



# City of Chula Vista

## Staff Report

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**File#: 15-0683, Item#: 5.**

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### CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S DECISION REGARDING DESIGN REVIEW PERMIT DR15-003

RESOLUTION NO. 2016-012 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION DECISION GRANTING APPROVAL OF DR15-0003 FOR AN 87-UNIT MULTI-FAMILY RESIDENTIAL PROJECT AT 701 "D" STREET

#### RECOMMENDED ACTION

Council conduct the public hearing and adopt the resolution.

#### SUMMARY

The applicant, City Ventures, submitted a Design Review application requesting approval of an 87-unit multi-family project on a 4.35-acre vacant site located at 701 "D" Street ("Project") (See Attachment 2-Locator Map). On December 9, 2015, the Planning Commission conditionally approved the Project. On December 16, 2015, Mr. Dean Spooner filed this appeal of the Planning Commission's decision (See Attachment 3-Appeal Request Submitted by Dean Spooner)

#### ENVIRONMENTAL REVIEW

The Project qualifies for a Class 32 Categorical Exemption pursuant to Section 15332 (In-Fill Development) of the California Environmental Quality Act State Guidelines.

#### Environmental Determination

The Director of Development Services has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a Class 32 categorical exemption pursuant to Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines. Thus, no further environmental review is required.

#### BOARD/COMMISSION RECOMMENDATION

On December 9, 2015, after considering all reports and evidence, the Planning Commission approved the Project, subject to the conditions noted in the Planning Commission Resolution DR15-0003 (See Attachment 6-Planning Commission Resolution and Minutes).

#### DISCUSSION

The Project is comprised of 87 townhomes in 15 three-story buildings, 186 parking spaces, common open space, along with a large centralized recreation area. The 87 townhomes include 31 three-bedroom units and 56 4-bedroom units. More detailed information about the Project can be found in the Planning Commission Agenda Statement (See Attachment 4-Planning Commission Agenda

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Statement). The Project was properly noticed. A Notice of Application was mailed out to residents and properties within 500 feet of the project on July 2, 2015 and posted onto the City's website. A Notice of Public Hearing before the Planning Commission on December 9, 2015 was mailed out November 25, 2015.

An appeal request is required to be based upon at least one of three reasons to be considered valid. The three reasons for appealing a project are: 1) that there was factual error in the evidence provided to the decision maker; 2) that there was new information available to the applicant or interested party; or 3) that the decision makers findings were not supported by the information provided to them. While none of these reasons were specifically addressed by the appellant, the appellant instead refers to a "30 points of concern" memorandum which they had previously submitted to the Planning Commission for consideration on December 9, 2015 (see Attachment 5-Memorandum from Dean Spooner Dated December 9, 2015). These concerns have been categorized and responses are provided below:

#### Adequacy of Parking:

Pursuant to CVMC Section 19.62.050(12) the Project is required to provide two (2) parking spaces per unit within a garage or carport with a minimum floor area of 400 square feet. Therefore, the Project is required to provide a minimum of 174 parking spaces. The Project proposes 186 parking spaces, which exceeds the parking requirements of the CVMC by 12 spaces. In addition to providing a 2 car garage that is a minimum of 400 square feet for each unit (for a total of 174) spaces, an additional 12 on-site common parking spaces are being provided. While not part of required parking, there would also be on-street parking available on both Woodlawn Avenue and "D" Street. The applicant has indicated that a restriction would be placed into the CC&R's by which garage spaces can only be used for the parking of vehicles, which would be enforced by the Homeowners Association.

#### Site Design\View Corridors\Pedestrian Orientation

The City of Chula Vista does not have an ordinance that protects existing views as long as the project meets the zoning standards and development guidelines for the zone in which the property is located. The site has been designed in compliance with the requirements outlined in the CVMC and City-wide Design Guidelines. CVMC Section 19.28.060(A)(2) permits buildings with a maximum height of 45 feet and three and a half (3.5) stories if approved by the Planning Commission and provided, it is found that the height, bulk, mass and proportion of all structures are compatible with the site, as well as in scale with structures on adjoining and surrounding properties in the area. The Planning Commission was able to make the findings as evidenced in Attachment 6 (Planning Commission Resolution and Minutes). On-site buildings have also been oriented to take advantage of surrounding views, primarily to the west. In addition, the project has been designed with a pedestrian orientation both internally, through an elaborate pedestrian walkway system, as well as externally with the orientation of most of the front doors of units facing onto Woodlawn Avenue and "D" Street. Lastly, the project site is located within an approximate 0.4 mile walking distance to the "E" Street trolley station.

#### Adequacy of Open Space and Social Amenities

In accordance with CVMC Section 19.28.090(A)&(B), projects within the R-3 zone require a minimum

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of 400 square feet, with that requirement increasing by 20% for each bedroom over two. Given those requirements the Project would require 480 square feet of open space for each of the 31 three-bedroom units and 560 square feet for each of the 56 four bedroom units. Thus, the project would require a minimum of 46,240 square feet of open space. The Project complies with the open space requirements of the Apartment Residential (R3) zone by providing a total of 47,269 square feet of open space, which exceeds the required amount by 1,029 square-feet. A centralized 14,000 square-foot recreational area is provided in the center of the project, and serves as an on-site social amenity. The Project also includes an additional approximately 19,000 square feet of additional ground floor open space. Additionally, most of the units will contain second-story decks.

#### Closing off of “D” Street for Park

The vacation of the “D” Street right-of-way and its conversion to park acreage is not part of this application nor is it tied to the approval of this Project. This Project stands alone in terms of providing required on-site amenities for the residents of the project and does not rely on the conversion of the “D” Street right-of-way to meet its park obligation. The Project will pay Park Acquisition and Development (PAD) Fees similar to any other developed on the western side of the City. At the same time, the design of the Project could accommodate future Council consideration of a public park, should they wish to consider it in the future.

#### Density/Precedence setting

According to the 2005 General Plan, the area including and surrounding the subject site is designated High-Density Residential (18-27 dwelling units per acre (du/ac)). When the subject site was rezoned to R-3-P in July, 2008, the intent of that action was to make the vacant site consistent with the General Plan designation. The Project proposes a density of 20 du/ac. The project is not precedent setting in that it meets the requirements of the R-3 zone. In addition, there are other existing high-density multi-family projects located to the north and north-east of the project site.

#### Project Access/Traffic Impacts:

The number of access points required of a new development is determined by the type and number of units proposed, in conjunction with the City’s Subdivision Ordinance and Fire Code. As such, the Project requires one point of access, which is being proposed along Woodlawn Avenue. In addition, the City’s Traffic Engineer has opined that taking access from Woodlawn Avenue (as opposed to “D” Street) is acceptable and the proposed access point has adequate storage and queuing. The City’s Traffic Engineer also believes that there is no traffic safety issue with regards to accessing the Project off of Woodlawn Avenue. Both Woodlawn Avenue and “D” Street are small residential streets which are not monitored for level of service.

#### DECISION-MAKER CONFLICT

##### No Property within 500 feet

Staff has reviewed the property holdings of the City Council members and has found no property holdings within 500 feet of the boundaries of the property which is the subject of this action. Consequently, this item does not present a disqualifying real property-related financial conflict of interest under California Code of Regulations Title 2, section 18702.2(a)(11), for purposes of the

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Political Reform Act (Cal. Gov't Code §87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

#### LINK TO STRATEGIC GOALS

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The Project implements the Strong and Secure Neighborhoods Strategic goal by providing construction of a development project in a manner that ensures code compliance, public health and safety of the community.

#### CURRENT YEAR FISCAL IMPACT

There are no fiscal impacts during the current fiscal year from the processing of the project. All costs for the project processing, including the appeal, are covered by the deposit account paid for by the applicant. The Appellant paid the required filing fee for the appeal. Costs associated with the processing of future implementing permits, will also be covered by permit fees or deposit accounts

#### ONGOING FISCAL IMPACT

The Project is privately owned and operated and will not create future expenditures for the City associated with approval of the item, including facility maintenance and operations.

#### ATTACHMENTS

1. Resolution
2. Locator Map
3. Appeal Request Submitted by Dean Spooner
4. Planning Commission Agenda Statement
5. Memorandum From Dean Spooner Dated December 9, 2015
6. Planning Commission Resolution and Minutes
7. Project Plans

*Staff Contact: Jeff Steichen, Associate Planner*