wanted to make sure he had clear information about what he was going to present and that there would be no question about the already existing business located here. I had no idea that he was going to present a slide show for the commissioners and City Attorney to view and would willfully omit the two business that currently exist. There are a total of four parcels below and next to my home. Two already have businesses located on them with over 100 cars. These two existing business were not shown or discussed. It is not my job to make sure that Oscar Romero is doing his job yet I had concerns based on how this was looking that the information was going to be omitted.

The Notice of Hearing that was sent to me states that a CEQA was completed. When was this done? Was the CEQA done since the existence of the current businesses that are there or prior to that? Its important to know what the environmental impact is and the impact will be very different if we are comparing open fields or parcels that currently have businesses on them with over 100 vehicles.

In summary, yes my photos and video arrived after the cut off point but 1.5 hours prior to the hearing. However, we should not even have to be relying on them as Oscar Romero should have had the same information that I provided. He was able to come to my front yard and stand there and take pictures for his slide show yet fail to share that there were already existing business in place. Additionally I should not be asked to pay a fee to appeal a decision that was made by commissioners in which very pertinent information was willfully omitted. The commissioners admitted during the hearing that they had NOT even read the City of Chula Vista Auto Park North Specific Plan consisting of 13 pages yet I had and I asked very specific questions related to this plan that only Oscar Romero was able to answer.

We are currently on the 12th business day post the decision being made and my appeal was submitted on the 10th business day which is in accordance to what the Notice of Public Hearing states. The Notice also states to pay a "required fee" however no amount is listed and I was told from the City Counsels office that the fee is \$250.00. I am asking that this fee be waived at this time due to the lack of transparency and insufficient information provided by City Planner, Oscar Romero to the six commissioners and City Attorney at the Hearing on 5/27/2020.

I look forward to hearing back and moving my concern along.

Thank-you for your time,

Kerri Aviles  


**RE: Planning commission/correspondance with O.R.**

**Jun 12 at 12:32 PM**

PrintRaw message

**Kelly Broughton** <kbroughton@chulavistaca.gov>  
To: Kerri Aviles <mangosmama@yahoo.com>

Good afternoon Mrs. Aviles,

Unfortunately the appeal fee cannot be waived. It is a requirement to have a valid appeal and unless received by the City by 6/19/2020, the appeal will be considered invalid. The matters you raise in your email will have to be addressed through the appeal hearing process should you decide to proceed.

Kelly Broughton, Director

Development Services

City of Chula Vista

**E-mail correspondence with Senior Aide to Stephen Padilla, Tony Cruz**

Sent: Thursday, May 28, 2020, 08:58:20 AM

Subject: City of Chula Vista: Contact Us - Web Notification for Councilmember Padilla

Form Name: Councilmember Padilla  
Date & Time: 05/28/2020 8:58 AM  
Response #: 156  
Submitter ID: 77544  
IP address: 2600:1700:e9a0:e60:20f1:fd3f:9f2d:8df  
Time to complete: 7 min. , 16 sec.

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**Survey Details**

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Page 1

**Please feel free to contact us with any comments or questions by filling out the form below.**

First Name Kerri  
Last Name Aviles  
Email Address [REDACTED]  
Comments

Hello, myself and several other residents attempted to participate in a Planning Commission Meeting yesterday, 5/27/20. Prior to the meeting I had been corresponding with Oscar Romero Associate Planner with the City. I had provided him with video footage and photos of business surrounding the proposed site where a new business is set to be implemented. My home is directly above the site of these industrial businesses and the information I provided was withheld from the meeting. Mr Romero provided partial facts for the commissioners to vote on and do to the technical difficulties on part of the City, people were having a hard time providing comments. We were given approximately 5 minutes to call in and state concerns. Mr. Romero submitted a slide show and omitted the two neighboring business that surround the proposed site. I had submitted photos and videos of these two business so that the commissioners could have full transparency when voting. This meeting was conducted in a fraudulent fashion and I am asking that the information I provided and was told would be presented be viewed and considered at this time. Thank-you  
Kerri Aviles

Thank you,  
**City of Chula Vista**

From: Tony Cruz <[tcruz@chulavistaca.gov](mailto:tcruz@chulavistaca.gov)>

**To:** [REDACTED]  
**Sent:** Thursday, May 28, 2020, 09:03:11 AM  
**Subject:** RE: City of Chula Vista: Contact Us - Web Notification for Councilmember Padilla

Hello,

Thank you so much for making Councilmember Padilla aware of this event. I am forwarding this immediately to our City Clerk for assistance to ensure all materials are properly received.

Hope you and your loved ones are staying safe.

Tony Cruz  
Senior Council Aide

Office of Councilmember Stephen C. Padilla  
City of Chula Vista | 276 Fourth Avenue Chula Vista, CA 91910  
Tel (619) 691-5044 | Fax (619) 476-5379

**From:** Kerri Aviles <[REDACTED]>  
**Sent:** Monday, June 8, 2020 10:52 PM  
**To:** Tony Cruz <[tcruz@chulavistaca.gov](mailto:tcruz@chulavistaca.gov)>  
**Subject:** Re: City of Chula Vista: Contact Us - Web Notification for Councilmember Padilla

Hello,

I am following up with this.

Thank you

Kerri Aviles

**From:** Tony Cruz <[tcruz@chulavistaca.gov](mailto:tcruz@chulavistaca.gov)>  
**To:** Kerri Aviles <[REDACTED]>  
**Sent:** Tuesday, June 9, 2020, 11:40:28 AM  
**Subject:** RE: City of Chula Vista: Contact Us - Web Notification for Councilmember Padilla

Hello Ms. Aviles,

The City Clerk informed me that the Planning Commission secretary confirmed that the emails received had been forwarded to the Commission. She also indicated that the Chair extended the public hearing an additional two minutes to assist with the submittal of comments. Additionally, they provided the Development Director's e-mail address who received one email during the meeting, which was shared with the commission.



I am happy to inquire further if you have any more specific questions. Let me know. Thanks!

Tony Cruz  
Senior Council Aide

Office of Councilmember Stephen C. Padilla  
City of Chula Vista | 276 Fourth Avenue Chula Vista, CA 91910  
Tel (619) 691-5044 | Fax (619) 476-5379

**From:** Kerri Aviles [REDACTED]  
**Sent:** Wednesday, June 10, 2020 9:42 AM  
**To:** Tony Cruz <[tcruz@chulavistaca.gov](mailto:tcruz@chulavistaca.gov)>  
**Subject:** Fwd: Auto Collision and Repair Facility/photo of the business that was omitted

Mr. Cruz, this photo was taken from my back yard. Thank-you Please see attached photo.

**On Jun 10, 2020, at 2:28 PM, Tony Cruz <[tcruz@chulavistaca.gov](mailto:tcruz@chulavistaca.gov)> wrote:**

Hi again,

Per our city staff, you can file an appeal to the City Council if you disagreed with the decision made. Please see the attached form with the requirements. Thank you.

Tony Cruz  
Senior Council Aide

Office of Councilmember Stephen C. Padilla  
City of Chula Vista | 276 Fourth Avenue Chula Vista, CA 91910  
Tel (619) 691-5044 | Fax (619) 476-5379

**From:** Kerri Aviles [REDACTED]  
**Sent:** Wednesday, June 10, 2020 2:54 PM  
**To:** Tony Cruz <[tcruz@chulavistaca.gov](mailto:tcruz@chulavistaca.gov)>  
**Subject:** Re: Auto Collision and Repair Facility/photo of the business that was omitted

Will do, I'm sorry I don't the attachment. Do you mind resending it please? Thank you

Kerri Aviles

**On Jun 10, 2020, at 2:54 PM, Tony Cruz <tcruz@chulavistaca.gov> wrote:**

Of course. Here it is.

Tony

**From:** Kerri Aviles <[REDACTED]>  
**Sent:** **Wednesday, June 10, 2020 4:33 PM**  
**To:** Tony Cruz <tcruz@chulavistaca.gov>  
**Subject:** Re: Auto Collision and Repair Facility/photo of the business that was omitted

Thank you so much. I filled it out and returned it to you. Please let me know who else it should go to. I'm meeting with the home owners association tonight at 6:00 and will provide an update letting them know an appeal has been submitted and a hearing will be scheduled within 30 days.

Thanks again,

Kerri Aviles

**On Jun 10, 2020, at 7:43 PM, Tony Cruz <tcruz@chulavistaca.gov> wrote:**

Hello,

The Director of Development informed me that they will consider the appeal submitted. You just need to get a check made payable to the City of Chula Vista for \$250.00 which is the appeal application fee. You can mail it to the attention of Oscar Romero, Development Services 276 Fourth Avenue, Chula Vista, CA 91910. He needs to get it before an appeal hearing can be scheduled.

Thank you,

Tony Cruz  
Senior Council Aide

Office of Councilmember Stephen C. Padilla  
City of Chula Vista | 276 Fourth Avenue Chula Vista, CA 91910  
Tel (619) 691-5044 | Fax (619) 476-5379

[tcruz@chulavistaca.gov](mailto:tcruz@chulavistaca.gov)

[facebook.com/StevePadillaChulaVistaCityCouncil](https://www.facebook.com/StevePadillaChulaVistaCityCouncil)

**From:** Kerri Aviles [REDACTED]  
**To:** Tony Cruz <[tcruz@chulavistaca.gov](mailto:tcruz@chulavistaca.gov)>  
**Cc:** Mark Aviles [REDACTED]  
**Sent:** **Wednesday, June 10, 2020, 09:38:01 PM**  
**Subject:** Re: Auto Collision and Repair Facility/photo of the business that was omitted

Ok I didn't see anywhere on the paperwork that there is a fee requirement?

So essentially the citizens are required to pay in order to hold our city staff accountable? This has to be the most ludicrous thing I have encountered.

Oscar Romero, the same man who misrepresented the facts repeatedly and then withheld the information I submitted is now supposed to receive funds from me in order to have this appealed?

Something is very wrong here. Homeowners were given four minutes to try and get their concerns presented at a hearing in which the commissioners themselves stated they had not read the information and were basing their decision on what Oscar Romero provided.

It appears you may not be the correct person I should be reaching out to.

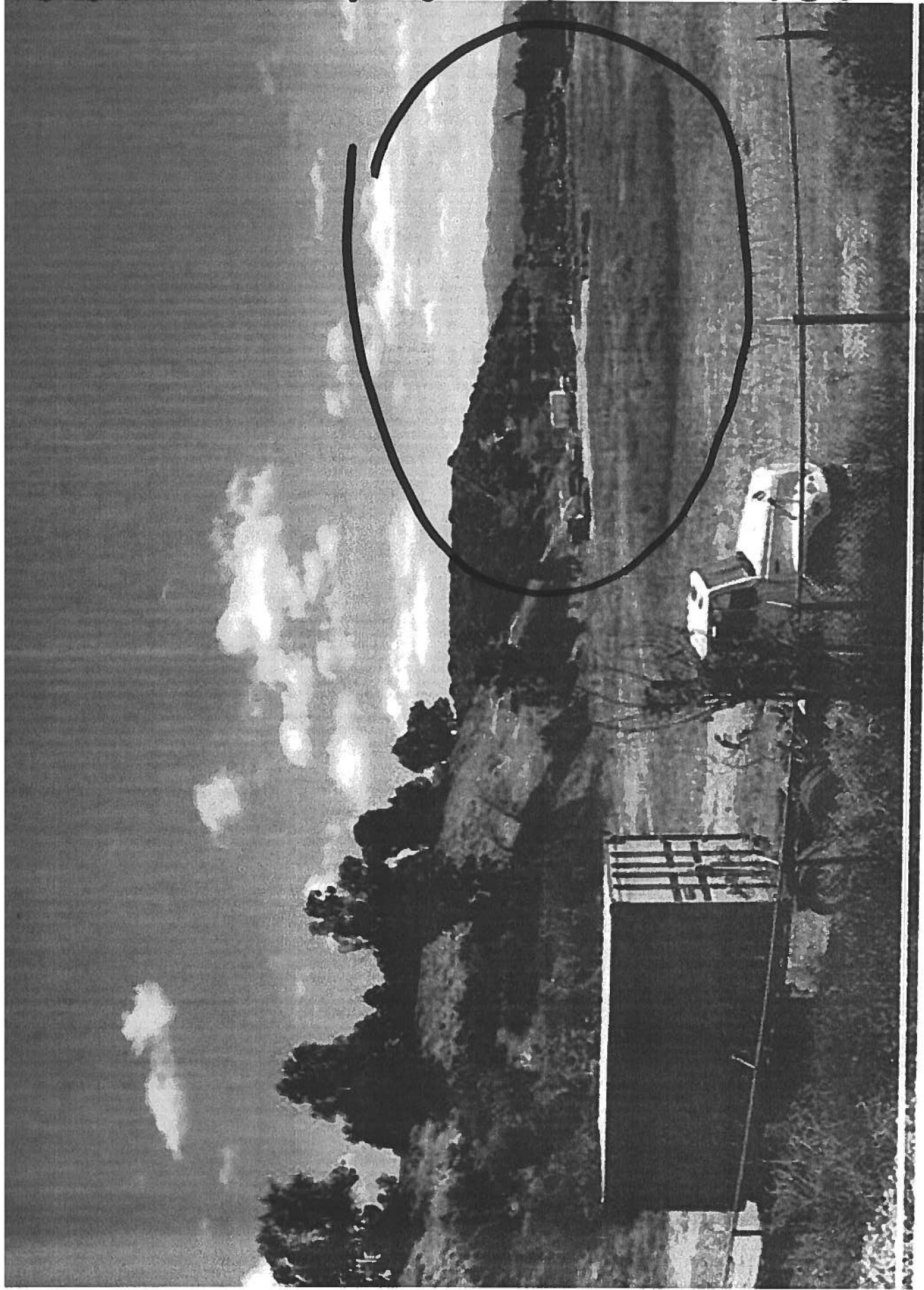
I will continue working my way up the chain, will speak with each commissioner, will contact the media and will make it very clear that the City does NOT have the best interest of its citizens and is working with minimal and misrepresented facts when making decisions that could have significant impact on our livelihood.

If you have other suggestions on how to address besides paying Oscar Romero fees to do his job correctly the first time feel free to let me know. If not, I will continue reaching out to others tomorrow.

Best to you,  
Kerri Aviles



**D. ROMERO EAST OF LOT  
EXISTING BUSINESS NOT VISIBLE**

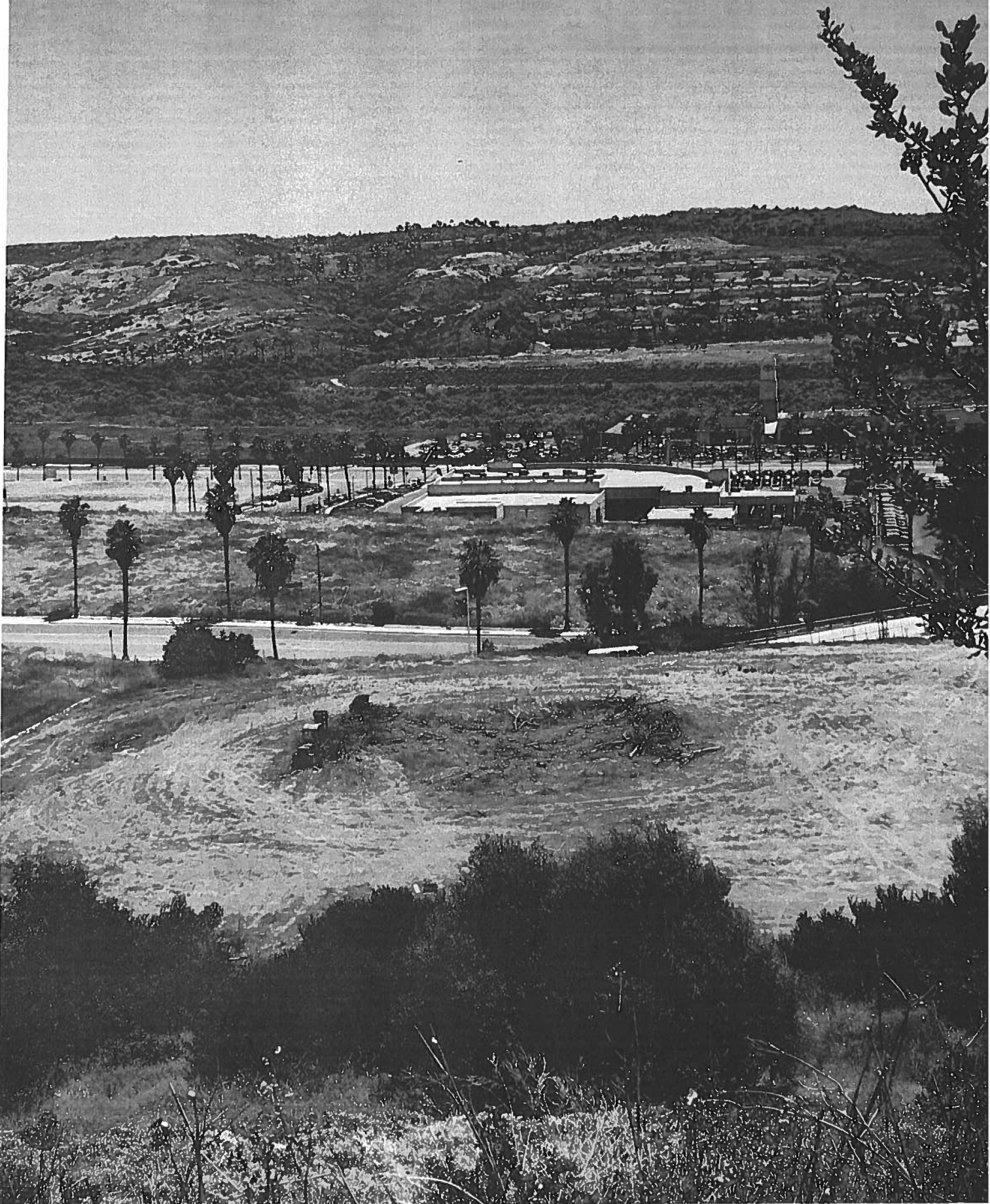


**View from West to East**

O. RIVERO EARL OF LOT  
EXISTING BUSINESS NOT VISIBLE



O. ROMERO FACING SOUTH  
PHOTO TAKEN FROM MY FRONT YARD



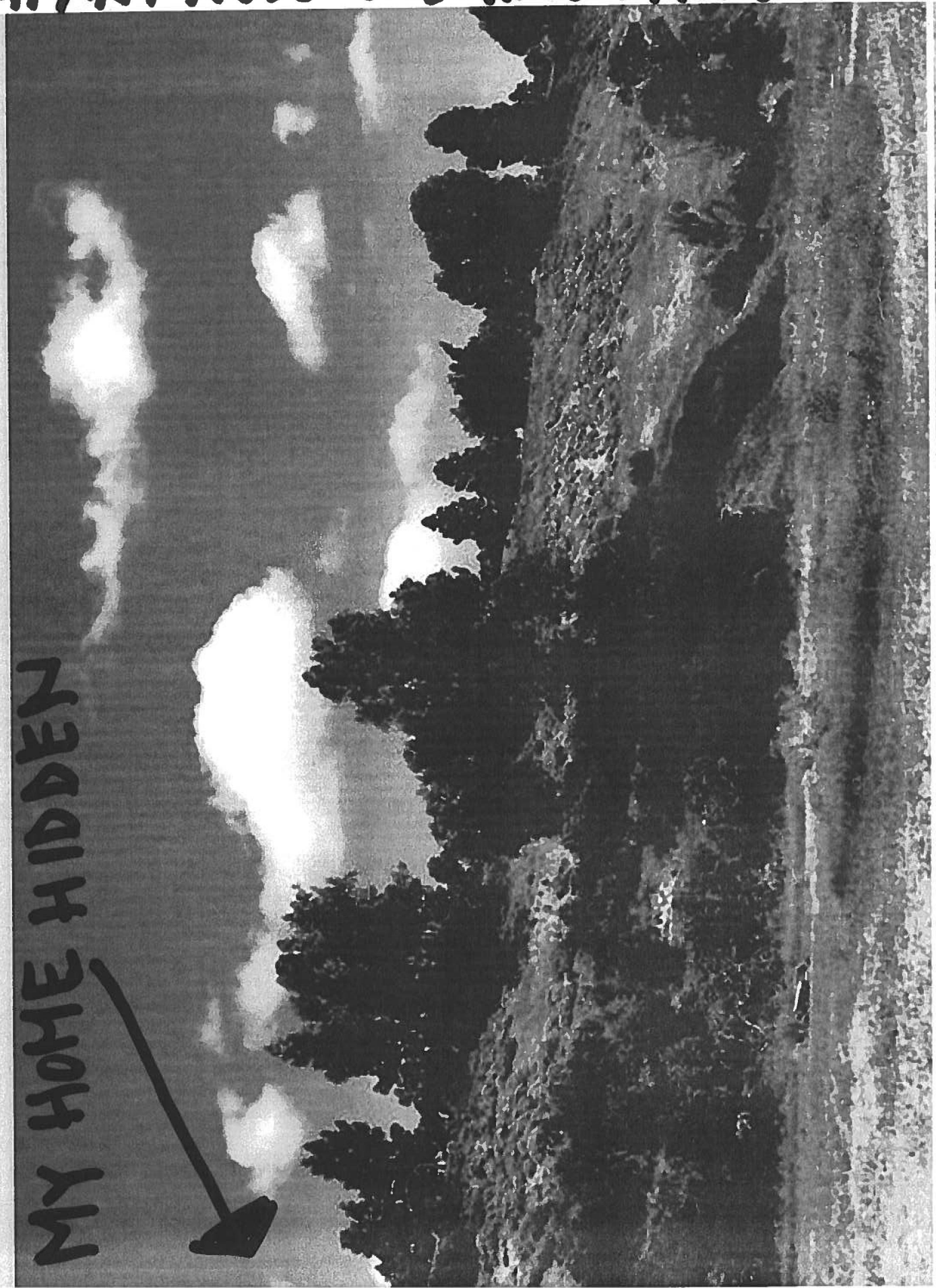
O. ROMERO FACING SOUTH  
PHOTO TAKEN FROM THE FRONT YARD

GRAY THORP



O.ROMERO PHOTO NORTH OF LOT - TAKEN AT AN ANGLE OMITTING MY HOME

MY HOME HIDDEN



O. RIMBERD PHOTO NORTH OF TOL. TAKEN  
AT AN ANGLE WILLING BY HOME

WY HOME HIDDEN  

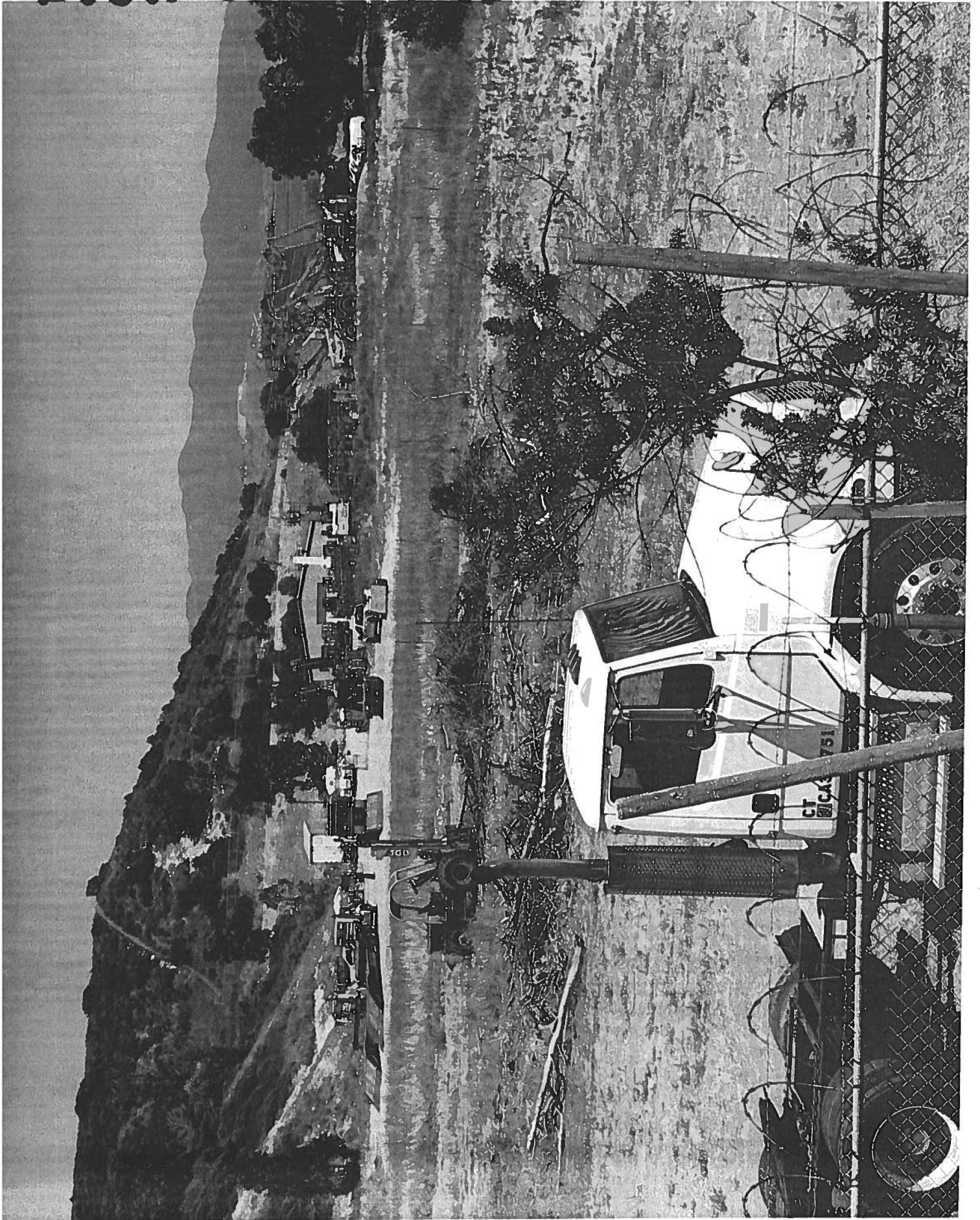

K. Aviles North of Lot - My home



K. A. Wicks North of Mt. - Mt. Jones



**K. AVILES EAST OF LOT  
BUSINESS VISIBLE**



BUSINESS VISIT  
K. AMER EAST OF LA

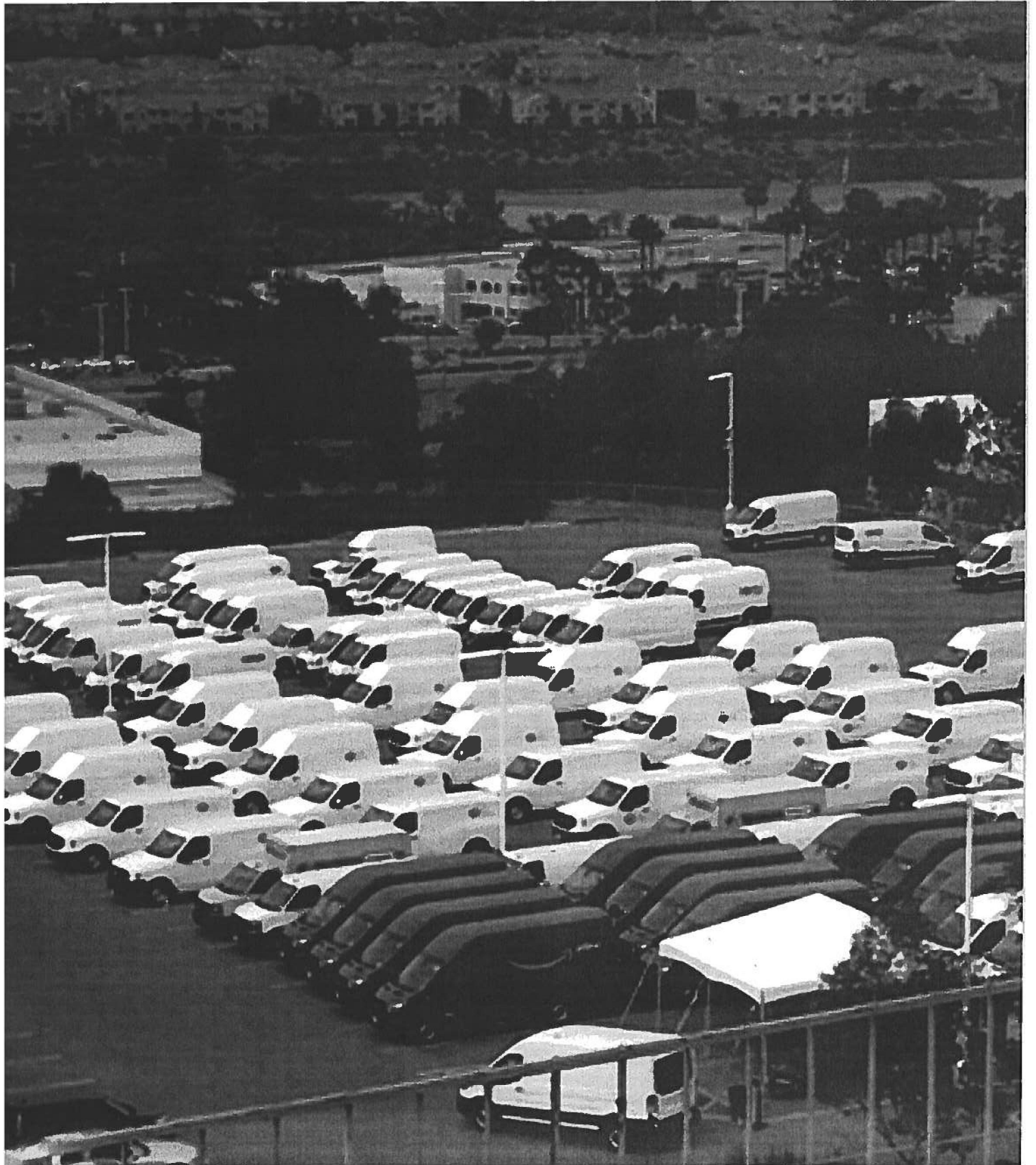
# K. AVILES EAST OF LOT



TOU TO TRAG ediva



K. AVILES WEST OF LOT  
DELIVERY COMPANY PHOTO  
TAKEN FROM MY BACKYARD



K. WILKS WEST OF TOL

DELIVERY COMPANY PHOTO

TAKEN FROM THE BACK YARD