

ORIGINAL



APPEAL APPLICATION FORM

Appeal the decision of the:

- Zoning Administrator
- Planning Commission

RECEIVED
JUL 01 2016

STAFF USE ONLY	
Date Received	7/6/16
Fee	\$ 250.00
Receipt #	005-00057899
Case #	DR 15-0015 PCS 15-0006

Application Information

DEVELOPMENT SERVICES DEPARTMENT

Name of Appellant Corridor Coalition, Glenda de Vaney, Phone 760-510-1562
 Address Martha Coulson, and Earl Jantz, c/o Everett L. DeLano, III
 Business Address DeLano & DeLano, 270 W. Grand Avenue, Escondido, CA 92025
 Project Address Northeast corner of Third Avenue and K street
 Project Description Vista del Mar Project & Addendum, DR 15-0015, and PCS 15-0006
 (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.

Please see attached letter and exhibits.

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.

FILED

Signature of Appellant

Date: 7/1/16

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

Disclosure Statement

Pursuant to Council Policy 101-01, prior to any action upon matters that will require discretionary action by the Council, Planning Commission and all other official bodies of the City, a statement of disclosure of certain ownership or financial interests, payments, or campaign contributions for a City of Chula Vista election must be filed. The following information must be disclosed:

COPY

1. List the names of all persons having a financial interest in the property that is the subject of the application or the contract, e.g., owner, applicant, contractor, subcontractor, material supplier.

None

2. If any person* identified pursuant to (1) above is a corporation or partnership, list the names of all individuals with a \$2000 investment in the business (corporation/partnership) entity.

N/A

3. If any person* identified pursuant to (1) above is a non-profit organization or trust, list the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

N/A

4. Please identify every person, including any agents, employees, consultants, or independent contractors you have assigned to represent you before the City in this matter.

Everett L. DeLano, III

5. Has any person* associated with this contract had any financial dealings with an official** of the City of Chula Vista as it relates to this contract within the past 12 months. Yes ___ No

If Yes, briefly describe the nature of the financial interest the official** may have in this contract.

6. Have you made a contribution of more than \$250 within the past twelve (12) months to a current member of the Chula Vista City Council? No Yes ___ . If yes, which Council member?

7. Have you provided more than \$340 (or an item of equivalent value) to an official** of the City of Chula Vista in the past twelve (12) months? (This includes being a source of income, money to retire a legal debt, gift, loan, etc.)
Yes ___ No

If Yes, which official** and what was the nature of item provided?

Date: 7-6-16

Glenda de Vaney
Signature of Contractor/Applicant

GLEND A de VAN EY
Print or type name of Contractor/Applicant

*as an individual
and on behalf
of Corridor
Coalition*

- * Person is defined as: any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, any other county, city, municipality, district, or other political subdivision, -or any other group or combination acting as a unit.
- ** Official includes, but is not limited to: Mayor, Council member, Chula Vista Redevelopment Corporation member, Planning Commissioner, member of a board, commission, or committee of the City, employee, or staff members.

September 8, 2008

Disclosure Statement

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Everett L. DeLano, III _____

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Yes ___ No

If Yes, which official** and what was the nature of item provided?

Date: 7/1/16

Earl Jentz
Signature of Contractor/Applicant

EARL JENTZ, AS AN
INDIVIDUAL AND ON
BEHALF OF
CORRIDOR COALITION

Print or type name of Contractor/Applicant

- * Person is defined as: any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, any other county, city, municipality, district, or other political subdivision, -or any other group or combination acting as a unit.
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September 8, 2008

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None _____

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Everett L. DeLano, III _____

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Yes ___ No

If Yes, which official** and what was the nature of item provided?

Date: 7-1-16

Martha Coulson
Signature of Contractor/Applicant

individual member of the
Corridor Coalition

Martha Coulson
Print or type name of Contractor/Applicant

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September 8, 2008



DELANO & DELANO

July 1, 2016

VIA HAND DELIVERY

City Clerk
City of Chula Vista
276 Fourth Ave.
Chula Vista, CA 91910

Re: Appeal of Vista del Mar Project and Addendum, DR 15-0015 and PCS 15-0006, approved by the Planning Commission on June 22, 2016

Dear City Clerk:

Pursuant to Chula Vista Municipal Code Chapter 19.14, Corridor Coalition, Glenda de Vaney, Martha Coulson and Earl Jentz hereby appeal the procedure, actions and approval by the Chula Vista Planning Commission of the Vista del Mar project ("Project") and Addendum. The decision of the Planning Commission should be overturned because: (1) the statements and evidence relied upon by the Planning Commission were inaccurate; (2) there is new information not previously available that supports denial of the Project; and (3) the findings of the Planning Commission are not supported by the information provided. This appeal is based upon the information contained in this letter, the attached letters, a completed Appeal Application form, the staff reports and evidence presented to the Planning Commission, and such other materials as appellants may bring to the attention of the City Council prior to and during its consideration of this appeal.

The evidence shows that the Project is inconsistent with the City's General Plan, Urban Core Specific Plan ("UCSP"), and Municipal Code. The evidence and statements of staff and others in support of the Project were inaccurate in numerous respects.

The evidence also shows that the 2006 Environmental Impact Report ("UCSP EIR") inadequately addressed the Project's potential impacts. Indeed, because of the many inconsistencies, the Project is not "the same as or within the scope of the [UCSP] described in the [UCSP EIR]." *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320 – 21. The Addendum is inadequate under the California Environmental Quality Act ("CEQA").

The City's failure to provide copies of records relevant to the Project and Addendum prior to Planning Commission approval, including technical studies specifically identified in the Addendum, violated both CEQA and the Public Record

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Appeal re Vista del Mar Project and Addendum
July 1, 2016
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Act's information disclosure requirements. Those technical studies were only provided after Planning Commission approval. But they show additional violations of the UCSP. For example, USCP EIR Mitigation Measure 5.4.5-1 requires: "Prior to the approval of each subsequent development project, the project applicant shall submit a comprehensive soil and geologic evaluation of the project site ... [which] shall include ... a delineation of specific locations where liquefiable, compressive, and expansive soils would affect structural stability" A "Preliminary Geotechnical Assessment Update" prepared for the Project fails to meet these requirements. Indeed, it reveals (p. 1) that the Project applicant rejected the "drilling of soil borings and laboratory testing" needed to actually delineate the specific site conditions. Instead, the report relies upon information gathered from nearby sites (p. 3) and urges the applicant to "test the subgrade soils and evaluate that they are appropriate for the support of the footings or floor slabs" (p. 7).

The attached letters provide additional reasons the Planning Commission's decision should be overturned.

Accordingly, Corridor Coalition, Glenda de Vaney, Martha Coulson and Earl Jentz request that the City Council approve the appeal, rejecting the Project and the Addendum.

Please contact the undersigned if you have any questions regarding this appeal. Thank you for your attention to this matter.

Sincerely,



Everett DeLano

Enclosures:

1. Letter to City from Evelyn Heidelberg (4/15/16).
2. Letter to City from Everett DeLano (6/22/16).
3. Letter and materials to City from Evelyn Heidelberg (6/22/16).

EXHIBIT 1



CROSBIE GLINER SCHIFFMAN SOUTHARD & SWANSON LLP

Attorneys at Law

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(858) 779-1718

April 15, 2016

VIA E-MAIL (RZumwalt@chulavistaca.gov)

Mr. Richard Zumwalt, AICP
Development Services Department
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

Re: Vista Del Mar/ Project # DR15-0015; PCS15-006

Dear Mr. Zumwalt:

On behalf of our client, Balboa Equity Capital, Inc., we are providing comments on the above-referenced project application ("Application"), as revised by the applicant's submittal to you dated March 10, 2016.

I. SUMMARY OF ISSUES

The fundamental concern with the Application is that the FAR requested exceeds by 95 percent that which is authorized by the base FAR for the C-1 Third Avenue South Neighborhood Transition Zone:

Base floor area allowed under C-1: (FAR 1.0) and lot size:	45,213 s.f.
Maximum FAR bonuses from Urban Amenities Table:	
-- 10 percent FAR increase if parking is provided onsite:	4,521 s.f.
-- 10 percent FAR increase for public outdoor space:	4,521 s.f.
-- 30 percent FAR increase for LEED Gold:	<u>13,564 s.f.</u>
Total floor area (base plus maximum for three bonuses):	67,820 s.f.
 PROPOSED PROJECT FLOOR AREA:	 88,323 s.f.
 DISCREPANCY:	 20,503 s.f.
 PROPOSED PROJECT FAR:	 1.95

Part of the 20,503 square foot discrepancy between the proposed project's floor area and the authorized floor area under C-1 plus maximum bonuses under the Urban Amenities Table is purportedly accounted for by correspondence from the applicant to the City, in which the applicant asserts a right to the cumulative calculation of each bonus, such that maximum FAR from the first bonus is added to the base FAR, and that enhanced base FAR is used as the basis for calculation

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of the second bonus, and so on. By this unauthorized cumulative approach to calculating the bonus FAR, the applicant claims an additional 3,299 square feet:

67,820 s.f.
<u>3,299 s.f.</u>
71,119 s.f.

Even with the unauthorized additional floor area claimed by the applicant due to compounding of the calculations of three bonus awards, there is an unexplained deviation of 17,204 square feet of floor area (88,323 s.f. minus 71,119 s.f.). We assume that the applicant is seeking a Development Exception from the FAR standard to authorize the additional 17,204 (or properly calculated, 20,503) square feet of floor area. (UCSP, VI-54.) Such a Development Exception should not be granted, for the reasons set forth below.

In addition to the excessive FAR for a project abutting a single-family residential neighborhood that is to be protected by the Neighborhood Transition Combining District designation, we offer the following comments which should be addressed in the staff report to the Planning Commission:

1. The Application fails to comply with an express requirement of the Special Provisions for Neighborhood Transition Combining Districts, in that it would include a large second-floor terrace and 28 units with balconies and eight units with patios, all of which overlook the rear yards and homes of adjacent single-family residences. As such, the Application cannot be approved because it is inconsistent with the UCSP and its implementing zoning regulations.
2. In analyzing the Application's request for FAR bonus awards, the UCSP expressly requires consideration of the projected build-out that would occur if all the bonus provisions allowable under the Urban Amenities Incentives program were actually awarded. We submit that this analysis must conclude that the requested 50 percent increase in FAR, if applied to all other properties within the 690-acre Urban Core Subdistrict Areas, would result in land use intensities exceeding by several factors the assumed maximum levels of residential, retail, and office development in the Urban Core Specific Plan and EIR. Such analysis should conclude with a recommendation to deny the requested 50 percent FAR bonus award, although some lower level of bonus award may be justified.
3. In preparing a recommendation to the Planning Commission regarding how much FAR bonus should be granted for each of the Urban Amenities, the staff report must evaluate the degree of public benefit provided by the proposed project. We submit that the public benefit provided by the urban amenities proposed in the Application

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does not warrant a 50 percent increase in FAR, although some lesser increase in FAR may be justified.

4. There is absolutely no basis in the UCSP for the Application's assumption that the City may add an award of FAR bonus to the proposed project's FAR, which then becomes the base for calculation of another award of FAR for an additional amenity. This sort of compounding of permitted FAR would result in an unwarranted additional seven (7) percent increase in the proposed project's FAR.
5. On top of the requested 50 percent FAR bonus sought by the Application for inclusion of three amenities, and the wholly unsupported seven percent FAR bonus that would result if FAR bonus awards were compounded as described in #4 above, the Application apparently seeks a Development Exception to the FAR limit, so as to permit a total project FAR of 1.95, or almost double the base FAR in the applicable C-1 zone of 1.0. We submit that the required findings to support such an exception cannot be made, because (1) the proposed development will adversely affect the goals and objectives of the UCSP, (2) will not comply with all applicable regulations of the UCSP (including but not limited to the requirement that balconies overlooking rear yards of abutting single-family homes must be avoided so as to ensure that building design is cognizant of adjacent low density areas), and (3) the exception is not appropriate for the location and will not result in a better design or greater public benefit than could be achieved through conformance with the UCSP development regulations. The bulk and mass of the project as proposed is simply too extreme a deviation from the base FAR of 1.0, particularly where the project is located in a Neighborhood Transition Combining Area.
6. The City may not rely on provisions of CEQA allowing streamlined environmental review for projects consistent with applicable plans, because as set forth above the Application does not propose a project that is "consistent" with the density standard expressed for the parcel in the UCSP. (*See* 14 Cal. Code Regs. § 15183(a); *see also* Pub. Res. Code § 21083.3(c)). Accordingly, preparation of a subsequent EIR would be necessary in order to comply with CEQA.

These issues are discussed in the following sections.

II. THE APPLICATION FAILS TO COMPLY WITH THE NTCD REQUIREMENT THAT BUILDING DESIGN BE COGNIZANT OF ADJACENT LOW DENSITY USES AND AVOID BALCONIES OVERLOOKING REAR YARDS

The UCSP establishes special regulations for Neighborhood Transition Combining Districts ("NTCDs") "to ensure that the character of zones within the Specific Plan area will be

Mr. Richard Zumwalt, AICP
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compatible with and will complement surrounding residential areas.” (UCSP, VI-40.) The C-1 zone, in which the proposed project is located, is an NTCD. (*Id.*) One of the express “Requirements” of the NTCD is as follows:

2. Requirements

- g. Building design shall be cognizant of adjacent low density uses (i.e., avoid balconies overlooking rear yards.

Id., VI-40-41.

To be clear, this is an express *requirement* of the zoning that is an integral part of the UCSP; it is not a mere *guideline*, such as the Design Review Guidelines found elsewhere in the UCSP.

The Application proposes a total of 28 balconies and eight patios that overlook rear yards of adjacent single-family uses, as well as a second-floor terrace that suffers from the same building design defect. Specifically, there are six east-facing balconies (three each on the second and third floors) at the east end of the proposed project, less than five feet from the west side of Church Street right-of-way, which balconies face east, overlooking single-family residences and rear yards of these residences. And there is one unit on the third floor which in a prior version of the Application had a north-facing balcony, which in the latest version has a west-facing balcony. This shift of the orientation of the balcony, however, does not eliminate the intrusion on the privacy of those living in the single-family residences on the west side of Church Street, apparently approximately 20 to 25 feet from the property line, because the occupants of the unit will still be able to look north into the yards and homes of those single-family residences when the occupants are using the balcony. In addition, there are 21 east-facing balconies (seven each on the third, fourth and fifth floors) that directly overlook the single-family homes and rear yards of those residences on the west side of Church Street. These balconies are as close as 47 horizontal feet and are located on a recessed east-facing portion of the building. Also, there are seven east-facing patios just below those balconies. Finally, there is a large second-floor terrace that faces both east and north, with views facing into the rear yards of single-family homes on the west side of Church Street. From the portion of the terrace facing east, only 13 feet and seven inches separates the edge of the terrace from a rear yard of a single-family home. From the portion of the terrace facing north, only 13 feet and one inch separates the edge of the terrace from the yard of a single-family residence. The applicant apparently asserts that trees to be planted in containers at the edge of the terrace will mitigate the violation of the requirement that building design be cognizant of adjacent low density uses, but the trees will mitigate the ability of those in the abutting single-family residences to view users of the plaza from the yards of the single-family homes, but will not impede the ability of the residents of the 71 units (and their guests) using the terrace to look into the yards and homes of the adjacent single-family residences.

Mr. Richard Zumwalt, AICP
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The fact that the specific example of how that *requirement* – that building design be cognizant of adjacent low density uses – is to be implemented – by avoiding balconies overlooking rear yards – is being violated by the Application makes the inconsistency with this requirement all the more obvious and egregious.

The only way that the Application could be approved with the 36 balconies or patios, plus the terrace, overlooking adjacent single-family homes is if the Planning Commission were to authorize Development Exceptions from the above-cited requirement to ensure that building design be cognizant of adjacent low density uses by avoiding balconies and other features that overlook rear yards. We submit that three of the four the findings that are required to be made if a Development Exception is to be granted could not be made in this instance. Specifically, the finding could not be made that the proposed development will not adversely affect the goals and objectives of the UCSP and the General Plan. (UCSP, VI-54.) As cited above, the NTCD establishes special regulations “to ensure that the character of zones within the Specific Plan area will be compatible with and will complement surrounding residential areas.” (*Id.* at VI-40.) Having residents of 71 units overlooking the yards of, and into the homes of, single-family residences located in some cases just a few yards away can hardly be considered to be consistent with the goals and objectives of the UCSP and in particular the purpose of the NTCD’s special regulations. The second required finding to grant a Development Exception – that the proposed development will comply with all other regulations of the Specific Plan – cannot be made, for two reasons: the Application calls for a near doubling of the applicable FAR limit of 1.0. With respect to the inability of the required findings to be made for the increased FAR, see Section VI. below. Finally, the fourth finding required to authorize an exception cannot be made, namely, that the exception that would allow the residents of 71 units, either from their private balconies or patios or from the terrace that is part of the common area of the complex, to overlook the yards and into the homes of adjacent single-family residences is “appropriate for this location and will result in a better design or greater public benefit than could be achieved through strict conformance with the UCSP development regulations.” (UCSP, VI-54.)

III. IN ANALYZING THE APPLICATION’S REQUEST FOR BONUS AWARDS OF FAR, STAFF MUST CONSIDER THE PROJECTED BUILD-OUT THAT WOULD OCCUR IF ALL THE BONUS PROVISIONS ALLOWABLE UNDER THE URBAN AMENITIES INCENTIVES PROGRAM WERE ACTUALLY AWARDED

The UCSP makes it clear that “[t]he amount of bonus awards Chula Vista will make available should take into account the projected build-out that would occur if all of the bonus provisions allowable under the program were actually awarded.” (UCSP, VI-48.) This can only refer to projected build-out under the UCSP, which is assumed to occur over 20 to 25 years after adoption of the UCSP in 2007, or by 2027 to 2032. (UCSP, II-2.) Buildout is assumed as follows: a net increase of 7,100 multi-family dwelling units; a net increase of 1.0 million square feet of

Mr. Richard Zumwalt, AICP
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retail space, a net increase of 1.3 million square feet of office space, and a net increase of 1.3 million square feet of visitor-serving uses within the UCSP Subdistricts area. (UCSP, II-2.)

If we assume that 80 percent of the 690 acres comprising the UCSP Subdistricts Area is intended to be the subject of infill or redevelopment at higher densities during the build-out periods, and those 552 acres were to be developed with the three amenities proposed by the Application – parking within the building (for up to a 10 percent increase in FAR), LEED gold (for up to a 30 percent increase in FAR), and public open space (for up to a 10 percent increase in FAR) – then the resulting intensity of land use would be 50 percent greater than is contemplated in the UCSP or in its EIR. This assumption does not take into account additional density bonuses that may be granted for projects which provide affordable housing, or FAR waivers that are available for preservation and maintenance of features of historic structures or projects which include community or human services. (UCSP, VI-51.) This means that either build-out (as defined by the net increases in various uses as specified in the preceding paragraph) would be reached without the redevelopment of approximately 50 percent of the existing land area which the UCSP seeks to have redeveloped, or that the 552 acres will be redeveloped at 50 percent greater intensity of use. It is obvious that either alternative would have significant potential impacts: under the former scenario, a large number of parcels would remain in their underutilized, vacant and/or deteriorated status; and under the latter scenario, the intensity of land use would outstrip the capacity of the UCSP's planned transportation and other infrastructure improvements to serve the residential population and users of the commercial space. Neither outcome is consistent with the UCSP and neither outcome was evaluated in the EIR for the UCSP.

Comparing the Application to the assumed build-out of the entire UCSP Subdistricts Area is instructive. As the Application calls for 71 residential units, the proposed project would account for exactly one percent of the anticipated build-out of multi-family units for the entire UCSP Subdistricts Area. But, the project site is only 45,213 square feet, or 1.04 acre. The entire UCSP Subdistricts Area is 690 acres, and so the project site is only 0.15 percent of the entire UCSP Subdistricts Area. The disparity between the Application's allocation of the UCSP's residential build-out – one percent – and the Application's project site size as compared to the total acreage in the UCSP Subdistricts Area – 0.15 percent – indicates that the project site would capture more than 6.6 times its proportionate share of residential units.

The staff report on the Application must therefore, consistent with the directive in the UCSP cited above, take into account the consequences if the other 689 acres of the UCSP (or as suggested above, some proportion of the entire 690-acre Subdistricts Area that is presumed to be redeveloped by 2032) are redeveloped with 50 percent FAR bonuses awarded through the Urban Amenities Incentives provisions of the UCSP.

Mr. Richard Zumwalt, AICP
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IV. THE STAFF REPORT ON THE APPLICATION MUST EVALUATE THE DEGREE OF PUBLIC BENEFIT PROVIDED BY THE PROPOSED PROJECT AND BASE ITS RECOMMENDED PERCENTAGE INCREASE IN FAR ON THAT ANALYSIS

Correspondence submitted to the City by the applicant seems to assume that the City will automatically award the proposed project a 50 percent increase in FAR because the proposed project would include parking on site, LEED Gold features, and a 650-square foot public plaza. But the UCSP makes it clear that, in addition to the analysis referred to in Section III hereof, the award of bonus FAR for providing amenities identified in the UCSP's Urban Amenities Table (UCSP, VI-51) is discretionary and that Planning Commission, in determining "just how much additional FAR or FAR waiver should be granted" must first "take into account the value added to the property by the amenity or design, and a reasonable share of additional FAR or FAR waiver that will proportionally compensate the developer for the additional amenities or design provisions." (UCSP, VI-48.) Second, the Planning Commission must evaluate incentive requests "case-by-case based on the degree of public benefit provided by the proposed project."

This case-by-case analysis should consider, for example, that a maximum 10 percent FAR bonus is available to be awarded for "Public Parks and Plazas, including Sports/Recreation Facilities, Play Lots, Water Features, Trails, Par Courses, Equipment, Gardens, Art Works." (UCSP, VI-51.) The public open space must have the following characteristics: an area greater than 500 square feet with a minimum depth of 30 feet; provides tables and chairs; provides pedestrian-scaled lighting, and has outdoor public art and other desired amenities, such as fountains. (*Id.*) Here, the Application provides nothing more than a 650-square foot plaza at the raised primary entrances to the residential structure and to the small commercial use. It will likely be perceived by members of the public as an amenity belonging to the residents of the units or patrons of the commercial use, as distinguished from, say, a pocket park that might be located on the side of the structure, away from the primary entrance to the residential structure or retail space, which would more readily be perceived as a public space.

As noted, the Planning Commission is obligated to evaluate incentive requests on a "case-by-case basis based on the degree of public benefit provided by the proposed project." We submit that the proposed plaza, which is not much larger than the minimum size required to be awarded a bonus, should not be awarded the full 10 percent FAR bonus, because it would have the effect of discouraging other developers from including a more useful and larger public open space area, such as a play lot, or a sports or recreation facility. The City should reserve an award of the full 10 percent FAR bonus for "Public Parks and Plazas" to a property owner whose project incorporates public open space which provides more significant public benefit.

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V. THERE IS NO BASIS IN THE UCSP TO ALLOW FOR COMPOUNDING OF FAR BONUSES FOR AMENITIES

In addition to wrongly assuming that the proposed project is entitled to the maximum available amount of FAR bonus for providing three separate urban amenities, the applicant is assuming that the award of an FAR bonus for providing one urban amenity can then be added to the base project FAR for purposes of calculating the percentage FAR bonus for a second urban amenity, and that the resulting FAR bonus for the second amenity can be added to the base project FAR for purposes of calculating the amount of the FAR bonus for the third amenity. (Through this attempt to claim a right to a higher FAR bonus than it is entitled by providing three urban amenities, the applicant is seeking to reduce the amount of the Development Exception from FAR limits it is seeking from the City, from a request for an exception in the amount of .45 additional FAR (i.e., an exception allowing 45 percent more floor area than allowed after application of the maximum FAR bonuses for three urban amenities), to a request for .38 additional FAR. See Section VI. Below.)

To be specific, the applicant is claiming that it is entitled to a bonus of 4,521 square feet (10 percent of the size of the parcel, which is 45,213 square feet) for providing parking on site, and that that 4,521 is added to the 45,213, yielding 49,734 as the base to which the 10 percent FAR bonus is awarded for providing the above-referenced 650-square foot public plaza. Then, the applicant claims that the resulting 4,973 square feet of bonus floor area for the public plaza is added to the 49,734, yielding 54,707 square feet which would be the base floor area to which the 30 percent FAR bonus for LEED Gold is applied, resulting in a third floor area bonus in the amount of 16,412. The 16,412 would be added to the 54,707 square feet to get a total floor area, purportedly authorized by the bonus awards for providing urban amenities, of 71,119 square feet.

There is absolutely no support for this "compounding" of the calculation of FAR bonus awards in the UCSP. In the absence of language specifically authorizing that compounding, each FAR bonus award should be separately added to the total FAR. So, the FAR bonus awards, even if the Planning Commission were to determine, after the case-by-case analysis of public benefit conferred by each urban amenity, that the maximum FAR bonus should be awarded to the project for each of the three amenities to be provided, should be calculated as follows: base floor area of 45,213; plus 4,521 for parking on site; plus 4,521 for public plaza; plus 13,564 for LEED Gold. The sum total floor area after application of the maximum bonus FAR for the proposed project cannot exceed 67,819 square feet.

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VI. A DEVELOPMENT EXCEPTION TO THE FAR LIMIT PERMITTING AN FAR OF 1.95 SHOULD NOT BE GRANTED BECAUSE THE APPLICATION DOES NOT ADVANCE THE PURPOSE OF THE DEVELOPMENT EXCEPTION PROVISION, AND THE REQUIRED FINDINGS CANNOT BE MADE

A. Introduction

Even if awarded the maximum FAR bonus for three urban amenities, and even if the awards for such FAR bonuses were compounded as discussed in Section V, the Application requires the Planning Commission to grant a substantial "Development Exception" to the FAR limit in order for the Application to be approved.

As discussed in Sections IV and V, the base floor area for the parcel is 45,213 square feet, as the base FAR is 1.0. The Application proposes a project that is 88,323 square feet, with a resulting FAR of 1.95. Even if the maximum floor area bonuses were awarded for the project's inclusion of three urban amenities and those FAR bonuses were simply added to the base floor area (rather than being compounded as described in Section V), the Application seeks approval of a project that is 88,323 square feet, with a FAR of 1.95, or almost 50 percent above the 1.5 FAR that would result with maximum floor area bonuses awarded. Thus, the Application cannot be approved unless the Planning Commission issues a "Development Exception" as set forth in the Section VI.I of the UCSP. A Development Exception is intended to encourage innovative design and allows flexibility in the application of certain development standards. (UCSP, VI-54.)

Because the Application does not offer much if anything in the way of innovative design, but rather seeks only to maximize intensity of use of the property, and because the required findings cannot be made to support a "Development Exception" that would grant an additional 0.45 FAR, we submit that the Application must be denied.

B. The Application Offers Little in the Way of the Desired Design Features Set Forth in the Design Guidelines Applicable in the Corridors District

The Application does not reflect the incorporation of any significant number of the design and site planning principles applicable to projects proposed in the Corridors District. (UCSP, VII-107-138.) Consequently, it does not merit the substantial exception to the FAR limit sought by the Application.

First, the Application does not embody variety in building form, facades and features, as called for in the Design Guidelines. (UCSP, VII-108.) The project consists essentially of two rectangular boxes maximizing lot coverage along the Third Avenue and K Street frontages, with the only design feature providing any relief being the plaza at the juncture of the two rectangles.

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There appears to be some variation in the finish materials, but essentially no articulation except at the intersection of the two boxes at the plaza.

Second, the Application does not comply with the second design principle, which calls for new development to "demonstrate sensitivity to surrounding uses. Such efforts should include limiting building massing ..." (UCSP, VI-108.) The Application shows no sensitivity whatsoever to the abutting single-family residential use: As discussed above in Section II, the Application calls for 28 balconies, eight patios and a large second-floor terrace that overlook the immediately abutting single-family yards and homes. And instead of limiting building massing, as expressly called for in order to ensure compatibility between different uses (UCSP, VI-108), the Application seeks a Development Exception to allow it to exceed the otherwise maximum permissible FAR by a full 0.45 (to 1.95 from the 1.0 base and the maximum 1.5 if the full amount of incentive bonuses are added).

Similarly, the proposed project hardly exemplifies the architectural guidelines for the Corridor District. They call for varying building heights and setbacks from adjacent or adjoining buildings. (UCSP, VII-115.) Here, the two rectangles do not provide diversity in building type, nor in height or setbacks. In addition, apart from the balconies, the facades show little break or articulation or vertical and horizontal offsets to minimize large blank walls and reduce building bulk. (*Id.*)

The design guidelines regarding roof and upper story detail are similarly not incorporated into the proposed project. There appear to be no large overhangs featuring open rafters or tails, nor are there any building vertical focal elements, such as towers, spires, or domes, all of which are encouraged. (UCSP, VII-117.) It does not appear that the required perimeter wall along the eastern boundary of the property adjacent to the single-family homes is offset every 50 feet or designed to reduce monotony, or that there are landscape pockets along the wall at regular intervals. (UCSP, VII-118.)

Thus, the Application does not reflect the incorporation of a significant number of the desired UCSP design features for the Corridors district, let alone exemplify innovative design, which is the stated purpose of the provision allowing Development Exceptions. Accordingly, the staff report must address exactly why the Planning Commission should grant such a large exception (almost 50 percent) to the fundamental land use regulation governing development in the UCSP Subarea Districts, the limit on FAR.

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C. The Required Findings Cannot Be Made to Support an Exception to the FAR Limit

In addition to the Application not furthering the purposes that the Development Exception provision is intended to serve – innovative design – the findings required for a Development Exception cannot be made in this instance.

The Planning Commission cannot grant a Development Exception unless four findings are made. Here, only one of the four findings can be made, namely, that the proposed development will incorporate one or more of the Urban Amenities. (UCSP, VI-54.) None of the other three required findings can be made: (1) that the proposed development will not adversely affect the goals and objectives of the UCSP and the General Plan; (2) that the proposed development will comply with all other regulations of the UCSP; and (3) that the exception is appropriate for this location and will result in a better design or greater public benefit than could be achieved through strict conformance with the UCSP development regulations.

1. A Finding Cannot Be Made that the Proposed Development Will Not Adversely Affect the Goals and Objectives of the UCSP and General Plan

Just as the UCSP requires that projected buildout be considered if all the bonus provisions allowable under the Urban Amenities Incentives Program were actually awarded (as discussed in Section III above), so too must the Planning Commission consider the cumulative impact on the goals and objectives of the UCSP of granting a Development Exception that would allow an almost 50 percent increase in the permissible FAR (assuming that the full amount of potential FAR bonus for inclusion of three Urban Amenities were awarded) or a 95 percent increase in the permissible FAR (if no FAR bonus were awarded for inclusion of Urban Amenities). Such a Development Exception would set a precedent that would mean either that build-out under the UCSP (i.e., net increase of 7,100 dwelling units, 1.1 million square feet of retail space, 1.3 million square feet of office space, and 1.3 million square feet of visitor-serving space) would be reached without the redevelopment of approximately 50 percent of the 690 acres in the UCSP Subarea Districts, or that that area will be redeveloped at approximately 50 percent greater intensity of land use. Either alternative would deter the achievement of the goals and objectives of the UCSP, and result in potential environmental impacts not assessed in the EIR. Under the former, a large number of vacant, underutilized and/or deteriorated parcels would remain in that status, because all of the projected and planned for growth will have occurred on a small fraction of the parcels that happened to be developed first. Under the latter scenario, the City would ignore the projected build-out numbers and allow growth at almost double the intensity of that planned in the UCSP throughout the UCSP Subdistricts Area, growth that would outstrip the capacity of the planned infrastructure to accommodate it without adverse environmental and other impacts.

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In addition to the general inconsistency of the requested Development Exception with the entire framework of the UCSP, it is fundamentally at odds with the Neighborhood Transition Combining District and its goal that “the character of zones within the Specific Plan area will be compatible with and will complement surrounding residential areas.” (UCSP, VI-40.) Simply put, a near doubling of the base FAR (which results if the Application is approved with minimal or no FAR bonuses awarded for inclusion of three Urban Amenities) or a near 50 percent increase in the base FAR (which results if the Application is approved with the maximum available FAR bonuses for inclusion of those three Urban Amenities) is inconsistent with the goal of ensuring that growth in the Urban Subdistricts areas that are designated as NTCDs (as is the C-1 district in which the subject property is located) is compatible with adjacent single-family residential areas.

2. *A Finding Cannot Be Made that the Proposed Development Complies with All Other Regulations of the UCSP*

As discussed in Section II, the Application includes 28 balconies, eight patios, and large wrap-around terrace which all overlook adjacent single-family residences, in violation of the *requirement* of the NTCD that “[b]uilding design shall be cognizant of adjacent low density uses (i.e., avoid balconies overlooking rear yards.” (UCSP, VI-40-41.) It would make a mockery of the NTCD provisions, and the UCSP generally, were the Planning Commission to grant a Development Exception to allow the sought-after 28 balconies, eight patios and large terrace, in addition to a Development Exception for the almost 50 percent increase in permissible floor area (assuming that full credit were granted for the three Urban Amenities).

3. *A Finding Cannot Be Made that the Development Exceptions Are Appropriate for the Location and Will Result in a Better Design or Greater Public Benefit Than Could Be Achieved Through Strict Conformance with the Specific Plan’s Development Regulations*

An increase of almost 50 percent in the permissible FAR (assuming maximum credit were given for inclusion of three Urban Amenities) in an area abutting a single-family residential area and utter disregard of the NTCD’s requirement that building design be cognizant of adjacent single-family residential development by 28 balconies, eight patios and a large terrace overlooking single-family homes and yards militate against a finding that the Development Exceptions are appropriate for the project site and that they will result in a better design or greater public benefit than if the project were to conform to the Specific Plan’s development regulations. The Application seeks not a small variance from the UCSP’s development regulations, but a major departure from the FAR limits and the protections afforded adjacent single-family residential areas.

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VII. STREAMLINED REVIEW OF THE APPLICATION UNDER CEQA WILL NOT SUFFICE BECAUSE IT IS NOT CONSISTENT WITH THE DEVELOPMENT DENSITY ESTABLISHED BY THE UCSP

The California Environmental Quality Act ("CEQA") provides for streamlined environmental review for qualifying projects that are consistent with the applicable general plan, community plan and zoning designations. (Pub. Res. Code §21083.3; 14 Cal. Code Regs. (hereinafter "Guidelines") §15183.) "CEQA mandates that projects that are *consistent* with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site..." (Guidelines, §15183(a) (emphasis added). "Consistent" means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project *complies with the density-related standards* contained in that plan or zoning..." (*Id.* §15183(i)(2) (emphasis supplied).)

Here, the Application is not consistent with the development density established by the UCSP. The standard for the parcel at issue in the UCSP is an FAR of 1.0. The Application would authorize a project with an FAR of 1.95.

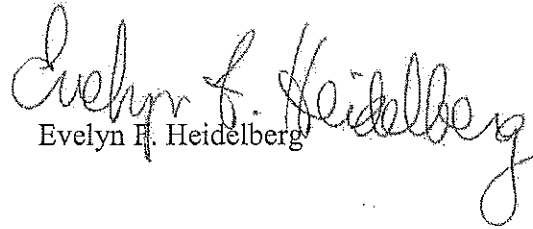
The EIR for the UCSP did not discuss at all the potential effects of development occurring at densities greater than those set forth in the base FAR authorized for each UCSP Subdistrict. It simply stated, without explanation, that the UCSP at build-out would add 7,100 dwelling units, 1.1 million square feet of retail space, 1.3 million square feet of office space, and 1.3 million square feet of visitor-serving space. The source of these figures was not identified, nor was there any discussion in the UCSP or the EIR of how the base FAR authorized for each UCSP Subdistrict, let alone the authorized increases in FAR through the Urban Amenities, related to the build-out assumptions. Indeed, as noted above in Section III, the UCSP expressly mandates that the Planning Commission's determination as to "[t]he amount of bonus awards Chula Vista will make available should take into account the projected build-out that would occur if all of the bonus provisions allowable under the program were actually awarded." (UCSP, VI-48.) Accordingly, if up to a 50 percent increase in FAR were to be awarded to the proposed project through the provision of three Urban Amenities, that analysis must be undertaken because the UCSP requires it and the EIR did not address it.

These principles apply with even more force in the case of the requested Development Exception that would allow an additional 0.45 FAR, on top of the maximum 0.5 FAR bonus sought through the Urban Amenities program. As Development Exceptions can theoretically be granted as to any or all of the development standards applicable in any of the UCSP Subdistrict Areas, the

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EIR obviously could not (and did not) analyze the potential impacts of awards of Development Exceptions. Where, as here, the Development Exceptions sought by the Application include an increase in FAR of between 0.45 and 0.95, as well as a blatant violation of the NTCDD *requirement* that "building design shall be cognizant of adjacent low density uses (e.g., avoid balconies overlooking rear yards)," it is evident that the project is not consistent with the development density or other key provisions of the UCSP. The EIR for the UCSP could not possibly have analyzed the potential impacts of an infinite number, variety and extent of Development Exceptions to the various applicable development regulations, and did not address those potential impacts in any manner. Accordingly, the Application is not subject to an exemption from, or streamlined review under, CEQA under Public Resources Code section 21083.3. At minimum, a subsequent EIR would be required to comply with CEQA if the City were to approve the Application.

Sincerely,


Evelyn F. Heidelberg

EFH/me

cc: Mr. Earl Jentz

EXHIBIT 2



DELANO & DELANO

June 22, 2016

VIA E-MAIL

Planning Commission
City of Chula Vista
276 Fourth Ave.
Chula Vista, CA 91910

Re: Proposed Vista del Mar Project, DR 15-0015 and PCS 15-0006, and Addendum

Dear Honorable Members of the Planning Commission:

This letter is submitted on behalf of Balboa Equity Capital, Inc., in connection with the proposed Vista del Mar project ("Project") and related Addendum.

The California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, provides that an agency can use a "tiered" EIR in order to, among other things, streamline regulatory procedures and avoid "repetitive discussions of the same issues in successive environmental impact reports." Pub. Res. Code § 21093(a). In order to qualify, however, the later project must be:

1. Consistent with the program, plan, policy or ordinance for which an environmental impact report has been prepared and certified;
2. Consistent with applicable local land use plans and zoning; and
3. Not subject to Section 21166.

Id., § 21094(b) (emphasis added). Failing to meet any one of these three criteria would mean that a later project would not be covered by an earlier tiered EIR. In this instance, the Project fails all three criteria.

The staff report and draft resolutions of approval assert that the Project is consistent with the City's General Plan and the Urban Core Specific Plan ("UCSP") and that the 2006 Environmental Impact Report ("UCSP EIR") adequately addressed the Project's potential impacts. In fact, these assertions are incorrect, as the April 15, 2016 letter from Evelyn Heidelberg explains. Indeed, because of the many inconsistencies, the Project is not "the same as or within the scope of the [UCSP] described in the [UCSP EIR]." *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320 – 21.

For example, the Project violates the UCSP itself, including Key Principle #7, which requires the City to "[t]ransition new development to minimize impacts on existing

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residential neighborhoods." Nor is the Project consistent with several General Plan objectives. Among other things, contrary to LUT-11, the Project does not "[e]nsure that buildings and related site improvements ... are well designed and compatible with surrounding properties," particularly since it starkly abuts single-family residential uses. Contrary to LUT-7, the Project does not provide appropriate transitions between land uses, particularly since the Project would install a complex with 67 units/acre immediately adjacent to single-family homes. Contrary to LUT-60, the Project is principally a residential use despite the requirement to "[r]einforce the existing land use pattern of ... office uses on the east side of Third Avenue between J Street and L Street." And contrary to PFS-14, the Project does not "[p]rovide parks and recreation facilities and programs [] that are well maintained, safe, and accessible to all residents"

UCSP Mitigation Measure 5.2.5-1 requires compliance with the special development regulations for mixed-use projects, the Neighborhood Transition Combining District ("NTCD") regulations, and the architectural design guidelines. The Project violates many of these requirements. Among other things, it does not "[m]inimize the effects of any exterior noise, odors, glare, vehicular and pedestrian traffic, and other potentially significant impacts." UCSP at VI-41. It is not "consistent with the policies outlined in the [General Plan] which identify low and mid rise building forms for this area." UCSP EIR at 5-41. It does not provide "paseos to provide walkable access to neighborhoods ... [or link] bikeways, sidewalks and urban plazas" *Id.* at 5-42. It does not "enhance public views, minimize obstruction of views from adjoining structures, and provide adjacent sites with maximum sun and ventilation" *Id.* at 5-69. And it does not "avoid or minimize solar access impacts." *Id.* at 5-44.

UCSP Mitigation Measure 5.2.5-2 requires the City to "identify the specific provisions of the UCSP which shall be included in the conditions of approval in order to reduce potential light and glare impacts to below significance." The draft resolutions of approval fail to do so.

UCSP Mitigation Measure 5.3.5-4 requires a determination of historical significance "[f]or those structures 45 years or older." And if a structure is found to be historically significant, additional mitigation measures must be implemented. The staff report indicates the three buildings on-site "were built during the 1950's and 1960's." Despite this fact, no historical analysis was performed.

UCSP Mitigation Measure 5.8.5-4 requires that "the traffic assessment prepared to quantify the projects' potential traffic impacts will also identify how alternative modes of transportation will be accomplished." The Project's traffic assessment failed to do so.

UCSP Mitigation Measure 5.9-4 requires projects with commercial uses to "demonstrate compliance with the existing performance standards in the City's Noise Ordinance" and requires "compliance with the mixed-use provisions of Chapter VI of the UCSP." The Project has failed to demonstrate such compliance.

UCSP Mitigation Measure 5.10.5-2 requires each project to “demonstrate ... conformance with the relevant land use and development regulations ... which support smart growth principles such as providing a mix of compatible land uses; locating highest density near transit; utilizing compact building design and creating walkable communities; providing a range of infill housing opportunities; and increasing transportation choices.” Similarly, UCSP Mitigation Measure 5.10.5-3 requires each project “to demonstrate compliance ... to minimize air pollutant emissions,” including promoting pedestrian activity, bicycle activity, public transit facilities, “and reintroduction of the traditional street grid.” The Project has failed to demonstrate such compliance.

UCSP Mitigation Measure 5.11.1-1 requires each project to “demonstrate that significant impacts to police services resulting from an individual project are addressed” and requires each project to be evaluated “for adequate access for police vehicles ... and integration of Crime Prevention Through Environmental Design (CPTED) techniques” The Project has failed to demonstrate such compliance.

UCSP EIR Section 2.3.3 provides: “as each new development is proposed, a Secondary Study will be prepared to determine if the [UCSP] EIR adequately address the potential environmental impacts of the proposed development.” UCSP EIR at 2-11. The City has failed to prepare a Secondary Study.

Beyond these inconsistencies, the Project will lead to significant impacts not adequately addressed in the UCSP EIR. For example, the Addendum acknowledges that “adjacent residential population to the east and commercial properties to the north and south may be exposed to excessive construction noise” Addendum at 7. But there is no analysis of these issues because, the Addendum claims, “construction projects are short term in nature.” *Id.* The mere fact that construction impacts may be temporary does not make them insignificant. *See Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1380 – 81.

Furthermore, although the Project applicant’s acoustical report claims there are no applicable noise limits, the City’s General Plan provides a 65 decibel exterior noise level limit for residential land uses. UCSP EIR, Figure 5.9-1. And the Noise Technical Report prepared for the UCSP states (p. 6): “the noise levels from construction activities to residential receptors are not to exceed 75 dB, averaged over a 12-hour period.”

The Addendum and UCSP EIR do not account for existing air quality conditions. Assumed compliance with air emission requirements does not ensure that impacts will not be significant. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718.

On April 29, 2015, Governor Brown issued Executive Order B-30-15, which establishes a “new interim statewide greenhouse gas emission reduction target to reduce

Comments re Vista del Mar Project and Addendum
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greenhouse gas emissions to 40 percent below 1990 levels by 2030” Neither the Addendum nor the UCSP EIR address compliance with Executive Order B-30-15.

Were other projects to develop at the levels and intensity associated with the Project, the cumulative impacts would be substantial. These impacts were not analyzed in the UCSP EIR. See *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452 (“even projects anticipated beyond the near future should be analyzed for their cumulative effect”).

“Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA’s goals of full disclosure and informed decisionmaking; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment.” *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92. The solution is “not to defer the specification and adoption of mitigation measures until a year after Project approval, but, rather, to defer approval of the Project until proposed mitigation measures were fully developed, clearly defined, and made available to the public and interested agencies for review and comment.” *Id.* at 95. The Addendum illegally defers analysis of hazardous materials and noise impacts. Addendum at 6 & 7.

For the foregoing reasons, Balboa Equity Capital, Inc., requests that you reject the Project and Addendum. Thank you for your consideration of these concerns.

Sincerely,



Everett DeLano

EXHIBIT 3



CGS3

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WRITER'S DIRECT PHONE NO.
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June 22, 2016

VIA E-MAIL

Planning Commission
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

Re: Proposed Vista del Mar Project (Item #2, June 22, 2016 Agenda)

Dear Honorable Members of the Planning Commission:

On behalf of Balboa Equity Capital, Inc., I am submitting the attached material for your consideration this evening.

Sincerely,

Evelyn F. Heidelberg

EFH/pat
Attachments

**Item #2 - ISSUES WITH PROPOSED VISTA DEL MAR PROJECT
(Third Avenue and K Street)**

BACKGROUND

- Project site is located in the C-1 Neighborhood Transition Combining District
 - Purpose of the NTCD designation and regulations is “to ensure that the character of zones within the Specific Plan area will be compatible with and will complement surrounding residential areas.” (See pages 7-8.)
 - Project site is surrounded on two sides by low-density, single-family homes (see page 9).
- Maximum FAR for C-1 NTCD is 1.0 (see page 10.)
- Project’s FAR is 2.0
- Project seeks an award of an FAR bonus of 0.5 for inclusion of three amenities (parking on site, LEED gold features, public plaza)
- In addition, the project’s approval depends on your authorizing a “Development Exception” to the FAR, to get the project to an FAR of 2.0
 - Awarding a “Development Exception” requires that four findings be made, including that “the proposed development will not adversely affect the goals and objectives of the Specific Plan and General Plan,” and that “the proposed development will comply with all other regulations of the Specific Plan”

THE REQUIRED FINDING THAT THE PROPOSED DEVELOPMENT COMPLIES WITH ALL REGULATIONS OF THE SPECIFIC PLAN CANNOT BE MADE, BECAUSE ONE OF THE EXPRESS “REQUIREMENTS” OF THE C-1 NTCD IS THAT “BUILDING DESIGN SHALL BE COGNIZANT OF ADJACENT LOW DENSITY USES (I.E., AVOID BALCONIES OVERLOOKING REAR YARDS.” (UCSP, VI-40-41; see pages 7 - 8)

- The project includes 21 balconies on floors 3, 4 and 5, as well as a second-floor terrace that overlook the rear yards of the adjacent single-family homes.
- Staff and the applicant assert that the “intent of this provision is not to do away with balconies but rather to address their potential effects on privacy.”
 - They cite no legislative history to support that argument, but rather only policies and guidelines of the UCSP and General Plan which “**encourage** the use of balconies ...” (emphasis added) and state that those provisions must be read “in harmony” with the REQUIREMENT D.2.g. in the NTCD regulations stating that balconies are to be AVOIDED

if they overlook the rear yards of single-family homes.

- This assertion is incorrect. It would allow a policy guideline or suggestion – “encourage use of balconies” – to trump an express requirement – no balconies in a C-1 NTCD zone if the balconies would overlook the homes and yards of single-family homes.
- Staff and the applicant’s supposed way to “harmonize” these provisions would violate a fundamental principle of statutory construction, namely, that the specific governs the general.
 - What this means here is that while balconies are generally to be encouraged, they must be avoided in a C-1 NTCD if balconies would overlook the homes and yards of single-family homes.
 - A specific REQUIREMENT to AVOID balconies in special circumstances trumps a more general guideline or policy encouraging balconies.
- And, even if staff were correct that the intent of the NTCD REQUIREMENT to avoid balconies if they would overlook the homes and yards of single-family homes was to “address their potential impacts on privacy,” the project fails to address those privacy concerns in a satisfactory manner.
 - Staff touts the fact that the proposed project meets the minimum step-down requirements of the C-1 NTCD, and that the structure has been distanced as much as possible from the single-family residential properties. But such distancing is really minimal (see page 17 of the Staff Report):
 - “The second floor terrace is approximately **13 feet** from the property line.”
 - “The balconies along the east building elevation are approximately **47 feet** from the property line”
 - Attached is a photo that was taken from the balcony at the rear of the office building immediately to the north of the project site. (See page 11; a photo of the balcony from which page 11 was taken at page 12.) The horizontal distance from the second floor balcony to the rear property line is more than **83 feet**.
 - From this photo, you can appreciate how a **second floor terrace only 13 feet** from the property line of the single-family homes adjacent to the proposed project site will intrude on the privacy of the families living in those homes.
 - Staff claims that the planting of trees and shrubs in containers along the perimeter of the second floor terrace will protect the privacy of the residents of the adjacent single family homes.

- But this is simply wrong: Those plantings will not create a continuous, unbroken wall of greenery that will prevent the residents of the 71 units and their guests from looking between the shrubs and trees into the homes and yards of the adjacent single-family homes. Rather, those plantings will simply shield the residents of the 71 units and their guests from the views of those in the homes and yards of the adjacent single-family homes.
- Similarly, as one can envision from viewing the photo taken from the second floor balcony of the adjacent property, the planting of “dense and tall landscape materials ... along the east and north perimeter” will not, as staff claims, “screen the homes from direct view of the [21] balconies” on the 3rd, 4th and 5th floors.

THE AWARD OF FAR BONUS FOR AMENITIES IS DISCRETIONARY AND PLANNING COMMISSION IN DETERMINING “JUST HOW MUCH ADDITIONAL FAR ... SHOULD BE GRANTED” MUST “TAKE INTO ACCOUNT THE VALUE ADDED TO THE PROPERTY BY THE AMENITY OR DESIGN, AND A REASONABLE SHARE OF ADDITIONAL FAR ... THAT WILL PROPORTIONALLY COMPENSATE THE DEVELOPER FOR THE ADDITIONAL AMENITIES OR DESIGN PROVISIONS.” (UCSP, VI-48.)

- The staff report does not discuss “just how much additional FAR ... should be granted” taking “into account the value added ... by the amenity or design, and a reasonable share of additional FAR ... that will proportionally compensate the developer for the additional amenities or design provisions.”
- Rather, the staff report simply says that the project will incorporate three amenities and concludes, without explanation, that the maximum amount of FAR bonus available.
- The Planning Commission must undertake this analysis, even though the staff report does not help you.
- In deciding whether to award the maximum 10 percent FAR bonus for providing “public outdoor space,” for example, the Planning Commission should take into account a December 23 memo from the project’s architect to Mr. Tapia that references “a community urban plaza with outdoor dining opportunities” (See pages 13-14.)
 - This statement suggests that a restaurant or café that occupies the 616 s.f. commercial space adjacent to the plaza would be offered the opportunity to serve patrons on the plaza. This would make the plaza (or some portion of it) not a “public” plaza at all, but rather one available only to the patrons of a commercial establishment.

THE UCSP ALSO REQUIRES THAT “[T]HE AMOUNT OF BONUS AWARDS CHULA VISTA WILL MAKE AVAILABLE SHOULD TAKE INTO ACCOUNT THE PROJECTED BUILD-OUT THAT WOULD OCCUR IF ALL OF THE BONUS PROVISIONS ALLOWED UNDER THE PROGRAM WERE ACTUALLY AWARDED. THIS TOTAL SHALL NOT EXCEED THE CAPACITY OF THE LAND” (UCSP, VI-48; see page 17)

- This refers to build-out under the UCSP: net increase of 7,100 multi-family dwelling units, net increase of 1.0 million s.f. of retail space, etc.
- Staff analysis is required to assume that OTHER amenities, in addition to the three included in this project – such as affordable housing, preservation of historic features, or inclusion of community or human services – would be included and therefore the bonus award would be higher than 0.5 FAR (see page 17).
- Staff criticized CGS3’s analysis of the cumulative impacts of approval of the bonus award sought by the applicant on the buildout under the UCSP, on the grounds that we “confused” and “mixed” the concepts of FAR and density.
 - But staff’s criticism ignores the fact that the UCSP itself plainly states that “The tool selected for regulating density and intensity in the Urban Core is a limitation on the allowable Floor Area Ratio.” (UCSP, at VI-48; see page 17.)
- Staff’s only attempt to do its own analysis of the cumulative impact of the proposed project on UCSP buildout is found at page 15 of the staff report: “It has been estimated by staff that the appropriate residential acreage that could potentially be developed within the [C1] District based on the General Plan policy is approximately 40 percent of total area. That percentage would be translated into approximately 21 acres. The proposed Project FAR of 2.0 (91,345 sq. ft.) represents approximately 9.5% of the total potential residential capacity within the C1 District.” (Staff report, at page 15 (page 33 in the Agenda packet).)
 - The basis and explanation for this conclusion is not presented.

EVEN IF THE PROJECT DID NOT VIOLATE AN EXPRESS REQUIREMENT OF THE NTC D REGULATIONS TO AVOID BALCONIES THAT OVERLOOK THE YARDS OF SINGLE-FAMILY RESIDENCES, A DECISION TO AWARD A DEVELOPMENT EXCEPTION SHOULD BE BASED ON A DETERMINATION THAT THE PROJECT PROMOTES BETTER DESIGN.

- As cited by the applicant’s counsel in his June 13 letter to the Commission, the legislative history of the Development Exception provision shows that it was intended to promote “better design” and other public benefits.
- Staff has cherry-picked certain design guidelines that have been incorporated into the proposed project, while ignoring other design guidelines that have been violated by the proposed project.

- For example, staff asserts as a virtue of the proposed project the fact that the “building is close (10 ft.) to the street ...” (Staff report, page 16.) But, the Architectural Guidelines for the C-1 District call for a much greater setback for buildings taller than one story: such structures “should be located farther away from the sidewalk and use a plaza as a transition from the right of way to the building.” (UCSP, VII-115; page 18.)
 - The graphics depicting implementation of this design guideline (see Figures 7.150 and 7.151, at page 18) contrast markedly with the proposed project design, which consists of long and largely unbroken, solid block faces along both Third Avenue and K Street, with the only break being the plaza at the intersection.

NEITHER THE STAFF REPORT NOR THE TRAFFIC ANALYSIS ADDRESSES PROBLEMS CAUSED BY THE PROJECT'S SOLE VEHICULAR ACCESS BEING AN ENTRANCE TO THE PARKING GARAGE FROM K STREET.

- Because the applicant is seeking to cram onto its property the maximum building mass the City will allow it, there is no service alley or other surface level access.
- Consequences not addressed in the staff report or traffic analysis:
 - Trash dumpsters will have to be rolled onto the sidewalk and street from the parking garage two or three times weekly for pickup on K Street. The north side of K Street is red-curbed, and there is one lane for moving traffic, plus a left turn lane. (See pages 19-21.) This means that trash trucks will block the moving traffic lane during pickup of garbage two or three times a week.
 - There are “No Stopping Any Time” signs on Third Avenue in front of the project site. (See page 22.) As there is no parking allowed on Third Avenue or on K Street, moving vans and other large commercial vehicles servicing the project (including the commercial use) could not park along the streets fronting the property without blocking moving lanes of traffic. Moving vans, at 14 feet in height, and with extremely large turning radius (e.g., 50 feet for a 45-foot trailer) may be unable to enter the parking structure. (See pages 23-28.)

APPROVAL OF THE PROJECT WOULD CHANGE THE CHARACTER OF THIRD AVENUE FROM OFFICE TO RESIDENTIAL, IN CONTRAVENTION OF GENERAL PLAN POLICIES.

- Attachment 2 to the staff report (page 41 in the Commission’s agenda packet) consists of an excerpt from the General Plan’s Land Use and Transportation Element for the Mid-Third Avenue District. Included are Objectives LUT 60 and 60.1, which staff apparently believes apply notwithstanding the subsequent adoption of the UCSP.
 - Objective LUT 60 states “Reinforce the existing land use pattern of predominantly retail uses on the west side of Third Avenue, and office uses on the east side of Third Avenue between J Street and L Street.”

- Objective LUT 60.1 states “Establish a professional office district along the east side of Third Avenue, between J and L Streets, consistent with the predominance of existing office uses. Some limited residential uses may be considered within this segment to provide additional vibrancy and pedestrian activity.”
- The Planning Commission should be aware that its approval of the proposed project would set a precedent for allowing high-density residential development in an area designated in the General Plan for reinforcement and establishment of a professional office district on the east side of Third Avenue between J and L Street.

D. Special Provisions for Neighborhood Transition Combining Districts and Transit Focus Areas

1. Purpose

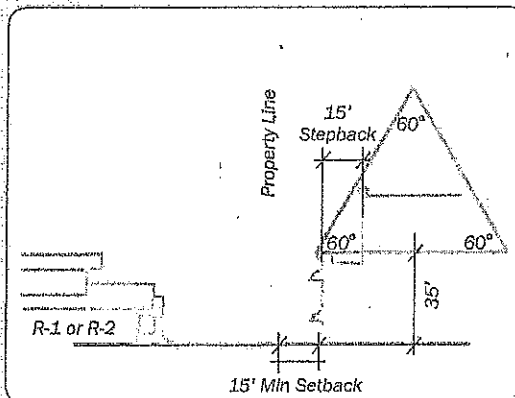
The purpose of the Neighborhood Transition Combining District (NTCD) is to permit special regulation to insure that the character of zones within the Specific Plan area will be compatible with and will complement surrounding residential areas. Neighborhood Transition Combining Districts apply to the subdistricts adjacent to R-1 and R-2 zones: V-3, V-4, UC-5, UC-6, ~~UC-8, UC-11~~, UC-13, C-1, and C-2. Transit Focus Areas provide special regulations to encourage the development and use of public transportation: UC-1, UC-2, UC-10, UC-12, and UC-15.

2. Requirements

- a. Figure 6.60 details required side and rear setbacks from the property line that abuts an R-1 or R-2 zone. Where such yard is contiguous and parallel with an alley, one-half the width of such alley shall be assumed to be a portion of such yard. Within transit focus areas, provide a minimum 15 feet of rear yard setback for structures up to and over 84 feet in height.

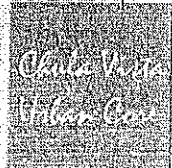
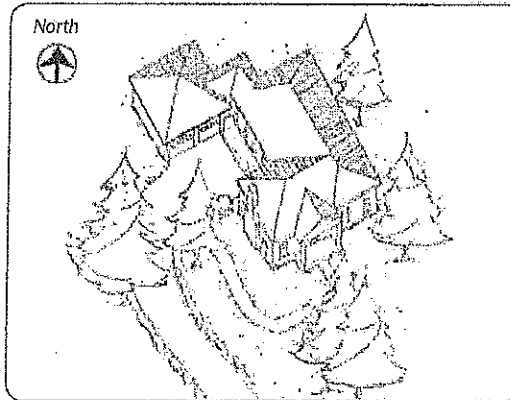
Structure Height (ft)	Minimum Setback (ft)
0<45	10
46<55	15
56<65	20
66<75	25
76<85	30
86<95	35
96<105	40

- b. For every 35 feet in height, the structure shall step back at least 15 feet on the side(s) of the structure that abut an R-1 or R-2 district. Within Transit Focus Areas, provide a building stepback of at least 15 feet for every 35 feet in height abutting residential uses. In addition to meeting the stepback requirements, no part of the building shall be closer to the property line than a 60-degree plane extending from each stepback line.



- c. A landscaping plan should include one to three small shade tree(s) for every 3,000 square feet within the rear/side yard and should be located on the site to provide shade/heat gain reduction effect (i.e. trees not to be planted on the north facing facade of the building).

- d. All exterior lighting shall focus internally within the property to decrease the light pollution onto the neighboring properties.
- e. Screening and/or buffers shall be required to obscure features such as dumpsters, rear entrances, utility and maintenance structures and loading facilities.
- f. A six-foot solid or decorative metal fence shall be placed on the property line. If the fence is solid, it shall have design treatment and be articulated every six to eight feet to avoid presenting a blank wall to the street or adjacent property.
- g. Building design shall be cognizant of adjacent low density uses (i.e. avoid balconies overlooking rear yards).
- h. As part of the project design and submittal, developments within Transit Focus Areas shall conduct studies to assess the effects of light, ~~and~~ solar access, and shadowing, ~~and~~ wind patterns on adjacent buildings and areas as determined necessary.



C-1 Third Avenue South

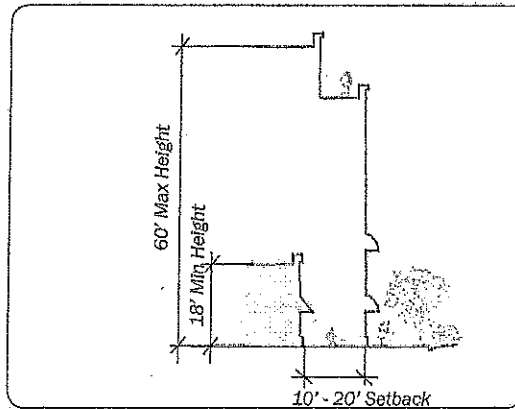
(Neighborhood Transition Combining District)

Primary land use: Retail (West of Third Avenue), Office (East of Third Avenue); Residential



Urban Regulations

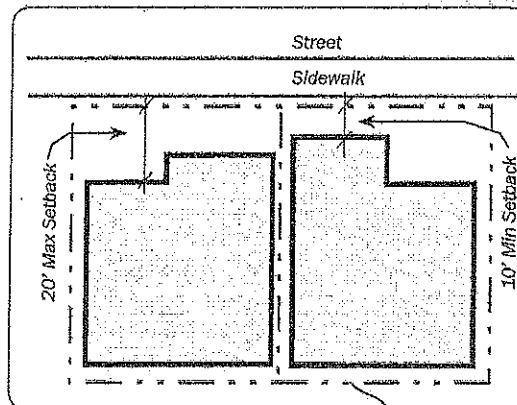
1. **Floor Area Ratio:** Max: 1.0
2. **Building Height:**
Min: 18' Max: 60'
3. **Building Stepback:** Not mandatory
4. **Street Wall Frontage:** 50% Min
5. **Setbacks:**
Street Min: 10' Street Max: 20'
Neighborhood Transition: See Section D. for additional setbacks for parcels adjacent to R-1 and R-2 districts



Section View 11-014

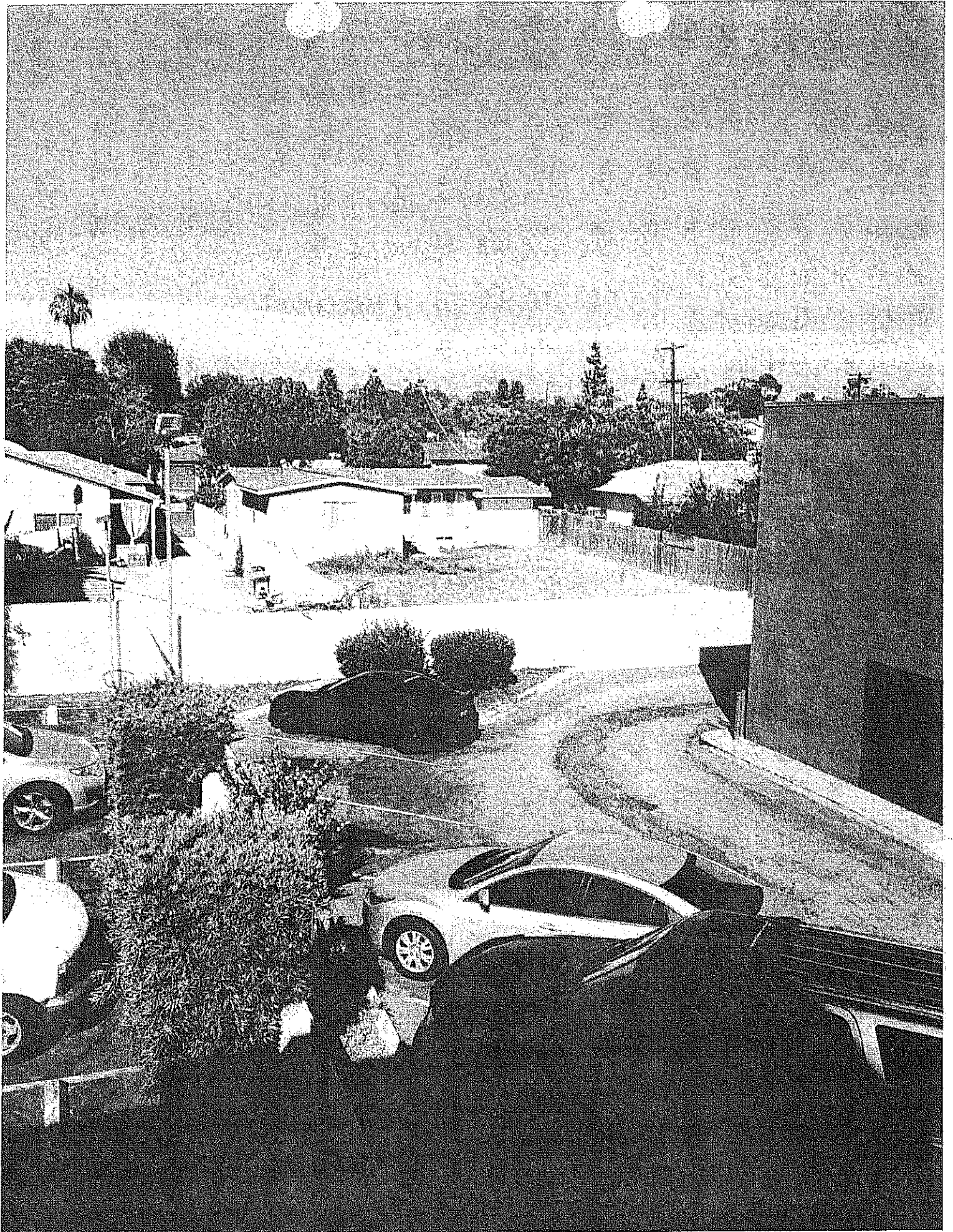
Parking Regulations

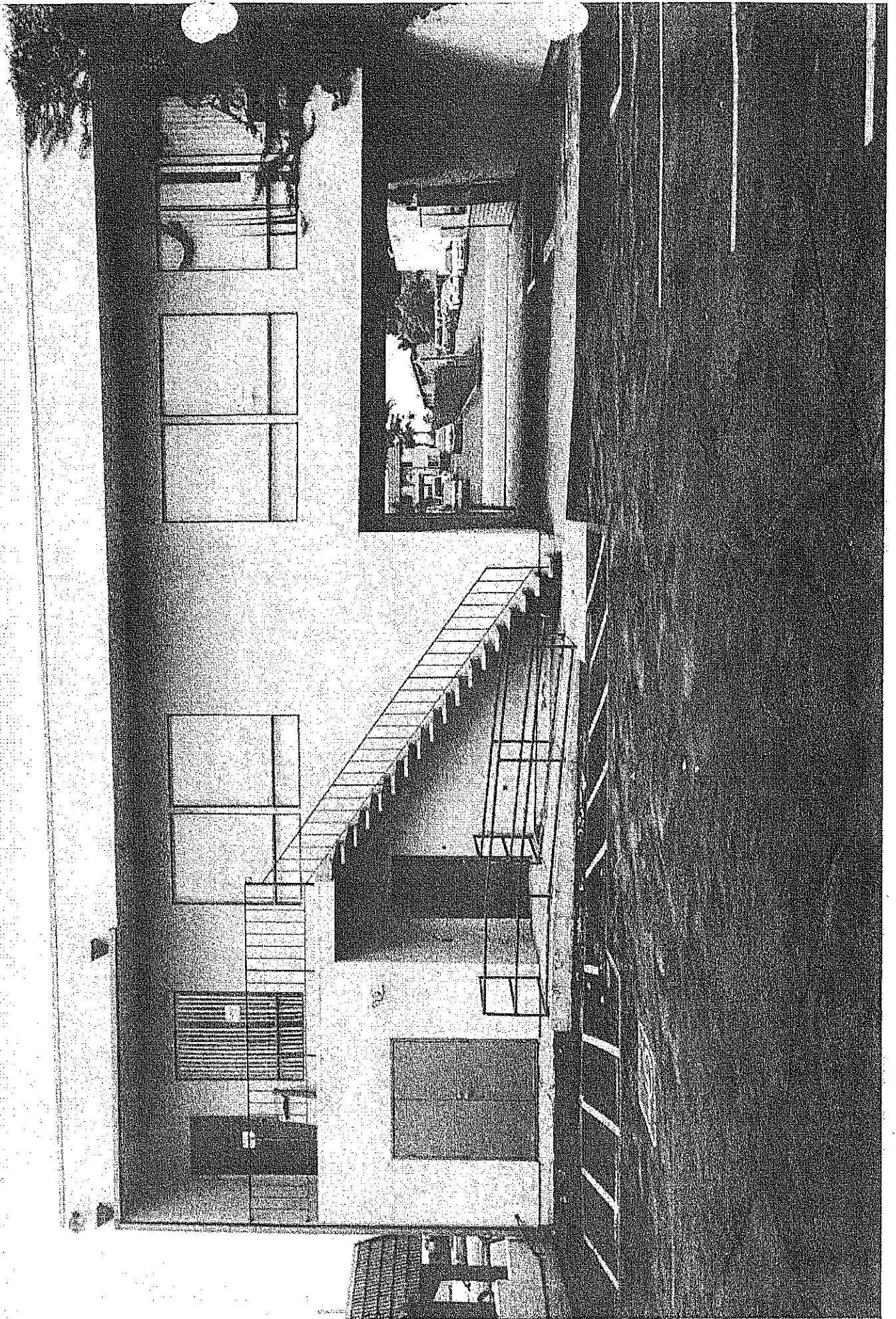
1. **Parking Locations:**
Anywhere on-site
2. **Residential Parking:**
See CVMC 19.62.050
3. **Non-Residential Parking:**
Min: 2 spaces/1,000 sf
Onsite Min: 50%



Plan View 11-014

Summary sheet does not reflect all regulations that may apply to each property. Please consult the remainder of the chapter for all criteria.





STUDIO E
ARCHITECTS

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San Diego, California 92101
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Project Memorandum

DATE: December 23, 2015
PROJECT: 14118 Vista del Mar
TO: Miguel Tapia, City of Chula Vista
FROM: Maxine Ward, Studio E Architects
SUBJECT: Findings
COPIES TO: File

MEMORANDUM:

As stated on page VI-54 of the Urban Core Specific Plan, the Chula Vista Planning Commission may authorize exceptions to the land use and development regulations within Chapter VI through the issuance of an Urban Core Development 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*
4. *The 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*

Below are our responses to these findings:

Item 1: The proposed development will not adversely affect the goals and objectives of the Specific Plan and General Plan.

The intent of the Specific Plan is to facilitate and encourage development and improvements that will help realize the community's vision for the Urban Core area. The community wants the Urban Core to be "vibrant, forward-thinking but respectful of its past and alive with thriving businesses, attractive housing and entertainment, cultural and recreational activities."

The Urban Core Vision aims to create a uniquely identifiable Urban Core for Chula Vista that is an economically vibrant, pedestrian-oriented and multi-purpose destination.

The proposed development follows the goals of the Specific Plan in the following ways:

It brings improvements and community benefit to an area of Third Avenue which is currently under-performing and not living up to the stated vision of the Specific Plan. This project has the potential to spur additional development along the Third Ave corridor with additional community and economic benefits.

The proposed development meets the following key principles of the Specific Plan:

The development will be a catalyst for the creation of a vibrant, urban atmosphere (Principle 1). It will foster civic amenities in the form of a community urban plaza with outdoor dining.

opportunities and will create a pedestrian-friendly environment within a compact (Principle 3 & 6).

Item 2: The proposed development will comply with all other regulations of the Specific Plan.

The proposed development complies with all other regulations of the Specific Plan. These include:

Height: The height limit per the development regulations is 60'. The proposed development is 5 stories, 58' high.

Setbacks: The proposed development complies with all required setbacks and building setbacks of the C-1 and Neighborhood Transition Combining District (NTCD) regulations. The building form respects the adjacent R-1 zoning to the north and east of the site along Church by locating the 1 story portion with roof terrace adjacent to those property lines, screened by landscaping and locating the bulk of the 5 story building as far as possible from those property lines. As required in the NTCD regulations the building also steps back from the adjacent residential property and Church Ave, resulting in a reduced building mass and height in this location.

Parking: The C-1 zone regulations state that parking may be located anywhere on site. The proposed development provides a better design with greater public benefit by locating the required parking below the building and architecturally screened from view. The development provides the required number of resident parking spaces (136), plus the required commercial space (1). The regulations do not require guest parking, however, the development will provide 7 guest spaces. All spaces will be within the secured parking garage.

Open Space: The C-1 zone regulations do not have an open space requirement. The proposed development provides a better design with greater public benefit by providing resident common open space in the form of a 12,000sf (gross) roof terrace, resident private open space in the form of approximately 78sf balcony/ patio at each unit, for a total of 6,240sf and public open space in the form of a 650sf public plaza at the corner of Third and K. For comparison, the UC-1 zone (also on Third Ave, 3 blocks north) has an open space requirement of 100sf/du. The proposed development provides 236sf/du of open space and exceeds the requirements of the C-1 zone.

Item 3: The proposed development will incorporate one or more of the Urban Amenities Incentives

Per the Urban Amenities Table in the Specific Plan, Figure 6.66 and 6.67, Page VI-50 & 51, the development incorporates the following Urban Amenities incentives and will be allowed an incentive of a 50% FAR increase, for a total FAR with incentives of 1.5

Urban Amenity	Incentive
Parking below grade/ within building	10% FAR increase
Public Plaza	10% FAR increase
Green Building	LEED Gold: 30%
Total Allowed FAR with Incentives	1.5

Additional community benefits include:

- The development exceeds the parking regulations by providing guest parking spaces within the parking garage therefore reducing the parking impact on the surrounding single-family neighborhood and providing a community benefit.
- The proposed development will provide additional community benefits such as a community landmark for the south end of Third Avenue in the form of a

public art mural on the north facing wall of the development. Per the community input received, the mural could reflect the history of Chula Vista or important historical events in the city's past and looking towards the future. The proposed development will "define unique identities for focus areas through individualized streetscape design and public spaces" as stated in one of the ten key principles of the UCSP.

- The development will provide additional public art in the form of a fountain and/or sculpture for the urban plaza created at the intersection of Third & K. The enhanced street improvements for the development will include a widened sidewalk along Third and at both Third & K, new paving, street trees in grates and street furniture such as benches, trash cans and planters.
- Additionally this residential development will provide more options for clean, safe, energy efficient and modern housing for the Chula Vista workforce. These 76 dwelling units will put more people on Third Avenue to support the small businesses located there. The development will provide secure boundaries to the site preventing use of the site by the homeless and will therefore increase public safety in the area. The development will create employment use in the small commercial unit and in the management of the property.

As stated in the UCSP, the vision of the plan is to provide "an increase in living and lifestyle choices for existing and future residents...These residents will further add to local business revenues and create a vibrant, pedestrian-friendly activity center throughout the day." The proposed development is in line with this vision.

Item 4: The 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.

The proposed development requests only one exception to the development regulations - an increase in the FAR from 1.5 (with the allowed Urban Amenities incentives) to 2.0.

The applicant respectfully asks for staff and planning commission to consider the benefits of the proposed development as a whole and not have the value of the project be obscured by the FAR of 2.0. This is an appropriate FAR for an urban mixed use development and is in line with development trends elsewhere in the urban core area. The mass of the building is 5 stories (60' high as allowed by the C-1 zone) and is located along the Third and K streets away from the existing residential. The applicant has taken every measure possible to reduce the building mass, address community concerns and be a good neighbor to the adjacent single family without reducing the viability of the project. Furthermore, the form-based nature of the UCSP ensures that proposed development emphasize the importance of site design and building form (which last many years) over numerical parameters such as FAR (which are likely to change over time). The proposed development creates a people activated, urban corner that contributes to the city's goal of "Complete Streets" and enhances the public realm through improved streetscape design and individual building character.

The site is designated C-1 in the UCSP. The maximum Floor Area Ratio is 1.0. The FAR is a measure of the bulk of the buildings on the site. The maximum height limit is 60'. It is highly unusual for a zone with an FAR of 1 to have such a high height limit. The proposed FAR of 2.0 is appropriate for this location at a prominent intersection along Third Avenue which is being developed as Chula Vista's Urban Core and Village Center, only 4 blocks to the north.

Zone	Max. FAR	Max. Height
V-2	2	45'
V-3	4.5	84' (45' between F & Park)
UC-1	4	84'
UC-2	5	84'
C-1	1	60'

If we compare other zones along Third Avenue such as UC-1 and V-2, they have much higher maximum Floor Area Ratios and heights. In addition, other NTCD zones (UC-13, 10, 9, 6 & 5) have a maximum FAR of 2.0, not 1.0 and some of these are further away from the urban core than this site.

The attached diagrams show the incongruity between the base FAR of 1.0 and a height of 60'. It is our opinion that the proposed development is a better design and in keeping with the overall vision of the UCSP, than the type of potential development that the regulations could allow on this site.

Diagram 1 shows a 5 story building with an FAR of 1.0 which does not provide an activated urban street edge and has surface parking which does not contribute to the community character or enhanced public safety.

Diagram 2 shows a 5 story building with an FAR of 1.0 which attempts to create a street edge along both Third and K. The resulting dimensions of the L shaped form are not conducive to residential units.

Diagram 3 shows the proposed development with an FAR of 2.0. It creates an urban street edge and respects the adjacent single family neighborhood by having the 5 story mass biased towards the street.

Diagram 4 illustrates the proposed development setback to the single family rear property line and the allowed setback condition with a different potential development.

END OF MEMORANDUM

F. Urban Amenity Requirements and Incentives

1. Introduction

This section outlines requirements and incentives for urban amenities that will enhance the quality of life within the Urban Core by encouraging pedestrian-friendly design, amenities, beautification, sufficient parking, mixed-use districts, preferred site location, affordable housing, and access to public transit, parks, community facilities, and social services.

2. Incentive Zoning

The Urban Core Specific Plan regulates the development of property through use and bulk restrictions. The tool selected for regulating density and intensity in the Urban Core is a limitation on the allowable Floor Area Ratio. FAR is the ratio between the size of the lot and the maximum amount of floor space that a building constructed on that lot may contain.

Through incentive zoning, Chula Vista seeks to realize certain amenities or design provisions related to a particular development project in exchange for granting an increase in the FAR or FAR waiver for the property being developed. Locations where the City may grant such incentives are clearly identified in this chapter.

Bonus awards may be as "of right" or discretionary. Discretionary authority to grant all FAR bonuses or fee waivers is delegated to the CVRC or Planning Commission or City Council as necessary.

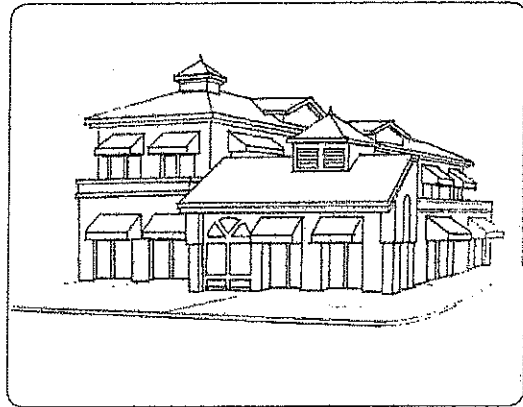
The amount of bonus awards Chula Vista will make available should take into account the projected build-out that would occur if all of the bonus provisions allowable under the program were actually awarded. This total should not exceed the capacity of the land or the capacity of the City to provide infrastructure and services to support the build-out.

To determine just how much additional FAR or FAR waiver should be granted, the CVRC or Planning Commission should take into account the value added to the property by the amenity or design, and a reasonable share of additional FAR or FAR waiver that will proportionally compensate the developer for the additional amenities or design provisions.

4. Architectural Guidelines

a. Introduction

There are no specific architectural styles required for commercial buildings. However, innovative and imaginative architecture is encouraged. The guidelines seek quality and complete design that will contribute to the overall quality of built environment.



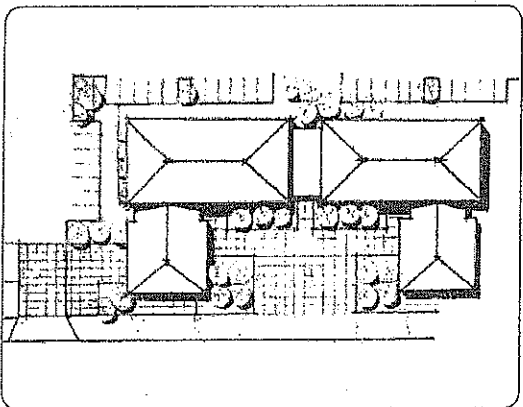
Shades Vistas
Urban Core

Various building heights and setbacks create visual interest. FIG. 7-15-11

b. Building Height, Form and Mass

1) Building heights and setbacks should vary from adjacent or adjoining buildings to ensure diversity in building type.

2) One-story buildings along Broadway and Third Avenue should be placed close to the sidewalk to reinforce a pedestrian scale. Two-story buildings should be located farther away from the sidewalk and use a plaza as a transition from the right of way to the building.



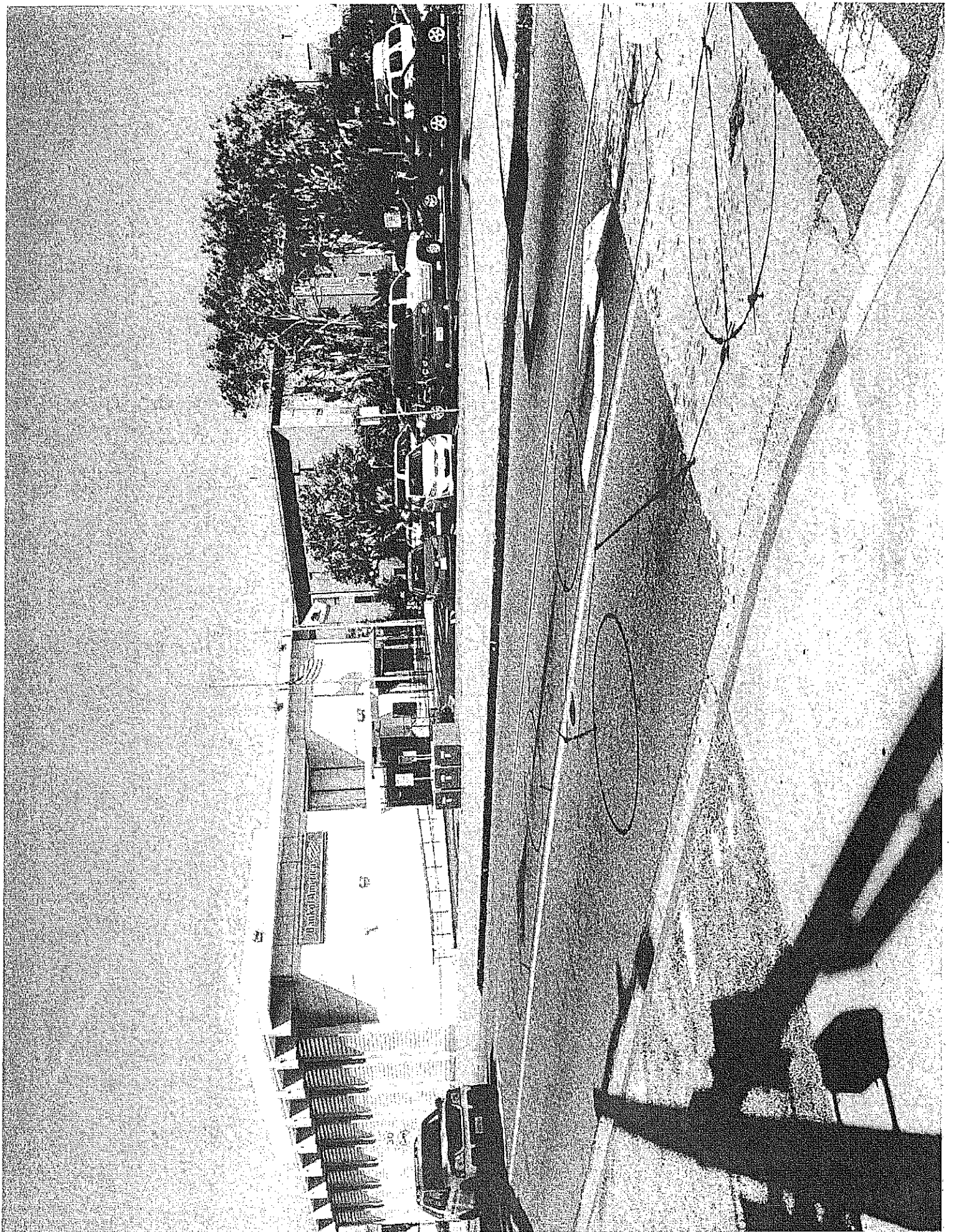
Plaza space in front of buildings transition from the public right-of-way. FIG. 7-15-12

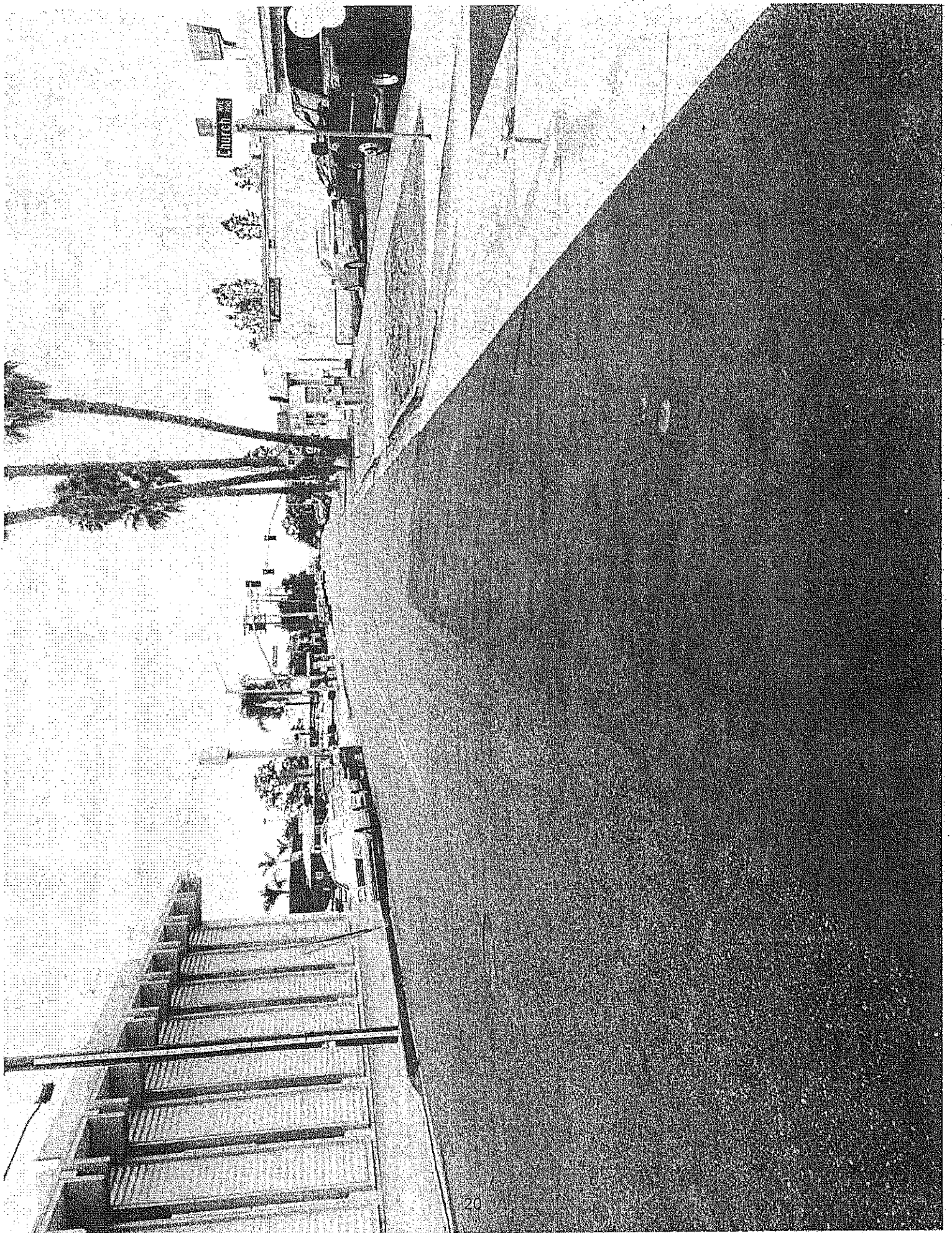
3) Building heights should enhance public views and provide adjacent sites with maximum sun and ventilation and protection from prevailing winds.

c. Facades

1) The physical design of facades should utilize such techniques as:

- Break or articulation of the facade;
- Vertical and horizontal offsets to minimize large blank walls and reduce building bulk;
- Significant change in facade design;
- Placement of window and door openings; and
- Position of awnings and canopies.









CALIFORNIA DEPARTMENT OF TRANSPORTATION

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Highway Design Manual

New! The Highway Design Manual (HDM) has been revised with the [6th Edition HDM Change 12/30/15](#). Changes reflect the revised reorganization of Headquarters Division of Design, as well as the District Design Delegation Agreements and the California Stewardship and Oversight Agreement with the FHWA. Bikeway guidance was revised consistent with the new Design Information Bulletin 89 entitled "Class IV Bikeway Guidance (Separated Bikeways/Cycle Tracks) to be published January 1, 2016. Also included is revised high-occupancy toll and express lane guidance consistent with the passage of California Assembly Bill 194, new discretionary fixed object guidance, revised design vehicle guidance, new interchange guidance to deter wrong-way movements, revised pavement guidance, revised highway noise abatement guidance, as well as revisions that reflect current nomenclature and other errata.

Reaffirming our commitment to providing flexibility while maintaining the safety and integrity of the state highway system and local streets and roads under the jurisdiction of cities and counties, the Department is reaffirming the flexibility provided in existing Caltrans guidance, highlighting the positive steps already taken in underscoring the importance of multimodal design, and recognizes the value of other guidance in supporting planning and design decisions made by state and local decision makers statewide. For more information on this topic please refer to the memorandum titled "[Design Flexibility in Multimodal Design](#)" dated April 10, 2014 and the Frequently Asked Questions (FAQ) on [Design Flexibility and NACTO Endorsement](#).

Would you like to be notified automatically of any changes or updates to the Highway Design Manual? [If "YES" Click Here.](#)

The latest English Version of the Highway Design Manual (HDM) is available on-line below in two formats.

The first format available is a [pdf file of the complete manual](#) which will allow you to perform word searches of the complete manual and/or allow you to download or print the complete HDM cover to cover all at one time. This file is very large and may take some time to download.

A second format that is [available below](#), in both Metric and English Versions, is the traditional chapter by chapter format. This format is easier to download and/or print. However, the traditional versions only allow for chapter by chapter word searches.

Please note, implementation of the current version of the 6th Edition HDM [available below](#) shall be applied to on-going projects in accordance with HDM Index 82.5.

No matter which of the formats is used to download and/or print, if the HDM Holder chooses to do so, the Holder is responsible for keeping their electronic and/or paper copy up to date and current. For this reason, HDM Holders are encouraged to use the on-line versions of the HDM for the most current design guidance.

The HDM is available for purchase through the [Caltrans Publication Unit](#). If this option is chosen, the HDM Holder and not the Publications Unit is responsible for obtaining and inserting all of the change-sheets that are available on the Department Design website.

How can I propose changes to the manual? Changes can be proposed by submitting a [Proposed Revision to the Highway Design Manual](#) form to the HDM editor: Antonette.Clark@dot.ca.gov

[Design Information Bulletins \(DIB's\)](#) and [Design Memos](#) may supercede this Manual

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[Bikeway Research, Experimentation, Testing, Evaluation, or Verification Related to Design Criteria](#)

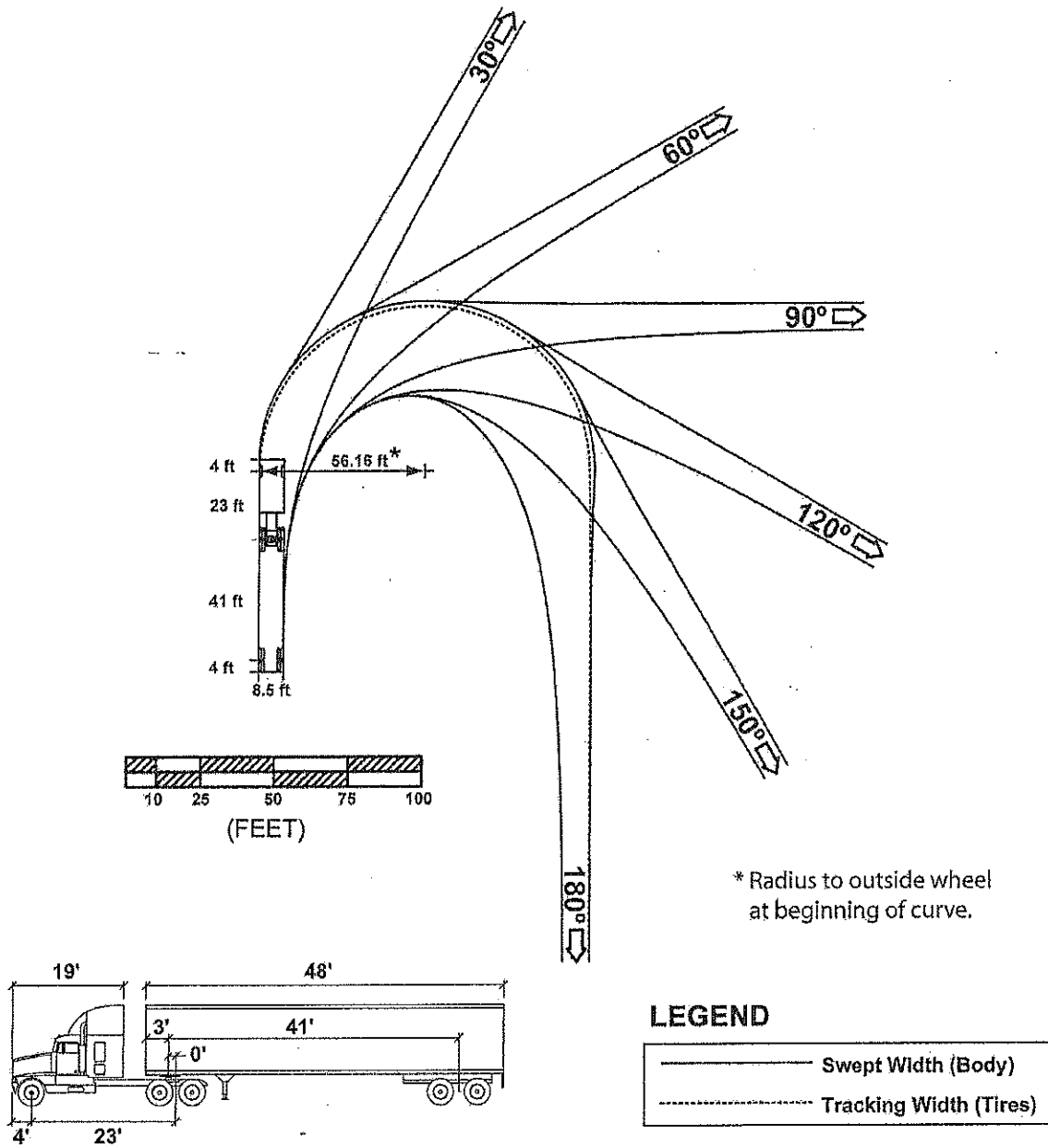
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Highway Design Manual Table of Contents

NEW!

		Metric Version		English Version	
		PDF VERSION	LAST UPDATED	PDF VERSION	LAST UPDATED
Foreword		fwd.pdf	07-01-08	fwd.pdf	07-01-15
Contents	Expanded Table of Contents	toc.pdf	07-01-08	toc.pdf	12-30-15
Chapter 10	Division of Design	chp0010.pdf	06-26-06	chp0010.pdf	12-30-15
Chapter 20	Designation of Highway Routes	chp0020.pdf	07-01-04	chp0020.pdf	05-07-12
Chapter 40	Federal-Aid	chp0040.pdf	07-01-95	chp0040.pdf	12-30-15
Chapter 60	Nomenclature	chp0060.pdf	06-06-08	chp0060.pdf	12-30-15
Chapter 80	Application of Design Standards	chp0080.pdf	06-27-08	chp0080.pdf	12-30-15
Chapter 100	Basic Design Policies	chp0100.pdf	06-05-08	chp0100.pdf	12-30-15
Chapter 200	Geometric Design and Structure Standards	chp0200.pdf	06-26-06	chp0200.pdf	12-30-15
Chapter 300	Geometric Cross Section	chp0300.pdf	07-21-06	chp0300.pdf	12-30-15
Chapter 400	Intersections At Grade	chp0400.pdf	07-01-08	chp0400.pdf	12-30-15
Chapter 500	Traffic Interchanges	chp0500.pdf	06-26-06	chp0500.pdf	12-30-15
Chapter 600	Pavement Engineering	chp0600.pdf	07-01-08	chp0600.pdf	11-02-12
Chapter 610	Pavement Engineering Considerations	chp0610.pdf	07-01-08	chp0610.pdf	11-02-12
Chapter 620	Rigid Pavement	chp0620.pdf	07-01-08	chp0620.pdf	11-02-12
Chapter 630	Flexible Pavement	chp0630.pdf	07-01-08	chp0630.pdf	05-07-12
Chapter 640	Composite Pavements	chp0640.pdf	07-01-08	chp0640.pdf	12-30-15
Chapter 650	Pavement Drainage	chp0650.pdf	06-26-06	chp0650.pdf	12-30-15
Chapter 660	Base and Subbase	chp0660.pdf	07-01-08	chp0660.pdf	12-30-15

Figure 404.5A
STAA Design Vehicle
56-Foot Radius



* Radius to outside wheel at beginning of curve.

STAA - STANDARD

Tractor Width	: 8.5'	Lock to Lock Time	: 6 seconds
Trailer Width	: 8.5'	Steering Lock Angle	: 26.3 degrees
Tractor Track	: 8.5'	Articulating Angle	: 70 degrees
Trailer Track	: 8.5'		

Note: For definitions, see Indexes 404.1 and 404.5.

Figure 404.5B
STAA Design Vehicle
67-Foot Radius

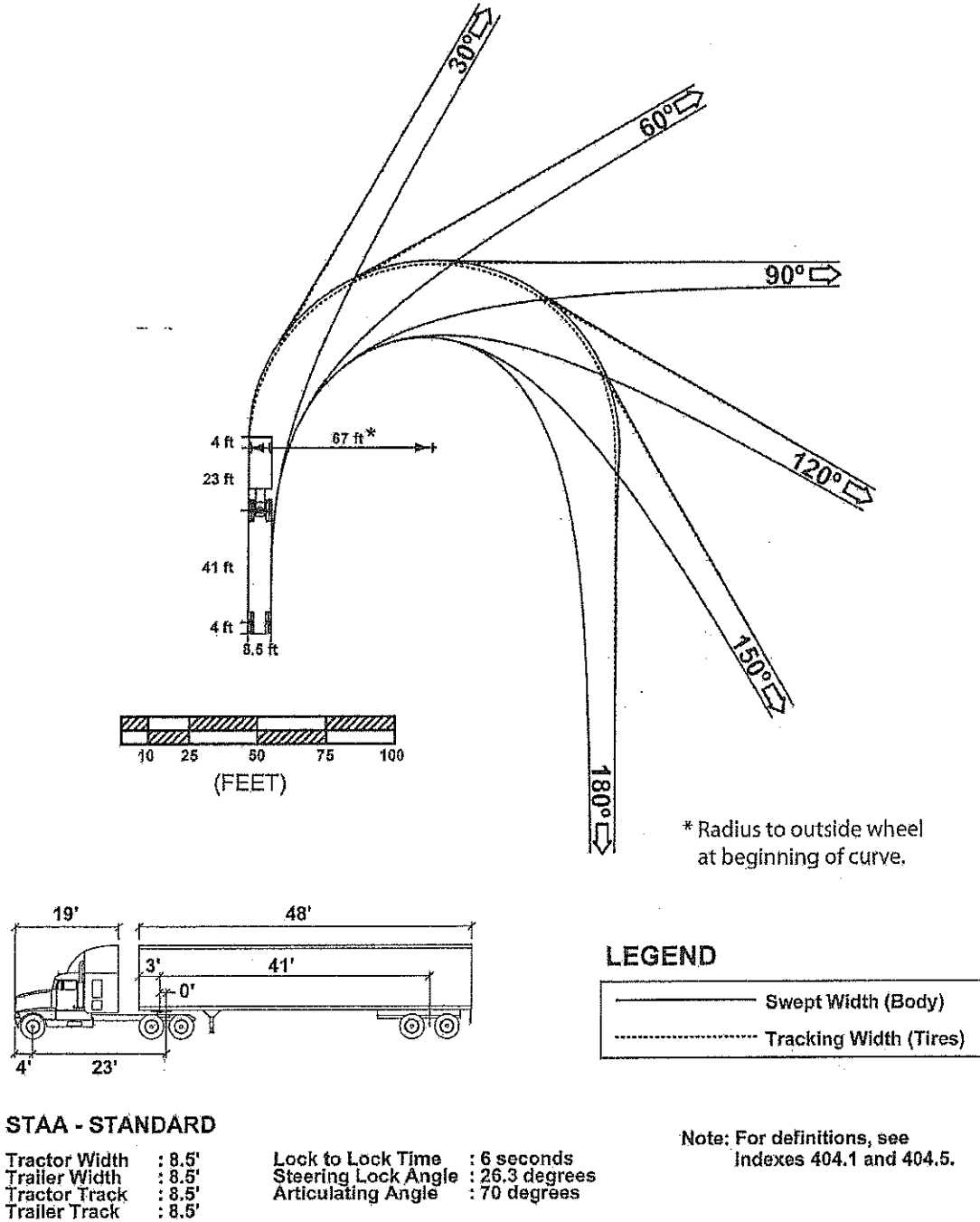
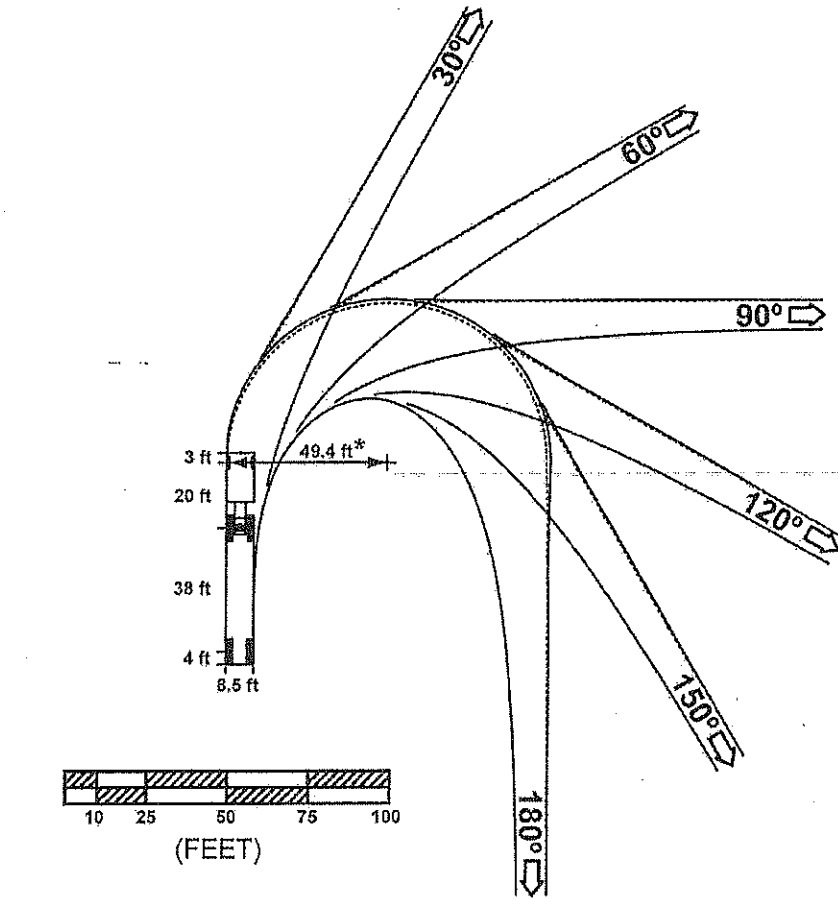
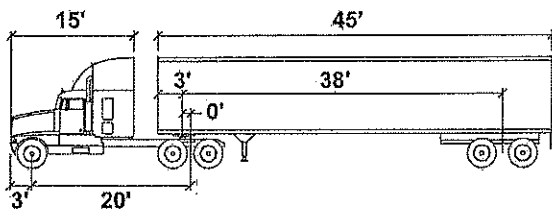


Figure 404.5C
California Legal Design Vehicle
50-Foot Radius



* Radius to outside wheel at beginning of curve.



LEGEND

	Swept Width (Body)
	Tracking Width (Tires)

CA LEGAL - 65 FT

Tractor Width	: 8.5'	Lock to Lock Time	: 6 seconds
Trailer Width	: 8.5'	Steering Lock Angle	: 26.3 degrees
Tractor Track	: 8.5'	Articulating Angle	: 70 degrees
Trailer Track	: 8.5'		

Note: For definitions, see Indexes 404.1 and 404.5.

Figure 404.5D
California Legal Design Vehicle
60-Foot Radius

