

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE GRANT OF AN ENCROACHMENT PERMIT TO ALLOW THE CONSTRUCTION AND MAINTENANCE OF A SUBSURFACE BUILDING ENCROACHMENT 3.5 FEET BELOW STREET LEVEL ENCROACHING 10 FEET WITHIN THE CITY RIGHT OF WAY OF K STREET, AND AN ENCROACHMENT MAINTENANCE AGREEMENT THEREFOR**

**WHEREAS**, the area of land which is the subject of this Resolution is one existing parcel located in the Urban Core Specific Plan (USCP) at the northeast corner of Third Avenue and K Street (Lot 1 of Final Map 16277); and

**WHEREAS**, a duly verified application for a Substantial Conformance determination and Encroachment Permit (PE20-0053) was filed on March 10, 2020 with the City of Chula Vista Development Services Department by CASA 795 LLC (James Pieri, Managing Member and Applicant) for a 128,865 square feet mixed use senior citizen and affordable housing development with 142 parking spaces within the USCP C-1 Third Avenue South Neighborhood Transition Combining District (Project); and

**WHEREAS**, the Director of Development Services has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project was adequately covered in previously adopted Final Environmental Impact Report and Mitigation Monitoring and Reporting Program FEIR 06-01, certified by the Chula Vista City Council in May 2007 and the addendum to UCSP FEIR 06-01 adopted by City Council on August 16, 2016, therefore no further environmental review is required; and

**WHEREAS**, the Applicant proposes the construction of a new building with a subsurface building encroachment 265 feet 9 inches long and 3 feet 6 inches below street level, which extends out and encroaches ten feet into the City right-of-way of K Street; and

**WHEREAS**, because of the larger curb to property line distance in this area (20 feet as opposed to 10 feet typical) and the depth of the structure below grade, this encroachment will not interfere with the City's ability to continue to provide the modes of transportation and pedestrian uses of the right-of-way found elsewhere in the City; and

**WHEREAS**, the Applicant hereby requests permission for the above-mentioned encroachment on City property at the location specified in accordance with the terms and conditions stated in the Encroachment Maintenance Agreement; and

**WHEREAS**, the City Clerk set the time and place for the hearing on the Project application, including the subject Encroachment Maintenance Agreement, and notices of said hearing, together with its purpose given by its publication in a newspaper of general circulation in the City prior to the hearing; and

**WHEREAS**, the duly noticed and called hearing on the Project was held before the City Council in the Council Chambers in the City Hall, Chula Vista Civic Center, 276 Fourth Avenue, to hear public testimony with regard to the same.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Chula Vista, that it hereby approves the Encroachment Maintenance Agreement (PE20-0053) for Lot 1 of Final Map 16277 between the City and CASA 795 LLC (James Pieri, Managing Member) in the form presented, with such minor modifications as may be required or approved by the City Attorney, a copy of which shall be kept on file in the Development Services Department and in the Office of the City Clerk and authorizes the City Manager to execute the same.

Presented by:

Approved as to form by:

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Kelly Broughton, FASLA  
Director of Development Services

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Glen R. Googins  
City Attorney