



## Legislation Details (With Text)

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2/6/2018	1	Board of Port Commissioners	adopted	

**DATE:** February 6, 2018

**SUBJECT:**

### RESOLUTION ADOPTING CHULA VISTA BAYFRONT DESIGN GUIDELINES DATED DECEMBER 28, 2017

#### EXECUTIVE SUMMARY:

In 2002, the San Diego Unified Port District (District), City of Chula Vista (City) and the City of Chula Vista Redevelopment Agency (CVRDA) started a multi-agency comprehensive planning effort for the Chula Vista Bayfront (CVB). After a robust public stakeholder effort, in May 2010, the Board of Port Commissioners (Board), certified a Final Environmental Impact Report (FEIR)<sup>1</sup> and a Port Master Plan Amendment (PMPA) for the Chula Vista Bayfront Master Plan (CVBMP)<sup>2</sup>. The City and CVRDA took corresponding actions for the areas within their jurisdiction.

In 2010 and prior to the certification of the FEIR and PMPA, the District, City and CVRDA entered into a CVBMP Settlement Agreement (Settlement Agreement)<sup>3</sup> with the Bayfront Coalition (Coalition). Among other items, the Settlement Agreement outlined a requirement for the development of CVBMP Design Guidelines (Guidelines) to address cohesive development and streetscape design standards between public and private developments. Additionally, the Settlement Agreement created a process to form the Bayfront Cultural Design Committee (BCDC) to assist the District in processing the Guidelines. The BCDC was subsequently formed consistent with the Settlement Agreement.

In late 2017, District staff retained KTU+A, an urban design and landscape architecture firm, to support the District in its efforts to complete the Guidelines. Three public meetings were held with the BCDC to establish the design guidelines and on November 7, 2017, the BCDC took action to recommend the District's approval of the Guidelines. District staff also conducted targeted stakeholder outreach with the City, RIDA Development Corporation (RIDA), Pacifica Companies, LLC

(Pacifica), and Sun Communities (Sun), as well as a group of members from the Wildlife Advisory Group (WAG).

Overall, the Guidelines provide a best practices framework and will allow flexibility for the design of the public realm and private development on the CVB. When utilized in conjunction with the controlling documents for the CVB, the Guidelines will help further the vision of the CVBMP to create a special contiguous waterfront that extends all along the Bayfront.

## **RECOMMENDATION**

Adopt a Resolution Approving the Chula Vista Bayfront Design Guidelines Dated December 18, 2017.

**FISCAL IMPACT:** Costs associated with the development of these guidelines are included in the real estate department's non-personnel expense budget approved for FY 2018.

## **COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port with a comprehensive vision for Port land and water uses integrated to regional plans.
- A Port that is a safe place to visit, work and play.

## **DISCUSSION:**

### **Background**

#### *Chula Vista Bayfront Master Plan and Settlement Agreement:*

In 2002, the District, City and CVRDA started a multi-agency comprehensive planning effort for the CVB. After a robust public stakeholder effort, on May 18, 2010, the Board certified the CVBMP FEIR. At that hearing, after certification of the FEIR, the Board approved the PMPA and the City Council, City Planning Commission, and the CVRDA each unanimously approved amendments to the City's Local Coastal Program (LCP).

During the planning stages of the CVBMP, the District and the City sought to obtain the Coalition's support for the approval of the CVBMP. Similarly, the Coalition wished to obtain additional measures for protection of the environment above and beyond those required by the California Environmental Quality Act (CEQA) and any other applicable federal, state and local laws and regulations.

As a result, on May 4, 2010, the District City and CVRDA entered into the Settlement Agreement with the Coalition. The Settlement Agreement includes specific planning, design, funding, and implementation elements, all of which were studied in the FEIR and many of which were incorporated into the Mitigation Monitoring and Reporting Program (MMRP)<sup>4</sup>, as well as Development Policies

included in the PMPA and approved by the California Coastal Commission (CCC). Among other items, the Settlement Agreement outlined a requirement for the development of the Guidelines to address cohesive development and streetscape design standards between public and private developments. Additionally, the Settlement Agreement required the creation of the BCDC to assist the District in processing the Guidelines.

On August 9, 2012, the CCC unanimously approved the CVBMP amendments to the PMP and the LCP. The adopted PMP includes text, a precise plan, and a project list specific to the CVB Planning District. As part of the CCC certification, a Public Access Program<sup>5</sup> and Development Policies<sup>6</sup> (individually, CVBMP Development Policies) were added to the PMPA and LCP amendment and approved by the CCC. The Development Policies incorporated items from the Settlement Agreement including Development Policy 17.4 which addresses the creation of the Guidelines and the BCDC. The approval followed many months of collaboration with the CCC, which served to strengthen and enhance the CVBMP's provision of coastal access and protection of natural resources.

