

Sheree Kansas

Subject: FW: Vista Del Mar aka 3rd and J St Project

From: Alexandra Epstein [REDACTED]
Sent: Wednesday, July 13, 2016 6:02 PM
To: Mary Salas; John McCann; Patricia Aguilar; Pamela Bensoussan; Steve Miesen
Subject: Vista Del Mar aka 3rd and J St Project

Mayor and Councilmembers,
My name is Alexandra Epstein, I own a condominium unit at [REDACTED] 3rd Avenue and I am the President of Amber Condominium Homeowner Association. I am writing because I want you to support and approve the Vista Del Mar project.

I am a firm believer that the West Side needs this shot in the arm economically and the City, I am certain, can use the tax dollars and fees that come with its construction. Plus, many of the office buildings on 3rd Avenue are seedy and not well maintained but this project is a visually pleasing structure that will be well constructed by a top architectural firm. I am also aware that we need to increase the density of the areas around downtown in order to bring in more stores and restaurants. I am thrilled that we now have the Alehouse and will soon have two breweries! All of this within walking distance to my home! I hope that in time, we can match La Mesa's downtown in terms of nightlife.

This project also brings with it more available housing, whether it stays condominiums or turns into rentals. One woman at the Hilltop planning meeting for the project stood up and voiced her concern with the lack of housing options as she grew up here and wants to remain. A woman against the project yelled at her saying that she could live in Eastlake! We need more than single family homes on the West Side. Starter homes now cost in the mid \$350s-low \$400s, out of reach for most middle income people. I know that when I was looking for a home back in 2009, these same homes were \$100K less and it would have been a stretch for me at those cheaper prices. We need to be a city for all, not those over 50 homeowners who do not believe in change.

When the issue of this project comes before the Council, I would like you all to support it. I don't have the deep pockets of people like project opponents Earl and Kip Jenks, but I hope that you will still take my comments under advisement. I also hope that the Council meeting is conducted with dignity. I found the Planning Commission meeting disgusting as the opponents routinely booed. I still don't understand why the Commission chair did not boot them. And at the Hilltop meeting this Rudy guy hijacked the meeting and ran over all those who were there in favor of the meeting. I asked the planners to call the cops and they refused. Donald Trump may be running for president but that does not make it ok for these meeting to become unruly here in Chula Vista.

Thanks,
Alexandra Epstein
[REDACTED]
Chula Vista, CA 91910

Miguel Tapia

From: Patricia Aguilar
Sent: Wednesday, July 20, 2016 7:59 PM
To: Kelly Broughton
Cc: Miguel Tapia; Gary Halbert
Subject: Vista del mar

K - We invited you to a meeting we held on Monday with four residents who live near proposed vista Del mar. Sorry you didn't make it. The major concern raised by everyone present was the overall bulk of the project.....all present said they would be ok with a project limited to 3 stories, especially if it had ground floor retail. Important secondary concerns of course were increased traffic and loss of neighborhood parking, especially along KSt., which is a residential street.

Also, they showed me a sentence in a July 14 UT article that reads: "Project supporters say vista del mar would benefit the community by creating new housing in a part of the city where existing housing is dilapidated....." They strongly disagree with and are insulted by the characterization of their neighborhood as "dilapidated", and two of them told me they had undertaken major home remodels to the tune of \$100,000+.

Also, I wanted to refer several questions to you that were asked by attendees, with the hope that you or Miguel will provide answers in writing in advance of the appeal hearing. (Had I read the PC staff report and environmental doc I might have been able to answer some myself, but I haven't.). The questions are:

- Have you done an analysis on the anticipated revenue generated by the project vs. the cost to provide the project with municipal services? (Like we've done for east side projects)
- Please confirm that the project is market rate housing, not subsidized low income housing (except for required 10%).
- Will the project receive any city subsidies, including indirect ones like fee credits or deferrals?
- The general plan calls for this area to be "office/professional" - is a general plan change required? - if not, how is this project consistent with that designation?
- were sight line / visual impact studies done from the neighborhood high point, which is around the intersection of 1st, K, and country club drive.....Will westerly views that residents of this area have be affected by the project?
- exactly how will the proposed public space/plaza on the corner benefit neighborhood residents?
- Are the balconies included in the calculation of required open space? How will the project prohibit people from using the balconies for storage?
- how will the project affect the property values of the two SFR properties behind the project on the west side of Church?
- RE the promised LEED Gold certification, how can the city be assured that the project will actually be built to that standard before a building permit is issued?

- Shouldn't the project include some play area for children (tot lot or something)?
- Did the city take into account the fact that the project will block prevailing westerly breezes to properties to the east?
- Is visitor parking for residents separate from parking for customers of the commercial space?

I think those were the main questions raised.....let me know if you have any questions for me. Best,

Pat Aguilar, Councilmember
City of Chula Vista
via iPad

Carol Mandra

Chula Vista, CA 91911

Councilmember Pamela Bensoussan
276 Fourth Avenue
Chula Vista, CA 91910

July 26, 2016

Dear Councilmember Bensoussan:

The proposed condominium project for the corner of Third Avenue and K Street, Vista Del Mar, will place 71 condos on roughly one acre. This will result in increased traffic, lowered property values for nearby homes, loss of privacy for homes on Church Avenue due to balconies overlooking their yards, and existing businesses being displaced.

Construction activity on this project will disrupt access to residences and businesses. I heard someone say at a public workshop held December 16 that building Vista Del Mar would take over a year!

There will only be 8 parking spaces at the project for visitors. That impacts parking for nearby residents and businesses. For example, it will cause consternation to the Bank of America when customer parking is taken by people visiting condo residents.

More significant to Chula Vista than stray cars in the bank parking lot is the conversion of 20,000 square feet of commercial space into a foolish project offering only 616 square feet of retail space! There is a fine editorial in the July 1 Star News by Mr. William Richter. He stated that Chula Vista is low on infrastructure funds. Businesses and jobs generate tax revenue. Therefore, instead of a ridiculous condo project with a dumb name (how many people there will really see the ocean?) the land at the corner of Third and K should remain for business. Also, Chula Vista is not meant to be an imitation big city. Please vote no on Vista Del Mar.

P.S. Thank you for the job you do.

Sincerely,

Carol Mandra

Sheree Kansas

Subject:

FW: City of Chula Vista City Clerk Contact Us - Web Notification

Survey Details

Page 1

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

First Name Loraine

Last Name Bales

Email Address [REDACTED]

Comments

Just recently I became aware of the Vista Del Mar project near us at Third & K. If I May, I wish to extend my out put towards this project. On any given evening a traveler would notice the tremendous amount of apartment residents on the 300 block of K St that have to park blocks away from their home. We have people park near us on the 400 block of K. If the new and upcoming building projected doesn't have at least 2 off street parking it will be an increased mess around here. Please pass our family and friends opinion on to the planning department. Thanks, Loraine Bales

And Residents of Garden Place

[REDACTED]
Chula Vista, CA. 91911

Thank you,
City of Chula Vista

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

To whom it **Should** Concern;

Case # DR15-0015 and PCS15-0006

I have one question; WHY? our city leaders are allowing this **monstrosity** called Vista del Mar to move forward. You need findings to object to this type of building, well, here are just a few.

*It changes the atmosphere of down town from the small welcoming town feel to a cold big city want to be.

