

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION RE-AUTHORIZING ISSUANCE OF
AN APPEALABLE COASTAL DEVELOPMENT
PERMIT TO SUN COMMUNITIES, INC. FOR THE
COSTA VISTA RV RESORT REVISED PROJECT IN
CHULA VISTA, CONDITIONED ON SATISFACTION
OF A CONDITION PRECEDENT**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, Sun Communities, Inc. as the project applicant and proponent (Applicant), proposes to construct and operate the Chula Vista Bayfront (CVB) recreational vehicle (RV) resort, a low-scale, low profile, and lower-cost RV resort consisting of 246 lower-cost overnight accommodations (approximately 172 RV stalls and 74 park model units, which count as and exceed the replacement of 237 lower cost overnight accommodation mobile vehicle stalls in the CVB) with associated improvements on parcel S-1; the extension of E Street; construction of a 400-foot-wide landscape buffer within a portion of parcel SP-1; and the realignment of Gunpowder Point Drive within parcels SP-1 and SP-3 to allow continued access to the Living Coast Discovery Center (collectively, "Project"); and

WHEREAS, the Project is more particularly described in the corresponding agenda sheet and draft Coastal Development Permit (CDP) attached thereto, both of which are incorporated by reference; and

WHEREAS, the Project is located in the CVB Sweetwater District of Planning District 7, which is delineated on Precise Plan Map Figure 19 of the certified Port Master Plan (PMP) and the Project is listed as Project Nos. 2: "Sweetwater Park" (S-2); 3: "Nature Center Parking Area (SP-3)" (only the access road for the LCDC will be constructed at this time); 4: "Sweetwater District Lodging (S-1)"; 5: "Sweetwater District Roadway and Infrastructure Improvements"; 6: "Sweetwater District Wetland and Upland Habitat Enhancement (SP-1/SP-2)"; and 8: "Mixed-Use Commercial Recreation/Marine Related Office Development (S-3)" in the PMP Project List (Table 19); and

WHEREAS, the PMP land use designations within the limits of the Project are "Commercial Recreation" (S-1 & S-3), "Open Space and Habitat Replacement" (SP-1), "Wetlands" (SP-2), and "Park/Plaza" (S-2 & SP-3); and

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WHEREAS, those certain Chula Vista Bayfront Development Policies (Development Policies) (District Clerk Document No. 59407) and a Public Access Plan (PAP) (District Clerk Document No. 59408) are part of the certified PMP; and

WHEREAS, the Project is consistent with the certified PMP as the Project conforms to the land use designations of “Commercial Recreation” for parcels S-1 and S-3, “Open Space/Habitat Restoration” for parcel SP-1, “Wetlands” for parcel SP-2, and “Park/Plaza” for parcels S-2 and SP-3, Precise Plan text, and Project list, as well as the Development Policies, the PAP, and the Natural Resource Management Plan’s goals, objectives, standards, and strategies through design considerations incorporated into the Project and implementation of relevant provisions as required by Special Provisions of the CDP including: a condition requiring any increase in park models above 74 and any decrease in traditional RV stalls below 172 on parcel S-1 would require a CDP amendment; a condition stipulating that no restrictions shall be placed on the condition and/or age of RV/trailer admitted to use the resort so long as it is road-worthy and operational; a condition requiring all onsite landscaping on parcel S-1 shall be native to California and all landscaping on SP-1 and SP-2 shall be native to Coastal Southern San Diego County; a condition regarding provision of information regarding the shuttle service to visitors and employees and promotion of its use in order to reduce vehicle trips and associated greenhouse gas emissions; and a condition clarifying that the grill/restaurant and spa will be solely for the use of on-site guests, as more particularly described in the Second Addendum, defined below; and

WHEREAS, the Project constitutes “development” under Section 30106 of the Coastal Act as it, among other things, proposes grading, construction of structures and a change in the intensity of the uses and accordingly, a Coastal Act (California Public Resource Code Section 30000 et seq.) authorization from the District is required; and

WHEREAS, under the Chapter 8 of the Coastal Act, the District’s certified PMP and the District’s CDP Regulations, the Project has been determined to require an “appealable” CDP (see California Public Resources Code Section 30715 and Section 7(4) of the District’s CDP Regulations that includes the sole categories of appealable development within the District’s jurisdiction; and Item 4 of Table 19 (Project List) of the PMP p. 109, herein incorporated by reference); and

WHEREAS, the Project is fully consistent with Chapter 8 of the Coastal Act, Coastal Act Sections 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein as it provides extensive public access, recreational opportunities and lower cost visitor facilities through the establishment of an RV park, bike paths, walking trails, sidewalks and enhanced landscaping; and

WHEREAS, the Board of Port Commissioners (BPC) finds that said application and attachments contain correct and accurate statements of fact; and

WHEREAS, the BPC has concluded that the Project conforms to the certified PMP and the Coastal Act; and

WHEREAS, in accordance with the California Environmental Quality Act statutes and guidelines, the Project was analyzed in the Final Environmental Impact Report (FEIR) (SCH No. 2005081077; District Document No. 56562) and adopted by the BPC on May 18, 2010, including Statement of Overriding Consideration and a Mitigation Monitoring and Reporting Program and certain findings by Resolution No 2010-78 and that certain Chula Vista Bayfront Master Plan Second Addendum, Coastal Commission Adopted Policies to the Chula Vista Bayfront Master Plan Port Master Plan Amendment and RV Resort Project (Second Addendum); and