#### *Bayfront Cultural Design Committee:*

The Settlement Agreement required the formation of the BCDC to advise the District in the establishment of Guidelines to ensure cohesive development and streetscape standards for both public and private developments throughout the CVB. The BCDC is also required to provide input on the design of major development projects throughout the CVB. As such, prior to the Board's consideration for design concepts for the public realm and private developments within the CVB, District and City staff will consult with the BCDC to obtain feedback related to the design of projects. The BCDC consists of representatives from the Chula Vista planning and sustainability commissions, local business representatives, community organization representatives, an architect, a landscape architect, and an urban designer.

#### **Chula Vista Bayfront Design Guidelines**

As previously stated, the District is responsible for the establishment of the Guidelines. The Guidelines are intended to address cohesive development and streetscape design standards, walkways and bikeways design to promote safe walking and biking, standards for the design of park areas, and cultural facilities.

Staff's first steps towards developing the Guidelines were to review the following CVB regulatory documents (collectively, Controlling Documents):

- San Diego Unified Port District Port Master Plan (August 2017)
- CVBMP FEIR (April 2010) including MMRP (May 2010)
- Natural Resources Management Plan (NRMP) (May 2016)
- CVBMP Settlement Agreement (May 2010)
- CVBMP Public Access Program (August 2012)
- CVBMP Development Policies (August 2012)

In September 2017, District staff engaged KTU+A, an urban and design architecture firm with expertise in planning, project design and outreach to support its efforts in facilitating stakeholder outreach and developing the Guidelines.

The Guidelines are intended to provide guidance, but are not binding, and will serve as a best practices framework for the design of the public realm and private development. The Guidelines focus on overarching concepts and are intended to provide design flexibility. The Guidelines are intended to be referenced throughout the design process and are to be complementary to the Controlling Documents, which take precedence. The Guidelines are composed of the following major sections:

### *Chapter 1 - Introduction*

The introduction section lays out the vision and purpose for the Guidelines, as well as identifies how the document is to be used in relation to the overarching Controlling Documents. The introduction establishes the Guidelines to be one of a framework of documents that make up the vision for the CVB. This chapter also includes a set of framework plans for promenades, bike and pedestrian circulation, street trees and gateways. It also identifies the design intent behind streetscape, public art, landscaping and parking through the use of representative imagery and guiding principles for consideration.

### *Chapter 2 - Public Realm*

The public realm chapter focuses on providing overarching concepts for the development of public spaces and is divided into three separate sections for streets, parks/open space and water. Each one of these elements is described in basic detail allowing for design development as each one comes to the point of being realized. Emphasis on the location and character of public realm improvements are also established.

### *Chapter 3 - Private Development*

This chapter focuses on private development improvements. The Guidelines in this chapter provide guidance and overall goals on the form of buildings, as well as their relationship to the public realm. Specific guidelines are provided that address street-wall scale, architectural design and compatibility, landscaping, and overall building placement. These private development guidelines encourage unique and creative design yet respect and acknowledge the natural environment, scale, proportion and character of the CVB.

### *BCDC and Stakeholder Outreach*

A series of three public meetings held on the following dates were held with the BCDC to establish the Guidelines:

- September 21, 2017
- October 10, 2017
- November 7, 2017

The BCDC provided valuable feedback to staff and the consultant team and ultimately recommended approval to the Board with minor technical revisions on November 7, 2017. On a parallel track, staff also conducted targeted stakeholder outreach with the following key stakeholders:

- City of Chula Vista planning staff
- RIDA
- Pacifica
- Sun
- A group of members of the WAG

## **Conclusion**

The Guidelines are intended to provide guidance that will further enhance the natural beauty and physical character of the CVB through their influence on both private development and public realm projects. If adopted by the Board, the Guidelines will serve as a valuable tool for the CVB development teams, staff and the BCDC as upcoming developments go through the project review process. As such, when utilized in conjunction with the overarching Controlling Documents, the Guidelines will help further the vision of the CVBMP resulting in the creation of a very special contiguous waterfront that extends the City of Chula Vista to the Bayfront.

## **General Counsel's Comments:**

The General Counsel's Office has reviewed the agenda sheet and attachments as presented to it and approves them as to form and legality.

## **Environmental Review:**

This item includes potential adoption of the Guidelines, as recommended by the BCDC on November 7, 2017. The formulation and process for adoption of the Guidelines for the CVBMP were specifically analyzed as part of the Final Environmental Impact Report for the Chula Vista Bayfront Master Plan and Port Master Plan Amendment, (UPD # 83356-EIR-658, SCH #2005081077), dated June 18, 2010 and the proposed Guidelines themselves fall within the scope and analysis of the FEIR and the Addendum to the Final Environmental Impact Report for the Chula Vista Bayfront Master Plan and Port Master Plan Amendment (District Document No. 60864) (the Final Environmental Impact Report and the Addendum are collectively referred to as FEIR). Specifically, the Guidelines incorporate key development requirements that are all already requirements of the Controlling Documents, including the adopted mitigation measures. The Guidelines also formalize the District-adopted design intent considered in the FEIR for the future development of the CVBMP with structures, parks, streets and associated streetscape, bikeways, and pathways. Consistent with the aesthetics and visual quality analysis contained in Section 4.4 of the FEIR, the District determined that significant visual impacts would occur from future development of the CVBMP and mitigation measures were included to avoid or substantially lessen the identified significant effects. The Guidelines incorporate these mitigation measures as requirements.

As per the adopted MMRP, Mitigation Measure (MM) 4.4-1 was added to reduce Significant Impacts 4.4-3, 4.4-4, 4.4-5, 4.4-7 and 4.4-8 that are associated with view quality, character, and public views. MM 4.4-1 contains specific requirements and controls to protect public view corridors, reduce the impacts of the height and bulk of buildings, address landscaping requirements, and to require a gateway plan for the streetscape entrances into the Bayfront from E Street, H Street, and J Street. MM 4.4-2 contains requirements that reduce Significant Impact 4.4-6 (new sources of substantial light or glare which would adversely affect day or nighttime views in the area) to a level below significance. The Guidelines implement site design and building standards consistent with MMs 4.4-1 and 4.4-2.

Other provisions of the Guidelines are suggestive and are not binding. These provisions are consistent though with the analysis of the FEIR, but do not allow for relief from any of the binding regulatory requirements associated with the MMRP and other Controlling Documents.

Pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the review of the entire record, including without limitation, the Controlling Documents, including the FEIR, the District finds and recommends that the approval of the Guidelines do not require further environmental review as: 1) no substantial changes are proposed to the Project and no substantial changes have occurred that require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in severity of previously identified significant effects; and 2) no new information of substantial importance has come to light that (a) shows the Project will have one or more significant effects not discussed in the FEIR, (b) identifies significant impacts would not be more severe than those analyzed in the FEIR, (c) shows that mitigation measures or alternatives are now feasible that were identified as infeasible and those mitigation measures or alternatives would reduce significant impacts, and (d) no changes to mitigation measures or alternatives have been identified or are required (CEQA Guidelines §§ 15162(a), 15163(a)). Because none of these factors have been triggered and the adoption of the Guidelines implements the relevant mitigation requirements and design intent considered in the FEIR, the District has the discretion to require no further analysis or environmental documentation (CEQA Guidelines §15162(b)). Pursuant to CEQA Guidelines §15162 (b), the District finds and recommends that no further analysis or environmental documentation is necessary.

Adoption of the Design Guidelines does not allow for “development,” as defined in Section 30106 of the Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit (CDP) Regulations because it will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Rather, the Design Guidelines provide formalized development parameters certified as part of the PMPA and mitigation measures and design intent considered in the FEIR for the future development of structures, parks, streets and streetscapes, walkways, and bikeways in the CVBMP. Future development, as defined in Section 30106 of the Coastal Act, will remain subject to its own independent review pursuant to the District’s certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. Therefore, issuance of a CDP or exclusion is not required for approval of the Design Guidelines. The Board’s direction in no way limits the exercise of the District’s discretion under the District’s CDP Regulations.

The approval of Design Guidelines, as described herein, complies with Section 87 of the Port Act because they relate to development of the uses specified therein. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the Design Guidelines are consistent with the Public Trust Doctrine.

**Equal Opportunity Program:**

Not applicable.

**PREPARED BY:**

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Attachment(s):

Attachment A: Chula Vista Bayfront Design Guidelines dated December 28, 2017

Attachment B: City of Chula Vista Endorsement Letter

1. Final Environmental Impact Report for the Chula Vista Bayfront Master Plan and Port Master Plan Amendment (UPD # 83356 EIR-658, SCH #2005081077), dated June 18, 2010, on file in the Office of District Clerk, bearing Document No. 56562
2. SDUPD Clerk's Office Document No. 59406 filed October 5, 2012, Port Master Plan Amendment
3. SDUPD Clerk's Office Document No.56523 filed May 20, 2010, Chula Vista Bayfront Master Plan Settlement Agreement by and among the Bayfront Coalition, San Diego Unified Port District and City of Chula Vista, the Redevelopment Agency of the City of Chula Vista
4. SDUPD Clerk's Office Document No. 56555 filed June 2, 2010 Mitigation Monitoring and Reporting Program for the Chula Vista Bayfront Master Plan
5. SDUPD Clerk's Office Document No. 59408 filed October 5, 2012, Chula Vista Bayfront Master Plan Public Access Program San Diego Unified Port District and the City of Chula Vista
6. SDUPD Clerk's Office Document No. 59407 filed October 5, 2012, Chula Vista Bayfront Development Policies