*We are told our infrastructure is in need of drastic repairs. This project will only increase the stress on aged pipes.

*The developer did cut back the FAR from 2.3 to 2.0 but Urban Core Corridor District (C-1) only allows for 1.0. This is **double** the size of what is allowed in the Urban Core Corridor District

(C-1).

*It will drastically invades the privacy of longtime residents.

*Creates traffic problems not just the parking.

*Trash pickup, trash bins have to be moved out to the street and block vehicles coming and going.

*Does NOT follow the Urban Core Corridor District (C-1) plan that states balconies should be avoided.

*This plan also says developer should plant trees and shrubs to reduce the invasion of privacy for the single family homes. Logical question, how tall and how will they actually block a 5 story building?

*This structure will also block the evening sun and the onshore breeze these residents have enjoyed for all these years.

*This is being called Condos but let's be real, they will become apartments. Where will children play?

*This is being laughingly called a mixed use project. The commercial part is only 616 sq. feet which we feel will be for the projects rental/sales office and not an actual outside business.

*Plus a multitude of your constituents strongly object.

*Let's talk parking, 1 & 2 bedroom apartments how many parking spaces will each resident use? Mom & Dad each have a car and say a teenagers or college students have a car each. Simple math, that's 3 cars that need some place to park. Project allows for only less than 2. Where do the others park ON THE STREET (Church and K Streets are already lined with cars) creating more problems for residents? They are not going to park on 3rd Av. or pay meters thus creating another situation the same as Southwestern College.

*If this project moves forward our city is setting a **dangerous precedent** that will march all the way down to H Street and our beautiful 3rd Av. will look like any street in LA. Not our Chula Vista.

Please don't miss understand we are strongly in favor of upgrading Chula Vista but do it in accordance with the Urban Core Corridor District (C-1). We would be agreeable with 3 stories, no east facing balconies and increased commercial. This has been proven to work on south Broadway with store fronts on lower level and housing above.

Respectfully,

A solid black rectangular redaction box covering the signature of Penny D. Vaughn.

Penny D. Vaughn, President

On Behalf of Crossroads II

Additional Information
Item 9

RECEIVED

AUG 15 2016

9 Aug 16

Mayor Mary Salas
City of Chula Vista

RECEIVED

Re: Vista Del Mar condo project

— Case # DR15-0015, PL15-0006

Dear Mayor Salas:

I oppose the subject building project. The citizens of Chula Vista do not want huge, hulking buildings obscuring views, looming over residential housing, causing more traffic and more cars parking on residential streets. This five story project will degrade the livability of our neighborhood with its huge footprint that is out of place in this area of single family homes. This building is much too high for a residential structure and has no redeeming architectural elements – it is just a huge square box.

Deviations to the Urban Core Specific Plan have been requested which would make a mockery of that plan. If this project is approved with all the deviations and nonconformance to the UCSP, it will set a precedent for construction of more of these blights on the neighborhoods. This development exceeds the FAR from 1.5 to 2.0 based on the assumption that it will be approved for Leeds Gold certification. There is no guarantee or even reasonable assurance that the requirements will be met. And it certainly does not adhere to the requirement of the General Plan (section 4.7) - "recognizing the importance of preserving and protecting Chula Vista's stable residential neighborhoods and overall community character." What possible reason could there be, other than accommodating a developer over the citizens' rights to maintain the property values of their homes, to grant accommodations to the developer?

Years ago, much time and work was put into coming up with the Urban Core Specific Plan. I attended all the meetings as did many other citizens who cared about the future of Chula Vista. A plan was developed taking into consideration the concerns of citizens. But now a developer wants to circumvent that plan and is requesting exceptions. A plan was worked out by the city and the citizens and that plan should be honored, not changed just because a developer wants it changed. What about the citizens of Chula Vista? Don't we have the right to expect that the city will abide by the plan that was adopted? What good reason is there for granting *any* exceptions to the plan?

Also, the citizens already living in homes they have purchased have a right to not have the property values of their homes diminished because a five story building looms over their property, shutting off air flow and views of the sunset, not to mention the invasion of privacy with balconies overlooking the homes on surrounding streets. A real estate agent will tell you that a view is worth a good chunk of money. And if that view is blocked by a five story building, which is not only the case on Church Ave. but further up the hill on Country Club drive and surrounding streets which have a view to the water, their property values will decrease significantly. I wouldn't be surprised if lawsuits are brought regarding this issue. These residents might be depending on the sale of their houses to pay for their care in the future or to support them in their old age. I purchased my historic home in 1972 and have spent thousands of dollars

refurbishing and landscaping the property. And I am depending on the sale of my house at a profitable amount to finance the care of my disabled son after I am gone. Is it fair to deprive the citizens who have purchased homes here of that ability just to appease a developer?

Although a traffic study was reported to have been done with the finding that there would be no impact on traffic with the Vista Del Mar project, obviously that cannot be correct. When you add over a hundred people on a street of course there will be much more traffic. And that is not even counting the four multi-story apartment buildings planned between H St. and L St. These would put at least 500 more people on the street in that short corridor which would affect traffic drastically.

I have attached photos of what the parking situation looks like in this neighborhood now – before construction of condos. These photos were taken on a weekday at 8:30 am. I am also attaching a letter written to the Star News by William Richter which should be required reading of all council members and mayor because it tells the truth about what is going on in Chula Vista and which, if allowed to continue, will destroy the character of our city. Every member of the Planning Commission decried the lack of commercial space in Chula Vista and in this project but all except one did not make any effort to change this project accordingly. In fact, this project not only does not create commercial space, it takes out the businesses that are already established on the site.

I do not want the city of Chula Vista to become a hodge-podge of large buildings destroying the small town atmosphere which, if not protected, will soon be lost forever. I call on the city to respect and consider the quality of life of the residents already here – who have purchased homes and put down roots in Chula Vista - rather than transient people living in apartments. This should not be all about dollars and cents or profits for a developer but, rather, about people's lives. I'm sure a more appropriate location for this size building can be found in an area that is more commercial in nature.

We are depending on our elected city officials to do the right thing for the citizens.

Respectfully,


Glenda de Vaney


Chula Vista 91911



Additional Information - Item 9

Gwennie Mccaughey**RECEIVED**

From: "Gwennie Mccaughey" <[REDACTED]>
 Date: Sunday, July 03, 2016 8:06 AM
 To: ~~"[REDACTED]@chula.com"~~
 Subject: Fw: Poster child for bad planning

AUG 15 2016

From: Crossroads II
 Sent: Saturday, July 02, 2016 9:03 PM
 Subject: Poster child for bad planning

(Editor's Note: This was an Op-Ed piece in 7/1/16 Star-News)

Poster child for bad planning

by William Richter

Vista del Mar ("View of the Ocean") is a condominium project being developed on the corner of Third Avenue and K Street on the west side of Chula Vista. The project will consist of about seventy condominiums with a very small retail area. This development is being touted as the "catalyst" needed for the area. There is just one tiny, wincy, little problem with the project and why it should be the poster child for bad planning by the city of Chula Vista. The project will convert 20,000 square feet of commercial space to 600 square feet of commercial space with the rest being residential. Losing that much commercial space in exchange for residential means that it will make the city's huge infrastructure deficit even bigger.

Retail, commercial and industrial development bring jobs and critical tax-revenue to a city. In fact, it is the life-blood of any city. The problem is that it's not easy to create that type of property. Developers can make money much faster building houses and condos. Sadly, the city gets overjoyed when someone wants to develop something, ANYTHING, without looking at the longterm consequences of the project. So, in its zeal to turn West Chula Vista into a sad imitation of Manhattan, the city continues to eliminate jobs and revenue-producing land (e.g., industrial, commercial and retail) in exchange for residential projects.

It's almost like the city has a drug-addiction to residential projects and,

as with all drug-addictions, there are serious consequences. The worst consequence is that housing doesn't pay for itself in the long-term. Housing

7/8/2016

DPA

gives the addicted city a quick "high" in the way of one-time development funds but those homes must be serviced by the city for, well, forever. In its quest to get that development fee "high," the addicted city conveniently forgets that there are additional expenses for roads, sewers, schools, parks, police, fire, libraries, etc. for every new home and resident that the city adds. However, we are starting to feel the hangover effects that have come from the housing development binge of the last fifteen years. During that time, the city added tens of thousands of new homes (that now need additional services) and built roads that are now falling apart. Since the city didn't add enough jobs and tax-revenue property to balance it out, it now doesn't have the money to pay for repairs.

Why should you care? Because the city's bad planning has created a \$600 million infrastructure deficit and because of that, there is now a push to raise taxes that you will pay for the next ten years. It should go without saying but the city can't tax itself out of bad planning decisions. But if we enable the city with this tax, it will continue to make bad planning decisions and the infrastructure deficit will continue to get even bigger.

This past week, the Chula Vista Planning Commission voted (5-1) to approve the Vista del Mar project (with minor suggestions to compensate for the fact that it is a five-story building next to single-story homes). Part of the reason for the approval was that the project will be a "catalyst" for the area. Well, the same thing was said about the Gateway project and that never happened. Also, if it was true that adding new homes acts as a catalyst, considering the tens of thousands of homes that the city has built on the east side, Chula Vista should be the richest city in the county. Well, guess what? That math doesn't add up.

If the city was better at planning, we wouldn't have to be looking to impose additional taxes. Chula Vista needs to add jobs and tax-producing businesses not more taxes and homes

<https://focusonchulavista.wordpress.com/>

CHULA VISTA CORRIDOR COALITION: "Vista del Mar" project at 3rd Ave and K St.

Patty Vainik

RECEIVED
CHULA VISTA CITY CLERK

2016 AUG 15 P 3:35

Please understand that we are not opposed to development at this site. This NW corner business area has become quite shabby over the past decade and would benefit from redevelopment. But, we have serious problems with the nature of THIS development plan.

1. **Building is too "bulky" for the site.**

- The sheer height of the building will block p.m. sunlight and dampen the westerly afternoon breeze which provides natural (and environmentally non polluting) air conditioning to the surrounding single family homes.
- FAR of 2.0 exceeds permissible FAR of 1.0 in the Urban Core Specific Plan C-1 Corridor District and the Neighborhood Transition Combining District in particular.
- Developer has used "Urban Amenities Incentives" to nominally reduce the FAR to 1.5.
- One of the "Amenities" is their supposed award of a LEED Gold certification. If this "amenity" is used to lower the FAR by 30%, the permit should be contingent on the developer actually receiving that LEED Gold certification.
- The LEED Gold certification is not guaranteed and may be unlikely (none have been awarded in Chula Vista to this date). It can only be awarded at a later date after the developer has submitted the project plans and a payment of a registration fee that averages 2% of the total project costs.
- To be granted a Design Review permit, the building plans must be reduced to meet the Urban Core requirement of a FAR of 1.0 plus any bonus for an "Urban Amenity Incentive" that can actually be demonstrated.
- NO FURTHER "DEVELOPMENT EXCEPTIONS" SHOULD BE GRANTED to the developer for any reason. Planning asserts that an "exception" is appropriate in that it will "result in a better design or greater public benefit...." The building design is not extraordinary in comparison to most modern architecture commonly being built in midsize cities today. |

am at a loss to understand what "greater public benefit" will accrue by ignoring the regulations and policies in the Urban Core Specific Plan. The only apparent benefit will be in the interest of the developer himself. Will every new building be defined as of "greater public benefit"?

- In the Planning Commission Resolution, staff notes that an estimated build-out in the C-1 district is equivalent to 40% of the total area. They state that this development is about 9.5% of the total area. Is it necessary for about 25% of possible build-out be located on this one corner? This seems to be over building on one corner adjacent to a single story R-1 neighborhood and violates the intent of the regulations and policies stated in the Urban Core Specific Plan and the Neighborhood Transition Combining Districts.
- Any deviation from the Urban Core Specific Plan requirements will be the camel's nose in the tent. The UCSP would be unenforceable in the future, allowing for uncontrolled growth. Any future developers in this C-1 corridor will demand the same considerations or they will sue (and win).

2. **Loss of Privacy for adjacent R-1 neighborhood.**

- The east and northeast facing facades of the building have many balconies and a terrace.
- The viewshed from these balconies and the terrace will encroach upon the backyards (and rear windows) of the single family homes for at least two or three streets to the east. Anyone on the East and Northeast facing balconies or terrace can literally become a "peeping Tom".
- A fundamental right of citizenship in the U.S. is the right to privacy (see U.S. Constitution IV Amendment and Universal Declaration of Human Rights, 1948).
- Any added vegetation that is dense enough to obliterate that view makes balconies worthless to the apartments on those sides.
- The balconies are likely to accumulate stored possessions, drying laundry and trash that can't be accommodated in small apartments.

- Most of the balconies included in the FAR calculation (by UCSP definition) to begin with, therefore removal of balconies would, in fact, lower the FAR.

3. **Traffic congestion/blockage on K Street**

- Resident parking and service traffic will enter and exit on K Street near 3rd Avenue.
- There are only two lanes going westward at the K St./3rd Ave intersection, one of which is a south turn lane.
- Cars exiting from the parking structure will block the westbound lanes completely, especially during rush hours.
- There is already congestion from customers leaving the Bank of America parking lot across K St.
- Long service vehicles will have to park on K St because there isn't sufficient room to make wide turns onto the parking ramp.
- There will not be sufficient entry height to accommodate tall vans which would require parking them on K St.
- Trash pickup will be done 2 or 3 times per week and would require dumpsters to be rolled up onto the side walk for pickup by the waste contractor. This would block the side walk as well as the street.
- Anxious drivers will be tempted to drive around large service vehicles, putting pedestrians, especially resident children, at risk.
- Road wear will be significant and require frequent expensive repairs.
- A significant reduction in residential units would reduce the impact on traffic moving both east and west on K St. at 3rd Avenue.

4. **Overflow parking on neighboring residential streets**

- The number of parking spaces provided for the number of residents meets the minimum requirements of the UCSP.

- But there are less than two spaces for each apartment.
 - Most apartments will have at least two adults living in them and will require at least two parking spaces.
 - Many residences in Chula Vista also house extended family members for lengthy periods of time regardless of the space restrictions.
 - Most adults and older teenagers need a car for work or school which will require three or more parking spots.
 - The overflow parking will occupy the surrounding streets where there already is bumper to bumper street parking on most days.
 - It will be even harder to park trash bins for pickup on residential streets and street sweeping will be impossible. Storm drain contamination will cause costly maintenance problems and stormwater quality violations.
 - Streets choked with parked cars can lead to dangerous accidents when leaving driveways "blind".
 - Reducing the number of residential units will significantly reduce this hazard.
5. **Most single family home residents are deeply concerned about changing the character of the neighborhood**
- One of the "Ten Key Principles" in the Urban Core Specific Plan is to "Transition new development to minimize impacts on existing residential neighborhoods."
 - The purpose of the Neighborhood Transition Combining District is "to insure that the character of zones within the Specific Plan area will be compatible with and will complement surrounding residential areas." (UCSP VI-37)
 - Most people who choose to live in a residential neighborhood do not want to live near a large, intrusive apartment complex.

- Resale of single family homes in close proximity to a rental complex of this size will be more difficult due to the negative attributes perceived by potential buyers.
- This translates to lower property values in the adjacent single family neighborhood (estimated to be as much as \$25,000) .

6. **Is the revenue value worth the City's expenditures over time?**

- The Urban Core Specific Plan's Land Use and Development Regulations list the C-1 Third Avenue South corridor as "Primary land use: Retail (West of Third Avenue), Office (East of Third Avenue); Residential".
- This development is primarily residential with a miniscule amount (< 700 sq ft) of space for commercial development.
- If this sets a standard for new development in the 3rd Ave Mid and South corridor, what is the point of a "walkable" neighborhood? Walkable to what without attractive businesses?
- The land use requirement of the UCSP has been turned on it's head.
- The infrastructure maintenance costs to the City over some projected future have not been evaluated by the staff.
- Until that is done, there is no way to know whether this is a net loss to the City and its tax payers.
- If this project is approved as it is now designed, it will foreclose the future enforcement of any regulations in the UCSP. Any attempt to hold future development to the UCSP regulations will invite repeated lawsuits and uncontrolled, un-smart growth .

A REAL COMPROMISE

We need a true compromise here not just an expedient minor adjustment in the project plans that amounts to moving the deck chairs around on the Titanic. So far, that's all we've seen.

The developer needs to profit from his property. We understand that.

The City of Chula Vista needs to develop a rundown section of the 3rd Avenue Corridor. There is also an imperative to increase housing density along transportation corridors. We understand that too.

But the City and the developer need to understand that the residents adjacent to the development have needs as well. We also have rights that are both explicit and implicit in the regulations of the Urban Corridor Specific Plan and especially in the Neighborhood Transition Combining District.

Our privacy and property values need to be protected. The safety of our neighborhood streets needs to be protected from heavy overflow parking. The overwhelming size of the project needs to be reduced to meet the intent of the NTCD and the Floor Area Ratio stipulated in the UCSP.

The reduction of the size of the building from five floors to three floors would give every interested party something and still be an attractive solution for the developer, the City and the neighborhood. THAT is a real compromise.

NARTHA COULSON

You have already heard about the concerns of the traffic and parking issues regarding this development. As we all know, a traffic study report that was financed by the developer shows no impact on surrounding areas for additional traffic and parking, which we all know is ^{false} ~~fake~~. I am sure that the city council is smart enough to see through this bogus report. The city council should also have the insight, with their knowledge of three major apartment complexes currently in the works within blocks of this proposed project, that collectively the obvious conclusion shows there is definitely going to be a significant traffic impact to the area.

From the beginning with the first meeting held for the public to view the plan of the proposed project, the developer has had the attitude that this project will go forward despite the objections of the neighboring citizens who oppose it. This arrogant and defiant attitude is sending up giant red flags everywhere. Why is he so confident this will go through? Also the city employees from the building department are very quick to defend him, saying he has "made changes" to the original plan. Those changes are minimal, and still leave the main issues to contend with.

Let's be clear. I am not opposed to developing this corner. It needs to be accomplished but taking into consideration the original results of the Urban Core Specific Plan which I participated in, the following changes should be made.

1. Lower the height!! Where did five stories come from? We all voted that four stories would be the maximum, three would be ideal. A three or four story building would be more likely to fit in. In addition, the building grossly exceeds the FAR with exceptions that don't make sense. Architects, surely you are able to reconfigure your original plans to accomplish this.
2. The balconies still overlook the neighbors to the east, even with proposed "shields" and vegetation coverage that is questionable. This is in conflict with the guidelines of the core plan. Be good neighbors! The developer has no interest in working with the neighborhood to resolve the issue with the balconies. Eliminate them on the east side completely.
3. This apartment complex lacks any significant commercial space on the main floor. The building department is allowing them to get away with a measly

“token” space, which will probably be nothing more than a rental office for these apartments. Add more commercial space to street level that will attract businesses to the area that will benefit the existing neighborhood. Also, studies have shown that revenue from apartment complexes go to the owner’s pocket and do not benefit the city like business revenues would.

4. Again, we don’t want a Trump Tower against the skyline. Five stories is too tall. Why are we bending the rules to allow a building this high to be built in this neighborhood? The name of the proposed apartment complex is Vista del Mar – view of the ocean. If you couldn’t see the ocean, you couldn’t advertise the view for the high dollar rent of the upper level units of this apartment building. Why are we allowing an outside developer to exploit those views for his personal gain – to charge more rent for his upper level apartments – and blocking the views of the homes to the east? Many of these homes on the hill are million dollar homes with tax paying, voting citizens who have invested in this community. Yet, their property values are in jeopardy because of the greed of this developer, who does not live in this area, collecting high dollar rent for his own benefit. How is that beneficial to the city?

← After months of trying to reach a compromise, here we are before the city council. Again, I emphasize the builder has demonstrated he does not have to be mindful of any of the neighborhood concerns because the city building department and city planning commission have allowed him to railroad this project through. In fact, by all appearances, the building department has assisted him in getting this through, making allowances and “certain compensations” of city codes to get this thing built. The builder himself disclosed this at one of the meetings making statements that the “city came to him and asked him to please build this building.”

We are expecting the elected officials of the city council to do the right thing. Considering all of the opposition of the building the way it is proposed, it should stop here, sending the builder and his architect back to the drawing board and coming up with the compromise needed for the tax paying, voting citizens of this community – a plan we can all live with.

In closing I am a Chula Vista resident, born and raised here. I chose to live, work and raise my family here. I attended the meetings of the Urban Core Specific Plan and voted along with many other residents about what direction we wanted for the development of our city. You can imagine my disappointment when this basic plan was tossed aside by elected city officials, disregarded and making up their own plan as they went along. There was a plan in place for the regulated growth of this city with specifics about height, density, FAR's, easements, etc. If that plan was in place and enforced, we would not be here today. Most of Chula Vista, as it slopes to the east has a view to the ocean. That's why they named it Chula Vista. When we lose those views, we lose the meaning of what our city stands for. As we go forward with responsible development that benefits our community, let's not lose sight of that vision realized years ago.

Martha Coulson

RECEIVED
CHULA VISTA CITY CLERK
2016 AUG 16 A 11: 26

Additional Information - ITEM 9

JAMES TINGLE

RECEIVED
CHULA VISTA CITY CLERK

2015 AUG 15 A 10:13

Rejection Of proposed development "Vista Del Mar"

and

Why the hundred plus homeowners East of this project are strongly against this development.

Vista Del Mar

Vote No

- **Reasons to approve**

- 71 low income apartments available
- Increased sales for local businesses
- Increased tax revenue for City
- New building in the Third Ave. corridor

- **Reasons to reject Vista Del Mar project as presented**

- Exceeds the FAR (Floor Area Ratio) of 1.0. A variance given to FAR 1.5. An additional variance to 2.0 approved (not qualified by city planners) and justified its approval based on the Leeds Gold certification and upgrades determined by the builder. There is no guarantee the Leeds gold certification requirement will be met or the upgrades will be done. Variance to FAR 2.0 based on an assumption of compliance and completion.
- This will be a non-conforming structure detrimental to the surrounding single family houses and apartment complexes in the neighborhood. The 5 story height and scope of this project will overwhelm the neighborhood and 3rd ave.
- Not compliant with the Urban Core Specific plan. Specifically “ The goal of the guidelines is to create a positive image for the Urban Core and frame the streets and sidewalks with inviting buildings, entrances, awnings, and out door dining areas as well as other attractive features”.
- There will be no street level commercial food or retail shops for the Neighborhood in this project as initially proposed. The proposed commercial space is not identified and is less than 1% of the entire project. Vista Del Mar is just another apartment complex in an area saturated with apartments.
- Balconies proposed will eliminate privacy for many houses east of the project. Balconies used as open space to justify increase in FAR.
- Increased traffic congestion at the corner of K st. and 3rd avenue due to city bus stop, adjacent bank and apartment complex.
- Increased foot traffic in the neighborhood.
- Significantly increased vehicular traffic on K St.

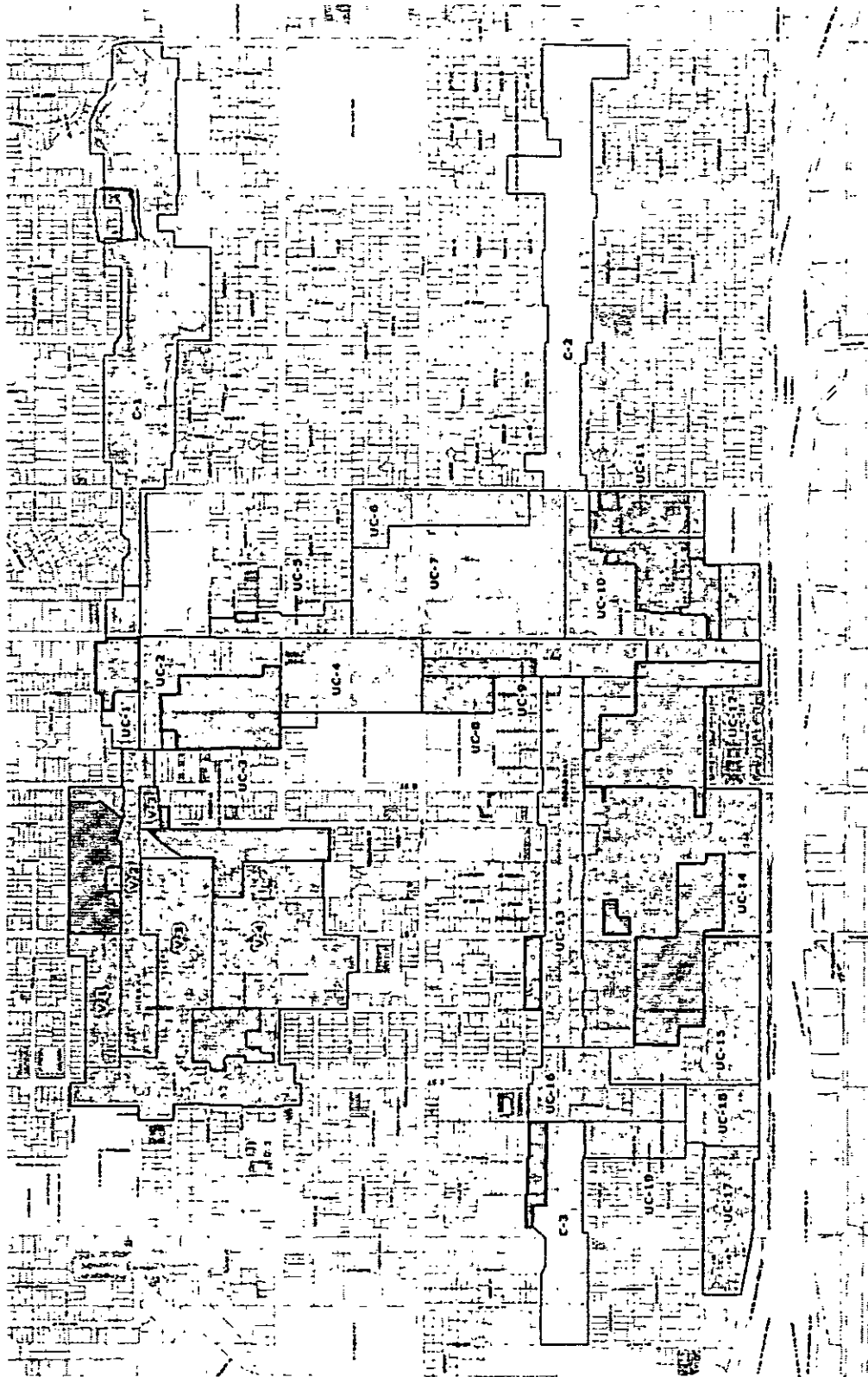
- Increased traffic congestion on K St. at the project site due to refuse collection trucks and delivery trucks blocking traffic for extended periods of time.
 - Loss of sun and ocean breeze for homes directly behind this project.
 - Loss of parking availability for home owners as far as 2nd avenue due to limited underground parking in the complex.
 - More non-owner owned units will coincide with an increase in crime rate.
- **Loss of Property Value**
 - A major concern not being addressed is the loss of property value for homes on Church, Del Mar, Twin Oaks and 2nd. Property value could decrease as much as \$50,000 or more the closer they are located to this non-conforming project. The reasons for this loss are stated in the above bullet points.
 - More owner occupied homes will become rentals as owners can not sale their homes for a reasonable value.
 - For more than 50 years this neighborhood has been a solid single family owner occupied neighborhood. The apartment buildings and nearby commercial buildings have blended well with the community until now. Vista Del Mar will have a strong negative impact on this community of 100 plus homes.
- **Population Statistics for the Northwest Chula Vista area and the Urban Core Area.**
 - Population per square mile based on US census bureau data compiled by city_data.com:
 - Northwest Chula Vista: **8,896**
 - Urban Core: **12,045**
 - Chula Vista: 5,253
 - Population density per square mile based on US census bureau data compiled by city_data.com:
 - Northwest Chula Vista: **61.7%** higher than overall Chula Vista
 - Urbane Core: **129%** higher than overall Chula Vista
 - National owner/non-owner occupied homes compared to Northwest

- The number of owner occupied households is **36%** lower than the National average.
- The number of non-owner occupied households is **68%** higher than the National average.

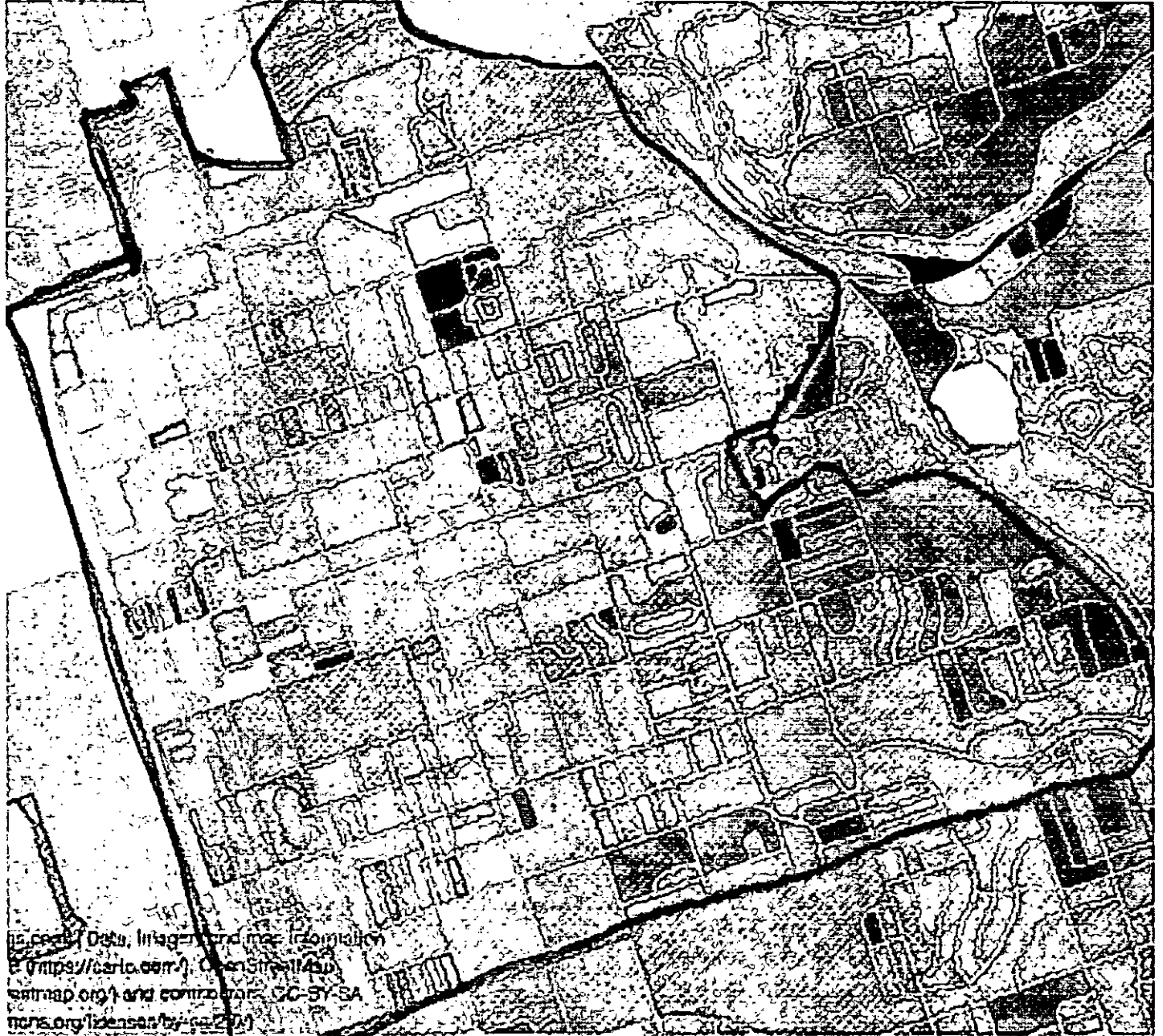
In summary I would like to state; that although we are in favor of a project limited to 3 stories with retail and commercial sores on the first floor and residential above. The height and scope of this 5 story project will negatively affect the financial and quality of life for the 100 plus homes behind the project.

The Urbane core is heavily saturated with apartments already and if C-1 corridor and surrounding blocks rental stats were available, it would show the rental saturation density would be even higher. Is this area of Chula Vista going to be the rental area because we are heading in that direction. The wishes of these long time homeowners that are losing property value and quality of life should be the deciding factor over the preferential treatment given to the developer. The neighborhood strongly rejects this project **votes no** to Vista Del Mar. The Mayor and city council members should respect the homeowners and also vote no to Vista Del Mar.

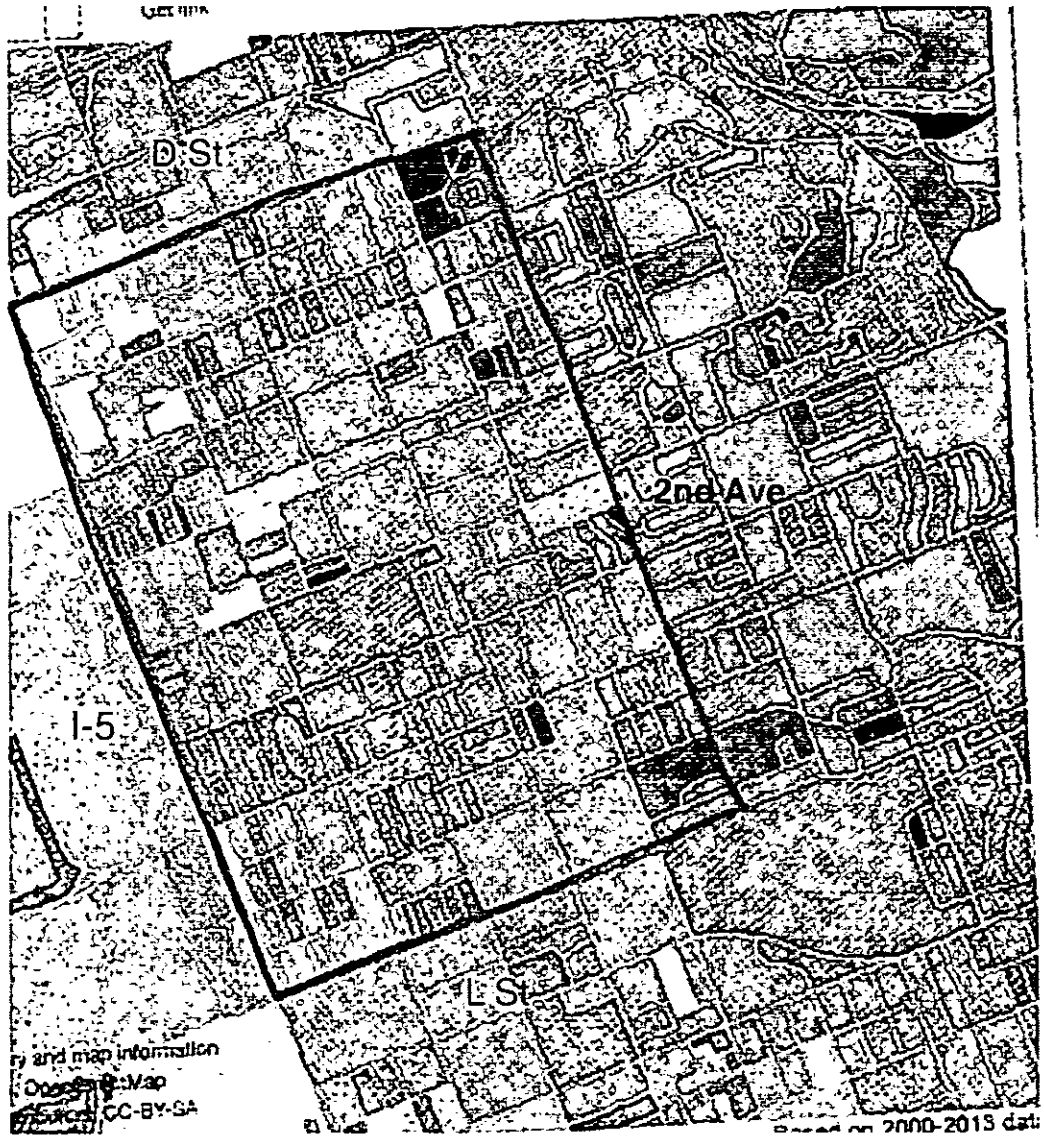
Urban Core Corridor 1



Northwest Chula Vista



Urban Core area of Chula Vista



Rebuttal of Planning Commission Resolution No. DR15-0015

1. This project does not conform to the cities Urban Core Specific Plan or General Use Plan. Exceeds and grants unprecedented exceptions to regulated FAR's to benefit the developer.
2. Does not respect the community affected by this development. The unintended consequences will be detrimental to the neighborhood with increased traffic gridlock, decreased privacy, and substantially reduced property value. This project does not blend into the neighborhood.
3. It is not a mixed commercial use property. It is a residential property. Calling less than 1% of the square footage commercial with only 2 parking spaces is ridiculous. This site had 7/8 businesses before proposed development. There is no commercial benefit to the neighborhood.
4. Over saturation of population for this neighborhood. Over a 1000 apartments within 1/2 mile of this site. Better use would be to update this site commercial newer development that the surrounding neighborhoods could use and enjoy.
5. There are no community amenities available as stated in this project. There are only amenities the residents of this project will enjoy.
6. No benefit for the community. Loss for the neighborhood. Developer given special compensation to bend the regulations and throws the neighborhood of more than 100 homes under the bus.
7. The neighborhood is not dilapidated and unsafe as Staffer Miguel Tapia insinuates.
8. This Planning Commission resolution is fraught with inaccuracies that are stated in the report to help the developer get approval over the wishes of the neighborhood.
9. Third avenue was never meant to lined with residential developments 5 story in height. The canyonization of Third ave should be an automatic rejection of this project.

Richard A. Schulman
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August 15, 2016

BY DELIVERY

Mayor Mary Casillas Salas
and Members of the City Council
c/o City Clerk
276 Fourth Avenue, Building A
Chula Vista, California 91910

**Re: Vista Del Mar
City Council Agenda of August 16, 2016, Item 9**

Honorable Mayor Salas and Members of the City Council:

This firm represents 3rd and Kst, LLC ("3K"), the applicant for the above-referenced project. I am writing to request your support for the project. The Planning Commission recommended that you approve the project.

The Project

The site is located at 795-799 3rd Avenue, 285-295 K Street, and 794-798 Church Avenue, and contains 1.05 acres (45,738 square feet). It is zoned "C-1" in the City's Urban Core Specific Plan ("UCSP"). The project will consist of 71 residential units (31 1-bedroom, 40 2-bedroom) and 1 commercial space. The density is consistent with zoning. The building will mostly be 57' tall, with an elevator tower reaching 60'. The project will feature a variety of amenities such as a public plaza, and it will satisfy LEED "Gold" requirements for environmental sensitivity. In response to neighbor concerns, 3K has already reduced the project by 8 units, reduced the size of the structure, added 8 guest parking spaces, and included additional landscaping.

As staff's oral presentation will show, the project features a very attractive design. Development Services staff supports approval of the project and agrees that it will be a beneficial addition to the community.

The Issues

Notwithstanding the project's environmental sensitivity and attractive appearance, the proposal has drawn criticism from a frequent critic of the City. None of the criticisms is valid. The staff report effectively disproves those criticisms, so this letter will address only a few "big picture" issues.

Floor area ratio (FAR) and Density. The principal concern of the opponent, expressed in various ways, is that the project's FAR exceeds what the UCSP allows; from this, the opponent argues that the project is not covered by the UCSP's environmental impact report (EIR). Ordinarily, the UCSP limits FAR at this site to 1.0, and this project's FAR is about 1.99. However, the UCSP allows increases to FAR for several reasons. The project merits increases of 0.1 for providing parking inside the building; 0.1 for providing public outdoor space; and 0.3 for satisfying LEED "Gold" requirements. This brings the project to an allowable FAR of 1.5. The UCSP allows further increases if a project can satisfy certain findings. The opponent objects to "compounding" FAR bonuses, but nothing prohibits the City from doing so; for that matter, the findings in question focus on the end result (1.99) regardless of any lower bonuses.

The UCSP allows this FAR. The UCSP is unusual in several respects; for one thing, it was designed to function not as typical number- and use-driven zoning, but rather as a form-based code. This means that its primary focus is the *form* of new development, with less stringent requirements for statistical conformity. One aspect of the UCSP that implements this approach is that the UCSP expressly allows "exceptions" on a case-by-case basis for projects that meet the goals of the UCSP but might run afoul of a number such as FAR:

The land use and development regulations encourage the siting of a variety of land uses in an urban environment that is both pedestrian and environmentally sensitive. Where used in combination with the Urban Amenities Incentives, as provided for in this chapter, the development regulations and urban amenities incentives will encourage innovative design. To further achieve this goal, it may be necessary to be flexible in the application of certain development standards. As such, the Planning Commission may authorize exceptions to the land use and development regulations included within this chapter through the issuance of an [sic] Design Review Permit, if all of the following findings are made:

1. The proposed development will not adversely affect the goals and objectives of the Specific Plan and General Plan.
2. The proposed development will comply with all other regulations of the Specific Plan.
3. The proposed development will incorporate one or more of the Urban Amenities Incentives in section F - Urban Amenities Requirements and Incentives, of this chapter.
4. The exception or exceptions are appropriate for this location and will result in a better design or greater public benefit than could be achieved through strict conformance with the Specific Plan development regulations. (UCSP, page VI-51)

The background documents from when the City approved the UCSP show that the City intended to provide this flexibility on a case-by-case basis. In fact, the exception language was expressly added to a previous draft. Thus, for example, the staff report said:

4. **Issue: Permit some flexibility in the application of the UCSP development standards to encourage innovative design and to effectively administer projects with any unforeseen development and/or design challenges.**

Analysis: Staff agrees that it may be necessary and appropriate for the Chula Vista Redevelopment Corporation or Planning Commission to authorize certain exceptions to the land use and development regulations, provided that the exception is based on certain findings, including that a better design or greater public benefit would be achieved. Review and consideration of a development standard exception is not permitted by right but would be considered on a project by project basis concurrent with the review of the Urban Core Development Permit, as outlined in Chapter XI.C.1 of the Specific Plan.

As the staff report to the Planning Commission noted, however, this is the first unit increase in the Urban Core since the City approved the UCSP in 2007, nine years ago. The UCSP anticipates an increase of 7,100 units, of which roughly 730 *should have already* been added. The additional units that this project will produce are both insignificant and consistent with (“within,” in the language of environmental review) the UCSP. For that matter, the entire project will use roughly 1% of the allowable growth in the UCSP. The opponent’s argument that future projects may consume all of that growth is speculation, but in any event the City’s various development review processes will ensure that allowable growth will not be allocated twice. Legally, the question is not whether there is a possibility of a new impact, but whether the City has reasonable support to conclude that there is nothing new requiring a new EIR. *E.g., Citizens Against Airport Pollution* (2014) 227 Cal.App.4th 788, 796-798. This is true here; this project is within the UCSP and its EIR.

As the staff reports to the Commission and Council have shown, the proposal satisfies the findings required to allow an exception. The project will provide new and attractive housing in an area called for by the City’s plans; it will comply with other regulations; it will contain urban amenities such as a public plaza; and it will allow for a better product. Indeed, the developer, 3K, could have provided smaller units, as its analysis indicated that more, smaller units would have provided a higher total return. However, 3K’s principal, Dr. Hamid Mani, has worked in the City for many years, has invested in other projects in the City, and wanted to provide a nicer product. This project – in particular, the FAR of this project – will provide larger units that will benefit the community. The FAR is legal and appropriate for this project at this site.

Transition and balconies. The opponent's second principal concern is that the project lacks adequate transitions to nearby single-family residences, including a belief that balconies will invade the neighbors' privacy. That belief is misplaced. Enclosures to the staff report show the transitioning effects of the proposed structure. As to balconies, the provision in question in the UCSP says:

Building design shall be cognizant of adjacent low density uses (i.e. avoid balconies overlooking rear yards). (UCSP, page VI-38)

The wording of this provision is much more likely the result of a lack of familiarity with Latin than a strictly intended requirement, because the UCSP variously encourages or requires balconies and the entire document must be harmonized to work as a unit. For instance:

New infill structures should use traditional facade components, such as bulkheads, arches, plazas, and balconies, to create patterns and alignments that visually link buildings within a block, while allowing individual identity of each building. (UCSP, page VII-34)

2) Building facades should be detailed in such a way as to make them appear smaller in scale. The smaller scale can be achieved through vertical and horizontal articulation such as:

- breaks (reveals, recesses) in the surface of the wall itself;
- placement of window and door openings; or
- the placement of bay windows, balconies, awnings, and canopies.

3) Bay windows and balconies that provide usable and accessible outdoor space for residential uses are strongly encouraged and may encroach on the public right-of-way, consistent with City policy. (UCSP, page VII-42)

And:

Bay windows and balconies that provide usable and accessible outdoor space for residential uses are strongly encouraged and may project beyond building setback lines. (UCSP, page VII-87)

(See also Figures VII-41 and VII-106)

The key to this provision may be the term "overlook." Read in harmony with the City's general plan, the plan does not flatly ban balconies or other adjacency issues; rather, it calls for designs to be "sensitive" to nearby uses and not "negatively affect" them. (Policies LUT 3.3, 4.3) Higher density residential and mixed-use projects should use "appropriate transition" to "minimize" conflicts with nearby uses. (Policy LUT 5.13) In fact, many of the LUT 6 and 7 series of Policies use similar or identical language: "compatible," "minimize project impacts," and "reduce the potential impacts." The UCSP balcony policy was not intended to dictate a

Mayor Mary Casillas Salas and Members of the City Council
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uniform design requirement; rather, it was intended to ensure that design was carefully reviewed to minimize issues. The opponent rejects the concept of harmonizing provisions of a plan; however, harmonizing different regulations is a basic legal concept.

This project has carefully minimized any issue relating to balconies. The obvious risk for a balcony near a single-family residence is privacy, but this project has carefully minimized any such risk. The balconies will be set back from the two yards of nearby homes and will be screened by vegetation that the project's architect and City staff believe is adequate for its purpose. The project could obtain an exception for this, but it need not; it complies with the policy.

Waste management access. One argument the opponent made to the Planning Commission is that trash trucks serving the project would block traffic. As the staff report says, access is safe and appropriate. Interestingly, trash pick-up will be done in the same location as currently done for the existing buildings.

This is a beautiful project that will enhance the community it is in. On behalf of 3K, I respectfully request that the Commission approve it.

Very truly yours,



Richard A. Schulman
HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP

RAS:cas

cc: Client
Miguel Tapia, Development Services Department
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August 16, 2016

RE Housing Development Appeal
3rd Ave & K St Chula Vista, CA 91910

Mayor Mary Salas and City of Chula Vista Council Representatives,

I am unable to attend the meeting this evening to review the approval of the above mentioned housing development. I did attend the meeting in which the project was approved and was very pleased to see that result. I have also attached a news item from Reuters to further highlight our overall housing shortage in the lower price point ranges. These issues have a far reaching impact on the sustainability of our communities.

The Chula Vista development is a great example of what is needed. We are the only city in the county where the value of homes is less and the businesses struggle as you near the coast line. When a business can only be busy during the business day because of patronage of outside residents or the employees of a business, it is an everyday, very real struggle. Nearby housing supplies the patrons and also adds to the overall value of the entire community – we call it "feet in the street". The ones that don't walk or drive away at 5:30, at close of business.

Chula Vista deserves high quality development and neighborhood investment in all sectors, west and east, north and south. This housing development is an enhancement to what is already at this location – or not at this location depending on how you think of it.

Our community is loved by its residents and many of these community members would like to see their children be able to invest in a home and as owners contribute to the sustainability of the western side of Chula Vista.

The developers have been very agreeable to work with the community to make the changes wanted to make this high quality housing structure fit what is envisioned by the community not just the builder. This has not been a one sided conversation in which this property owner, developer or architect ignored the community input. There have been many changes because of the two-way conversation.

As an owner of property in the western community of Chula Vista and a full time practitioner of real estate in this community for over 25 years, I'm not ignorant of the past. I also have strong feelings about a sustainable future of the entire city of Chula Vista and in this instance the western community.



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Hem 9
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I believe strongly that affordable and quality housing development on the west side of Chula Vista is an important issue and must be addressed. I copied and pasted this piece of information from the California Association of Realtor®'s Market Matters Newsletter just this past week. It is a top priority issue in the industry but really for all of us because generally speaking, a society of transient renters does not have the same stake in a community as owners do. Please consider:

In recovering housing market, starter homes remain elusive –

Source: Reuters

Current low interest rates and an improving job market have created a wave of prospective first-time home buyers, but they're being stymied by a dearth of available starter homes. Nationwide, the inventory of homes costing \$250,000 or less fell more than 12 percent between June 2015 and June 2016, according to the National Association of Realtors.

Making sense of the story

- *The shortage stems from higher labor, land and building permit costs that have caused construction companies to focus on higher-end homes that bring more profit.*
- *In addition, institutional investors are snapping up affordable homes by the thousands in select markets nationwide and converting them to rentals.*
- *Over the past four years, the number of entry-level homes for sale – defined as those priced in the lower third of a local market – has fallen by 34 percent, according to a Reuters analysis of data compiled by listings firm Trulia.*
- *The market is even tighter in many cities. In Salt Lake City the average number of starter homes on the market has fallen by 83% since 2012, and in San Diego by 71.5%. Cambridge, Mass. and Portland Ore. have both seen drops of more than 60%.*

This is a national snapshot but please note that San Diego's numbers are in the very top. I dare say that we would like to see our children and grandchildren live here than move out of state.

Pat Russiano
Realtor®
Property owner


From -



Award

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