WHEREAS, the BPC considered the appealable Coastal Development Permit at the April 10, 2018 BPC meeting; and

WHEREAS, the BPC considered the appealable Coastal Development Permit for the revised Project at the September 12, 2018 BPC meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners (BPC) of the San Diego Unified Port District, as follows:

1. The BPC finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. In general, the Project consists of, without limitation: (1) the construction and operation the CVB RV resort, a low-scale, low profile, and lower-cost RV resort consisting of 246 lower-cost overnight accommodations (approximately 172 RV stalls and 74 park model units, which count as and exceed the replacement of 237 lower cost overnight accommodation mobile vehicle stalls in the CVB) with associated improvements on parcel S-1; (2) the extension of E Street; (3) construction of a 400-foot-wide landscape buffer within a portion of parcel SP-1; and (4) the realignment of Gunpowder Point Drive within parcels SP-1 and SP-3 to allow continued access to the Living Coast Discovery Center. The Project is more particularly described in the corresponding agenda sheet, draft CDP and previously adopted FEIR and Addendum.

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3. The Project is located in the CVB Sweetwater District of Planning District 7, which is delineated on Precise Plan Map Figure 19 of the certified Port Master Plan (PMP) and the Project is listed as Project Nos. 2: "Sweetwater Park" (S-2); 3: "Nature Center Parking Area (SP-3)" (only the access road for the LCDLDC will be constructed at this time); 4: "Sweetwater District Lodging (S-1)"; 5: "Sweetwater District Roadway and Infrastructure Improvements"; 6: "Sweetwater District Wetland and Upland Habitat Enhancement (SP-1/SP-2)"; and 8: "Mixed-Use Commercial Recreation/Marine Related Office Development (S-3)" in the PMP Project List (Table 19). The PMP land use designations within the limits of the Project are "Commercial Recreation" (S-1 & S-3), "Open Space and Habitat Replacement" (SP-1), "Wetlands" (SP-2), and "Park/Plaza" (S-2 & SP-3).

4. The BPC finds that the Project constitutes "development" under Section 30106 of the Coastal Act as it, among other things, proposes grading, construction of structures and a change in the intensity of the uses and accordingly, a Coastal Act (see California Public Resource Code Section 30000 et seq.) authorization from the District is required.

5. The BPC finds that under the Chapter 8 of the Coastal Act, the District's certified PMP and the District's CDP Regulations, the Project has been determined to require an "appealable" CDP (see California Public Resources Code Section 30715 and Section 7(4) of the District's CDP Regulations that includes the sole categories of appealable development within the District's jurisdiction; and Item 4 of Table 19 (Project List) of the PMP p. 109, herein incorporated by reference).

6. The BPC finds the Project is fully consistent with the Coastal Act, including, without limitation Chapter 8 of the Coastal Act, Coastal Act Sections 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein as it provides extensive public access, recreational opportunities and lower cost visitor facilities through the establishment of an RV park, bike paths, walking trails, sidewalks and enhanced landscaping.

7. The BPC finds that the Project is consistent with the PMP because the Project conforms to the land use designations of "Commercial Recreation" for parcels S-1 and S-3, "Open Space and Habitat Replacement" for parcel SP-1, "Wetlands" for parcel SP-2, and "Park/Plaza" for parcel S-2 and SP-3, Precise Plan text, and Project list which expressly allow for each component of the Project. Moreover, the BPC finds that the Project is consistent with the Development Policies and the PAP because it will implement the applicable policies and portions of the PAP, as more particularly specified in each special condition of the CDP.

8. The BPC finds that prior to issuance of the CDP one condition need to be met (Condition Prior to Issuance) as follows. Condition Prior to Issuance – a lease or other real property agreement between the District and Applicant needs

to be approved and executed giving Applicant the ability to construct and operate the Project.

9. The BPC finds that the Project is within the scope of the FEIR and Second Addendum. The BPC also finds the Project is consistent with the Public Trust Doctrine, as the Project complies with Section 87 of the Port Act which allows for all commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed actions are consistent with the Public Trust Doctrine.

10. Based on the entire record available to the BPC and the findings set forth in this Resolution, subject to satisfaction of the Conditions Prior to Issuance, the Executive Director or her designated representative is hereby authorized and directed to issue an Appealable Coastal Development Permit to Sun Communities, Inc. for "Costa Vista RV Resort Project" after passage of the ten (10) working day appeal period as described in the CDP Regulations of the District. Said Appealable Coastal Development Permit shall require compliance with all conditions set forth therein; provided, however, as a condition of approval, Sun Communities, Inc. shall indemnify and hold the San Diego Unified Port District (District) harmless against all third-party legal challenges, claims, lawsuits, proceedings and the like, including reimbursement of all attorneys' fees, costs and expenses incurred by the District related to the approval of this Appealable Coastal Development Permit. Said condition is independent of any agreement between the District and Sun Communities, Inc.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12th day of September 2018, by the following vote: