

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING STAFF'S DETERMINATION
THAT THE PROPOSED PROJECT SUBSTANTIALLY
CONFORMS TO THE VISTA DEL MAR PROJECT
APPROVED BY CITY COUNCIL ON AUGUST 16, 2016**

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 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 proposed the modification of the project to request concessions under State Density Bonus provisions under California Government Code (CGC) § 65915 and Chula Vista Municipal Code (CVMC) Chapter 19.90 that promote affordable housing through the use of density bonus, incentives or concessions, waivers or reductions to development standards, and/or reduced parking ratios; and

WHEREAS, pursuant to the State Density Bonus Law and CVMC Chapter 19.90, the Applicant will provide a senior citizen housing development with 16 affordable rental units for very low-income households; and

WHEREAS, the Applicant is requesting a waiver from the floor area ratio standards of the UCSP and use of the specified parking ratios in the CGC; and

WHEREAS, the basis for reviewing this change through substantial conformance review is a result of the application of CGC § 65915(j)(1) that states that the granting of a concession or incentive shall not require or be interpreted to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval; and

WHEREAS, the Housing Accountability Act (the “HAA” or “Act”) found in CGC § 65589.5 applies to all housing development projects, whether affordable, market rate, or mixed use; and

WHEREAS, the HAA restricts a city’s ability to deny, reduce the density of, or make infeasible housing developments that are consistent with objective general plan, zoning, subdivision, and design review standards; and

WHEREAS, other than the requested floor area ratio concession, the revised Project complies with all other standards of the UCSP, is consistent in design with the prior project approval, and thus is also consistent with the City of Chula Vista General Plan; and

WHEREAS, all conditions of the previously approved project remain applicable and in force for the revised Project; and

WHEREAS, the City Clerk set the time and place for the hearing on the Project application, 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 staff’s substantial conformance determination for the Project as presented.

Presented by:

Approved as to form by:

Kelly Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney