



Legislation Details (With Text)

File #: 2018-0069 **Version:** 1 **Name:**
Type: Action Item **Status:** Public Hearing
File created: 2/21/2018 **In control:** Board of Port Commissioners
On agenda: 4/10/2018 **Final action:**
Title: COSTA VISTA RV RESORT AT CHULA VISTA BAYFRONT:

- A) RESOLUTION ADOPTING A SECOND ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "CHULA VISTA BAYFRONT MASTER PLAN PROJECT" AND AUTHORIZING STAFF TO FILE A NOTICE OF DETERMINATION
B) RESOLUTION GRANTING CONCEPT APPROVAL TO SUN COMMUNITIES, INC. FOR THE COSTA VISTA RV RESORT PROJECT CONDITIONED ON SATISFACTION OF CERTAIN CONDITIONS PRECEDENT
C) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT (CDP) FOR THE COSTA VISTA RV RESORT PROJECT CONDITIONED ON SATISFACTION OF CERTAIN CONDITIONS PRECEDENT

Sponsors:

Indexes:

Code sections:

Attachments: 1. 29. 2018-0069 Attachment A Color, 2. 29. 2018-0069 Attachment B Color, 3. 29. 2018-0069 Attachment C Color, 4. 29. 2018-0069 Attachment D Color, 5. 29. 2018-0069 Attachment E Color, 6. 29. 2018-0069 Attachment F, 7. 29. 2018-0069 Attachment G, 8. 29. 2018-0069 Attachment H, 9. 29. 2018-0069A Draft Resolution, 10. 29. 2018-0069B Draft Resolution, 11. 29. 2018-0069C Draft Resolution

Date	Ver.	Action By	Action	Result
4/10/2018	1	Board of Port Commissioners	adopted	Pass
4/10/2018	1	Board of Port Commissioners	adopted	Pass
4/10/2018	1	Board of Port Commissioners	adopted	Pass

DATE: April 10, 2018

COSTA VISTA RV RESORT AT CHULA VISTA BAYFRONT:

- A) RESOLUTION ADOPTING A SECOND ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "CHULA VISTA BAYFRONT MASTER PLAN PROJECT" AND AUTHORIZING STAFF TO FILE A NOTICE OF DETERMINATION
B) RESOLUTION GRANTING CONCEPT APPROVAL TO SUN COMMUNITIES, INC. FOR THE COSTA VISTA RV RESORT PROJECT CONDITIONED ON SATISFACTION OF CERTAIN CONDITIONS PRECEDENT
C) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT (CDP) FOR THE COSTA VISTA RV RESORT PROJECT CONDITIONED ON SATISFACTION OF CERTAIN CONDITIONS PRECEDENT

EXECUTIVE SUMMARY:

Chula Vista Marina/RV Park, Ltd. has a lease¹ with the District to operate a 237-stall RV Park (Existing RV Park) at 460 Sandpiper Way, within the City of Chula Vista (City) that expires on November 30, 2021. In May 2010, the Board certified a Final Environmental Impact Report (Final EIR) (UPD #83356-EIR-658; SCH #2005081077; Clerk Document No. 56562, dated November 2015, and certified by Resolution No. 2010-78 on May 18, 2010) and approved a Port Master Plan Amendment (PMPA) for the Chula Vista Bayfront Master Plan (CVBMP), which was the result of a decade-long planning effort. This entitlement process envisioned the relocation of the Existing RV Park, which is currently located within the Harbor District portion of the Chula Vista Bayfront (CVB). During the certification process for the CVBMP PMPA, the District and the California Coastal Commission (CCC), decided to relocate the Existing RV Park to parcel S-1, a site that at the time was designated for a future hotel in the District's approved PMPA. Specifically, upon the District's request, its application to the CCC for the PMPA was amended to revise the uses on parcel S-1 from hotel to low-scale, low-intensity uses consisting of a recreational vehicle park and/or campground with retail, restaurant, or meeting space associated with these uses (Relocated RV Park) and the Relocated RV Park was moved from Phase IV to Phase I of the CVBMP. Ultimately, the certified CVBMP PMPA identifies parcel S-1, a 19-acre site, located at E Street and Bay Boulevard in the Sweetwater District of the CVB (Site) as the replacement site for the Relocated RV Park consisting of 237 stalls (Attachment A).

Additionally, the District's amended application for the PMPA included Chula Vista Bayfront Development Policies (Development Policies) (District Clerk Document No. 59407) and a Public Access Plan (PAP) (District Clerk Document No. 59408), both of which were incorporated by reference into the PMPA. The Development Policies consist of detailed and specific planning and development objectives and policies for the Chula Vista Planning District covering environmental protection, energy conservation, views and aesthetics, public transit, pedestrian orientation, and visitor serving requirements. The PAP includes a description of the proposed circulation improvements including the roadways, the Bayshore Bikeway, public transit improvements, shuttle, and parking requirements. The Relocated RV Park, Development Policies and PAP (collectively, Revised Project) were all included in the certified PMPA. Additionally, the Development Policies require all existing 237 recreational vehicle (RV) stalls be replaced prior to the Existing RV Park closing.

After lengthy discussions and negotiations with the Existing RV Park tenant, they notified the District on April 11, 2016 that they have elected not to relocate to the new Site. Since the replacement of the 237 RV stalls is a requirement of the Development Policies, on October 24, 2016, staff issued a Request for Proposals (RFP) for the development of a minimum 237-stall RV park at the Site.

Staff issued the "Destination RV Park" RFP (RFP 16-36RH)² for the development of the Relocated RV Park with a minimum of 237 stalls and associated infrastructure improvements and partnered with the Marketing and Communications team to develop a national advertising campaign, which reached over 250,000 people. Staff also hosted an Information Exchange and site visit, which 40 interested parties attended. On December 15, 2016, five proposals were received, four of which were deemed complete. On April 11, 2017, the Board selected the team of Sun Communities, Inc. & Northgate Resorts LLC (Sun Communities) as the successful proposer and directed staff to commence lease negotiations and environmental review.

Since the Revised Project in the certified PMPA occurred subsequent to the Board's certification of

the Final EIR in 2010 and the Board is considering subsequent discretionary approvals - concept approval and an Appealable Coastal Development Permit (CDP) - for the Relocated RV Park, an updated environmental analysis is necessary in accordance with the California Environmental Quality Act (CEQA). A Second Addendum to the Final EIR, dated April 2018, has been prepared to analyze the Revised Project. Additionally, as a result of the Relocated RV Park being moved to Phase I of the CVBMP implementation, certain mitigation measures are no longer applicable to the Relocated RV Park. Consequently, the Second Addendum also analyzes the changes in phasing in relation to certain mitigation measures for the Relocated RV Park. Additionally, the Second Addendum documents that none of the conditions in CEQA Guidelines Sections 15162 and 15163, triggering preparation of a Subsequent or Supplemental EIR, have occurred (Attachment B). The Second Addendum is appropriate under CEQA Guidelines Section 15164 and incorporates the Revised Project into the Final EIR for the Board's consideration.

Sun Communities, as the Project Applicant (Applicant), proposes to construct and operate the Relocated RV Park, a low-scale, low profile, and lower-cost RV resort with associated improvements on parcel S-1; grading in parcels S-2 and S-3; 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 (LCDC) (collectively, "Project"). Stakeholder outreach for the Project included meetings with the South Bay Wildlife Advisory Group (WAG), Bayfront Cultural and Design Committee (BCDC), and the Accessible Advisory Committee (AAC). Pursuant to the District's CDP Regulations and the California Coastal Act, the Project requires concept approval consistent with Board Policy (BPC) No. 357 and authorization to issue an appealable Coastal Development Permit. Moreover, because a lease - the vehicle for obtaining real property rights to the Site - has not been executed, authorization for issuance of the CDP is conditioned on the execution of a lease. Staff has determined that the Project is consistent with the certified PMP.

RECOMMENDATION:

Costa Vista RV Resort at Chula Vista Bayfront:

- A) Resolution adopting a Second Addendum to the Final Environmental Impact Report for the "Chula Vista Bayfront Master Plan Project" and authorizing staff to file a Notice of Determination
- B) Resolution granting concept approval to Sun Communities, Inc. for the Costa Vista RV Resort project conditioned on satisfaction of certain conditions precedent
- C) Conduct public hearing and adopt resolution authorizing issuance of an appealable Coastal Development Permit for the Costa Vista RV Resort project conditioned on satisfaction of certain conditions precedent

FISCAL IMPACT:

The current recommended actions will not have a direct fiscal impact; however, in accordance with BPC Policy No. 106, Cost Recovery User Fee Policy, Sun Communities has been subject to cost recovery fees for Project review, CEQA, and Coastal Act processing. Staff is in negotiations with Sun Communities for a ground lease, which will be presented to the Board for consideration at a future meeting. Although a lease has not yet been negotiated, the rent structure proposed by Sun Communities, their contribution to offsite improvements, and their willingness to negotiate additional contributions within the Sweetwater District, will help to minimize upfront financial obligations to fund public infrastructure in the early phases.

COMPASS STRATEGIC GOALS:

As part of efforts to support a vibrant and active waterfront, the District initiated a public solicitation process for redevelopment and operation of the Site. Due to the Site's high profile nature and its status as an undeveloped property, it was important to test the market and undertake a competitive process to ensure that the Site's potential is maximized.

This agenda item supports the following Strategic Goals:

- A Port that the public understands and trusts.
- A vibrant waterfront destination where residents and visitors converge.
- 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

Starting in 2002, the District, City, and the City of Chula Vista Redevelopment Agency (RDA) started a multi-agency comprehensive planning effort for the CVB. In May 2010, the Board, the Chula Vista City Council, and the RDA certified the Final EIR, in which the District was the lead agency and the City of Chula Vista was a responsible agency pursuant to CEQA. The Final EIR analyzed land use changes and the redevelopment of the 556-acre CVBMP. The CVBMP encompasses an area that includes 497 acres of land area and 59 acres of water area. It is bounded by the Sweetwater Marsh National Wildlife Refuge (NWR), the mouth of the Sweetwater River, and the jurisdictional boundary of National City on the north. Interstate 5 and commercial development along Bay Boulevard are to the east. Palomar Street and the South Bay Unit of the NWR, which includes the salt evaporation ponds, at the southern end of the San Diego Bay, border the CVBMP area to the south and west. The CVBMP consists of three planning districts, from north to south: the Sweetwater District, the Harbor District, and the Otay District.

The CCC's certification of the CVBMP PMPA (No. 6-PSD-MAJ-41-11) in August 2012 re-designated parcel S-1 for the Relocated RV Park, a low-scale, low profile, lower-cost overnight accommodations such as an RV park and/or campground with retail, restaurant, and meeting space associated with these uses. However, the Final EIR included an analysis of the development of parcel S-1 with a hotel, consisting of a two-to-eight stories with 500-750 rooms and a height of 40 to 100 feet. The certified PMPA also incorporated, by reference, the Development Policies and the PAP. The Development Policies consist of detailed and specific planning and development objectives and policies for the CVB covering environmental protection, energy conservation, views and aesthetics, public transit, pedestrian orientation, and visitor-serving requirements. The PAP includes a description of the proposed circulation improvements including the roadways, the Bayshore Bikeway, public transit improvements, shuttle, and parking requirements.

Sun Communities

Sun Communities is one of the largest operators of RV resorts in North America, currently owning and operating 100 RV resorts across 29 states and two countries. Sun Communities has extensive

development experience with currently over 2,000 units currently under construction, and they have a proven track record of success in financing, developing, and operating quality RV resorts. Sun Communities is a publicly-traded real estate investment trust (REIT) with a total value exceeding \$9 Billion, and the company has a \$450 Million line of credit set aside for project acquisitions. The Sun Communities proprietary marketing database contains over 1 million RV resort travelers.

Project Description

The Project Site is located on six parcels identified as parcels S-1, S-2, S-3, SP-1, SP-2, and SP-3 in the CVB Sweetwater District of Planning District 7, which is delineated on Precise Plan Map Figure 19 of the PMP (Attachment C). 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). The PMP land use designations within the limits of the Project are “Commercial Recreation” (S-1 & S-3), “Open Space/Habitat Replacement” (SP-1), “Wetlands” (SP-2), and “Park/Plaza” (S-2 & SP-3).

The entire Project includes the following components/features:

Roadways and Circulation

- New 26-foot wide roadway with 13-foot travel lane in each direction with sidewalk (E Street, from Bay Boulevard to F Street).
- Grading for a future 34-foot wide roadway with 11-foot travel lane and a 6-foot Class 2 bicycle lane in each direction (F Street, south of E Street).
- New 28-foot wide roadway with 14-foot travel lane in each direction (F Street, north of E Street).
- Relocated 22-foot wide roadway with 11-foot travel lane in each direction with a 1' flat area for each shoulder (Gunpowder Point Drive).
- Roundabout at the intersection of E Street and F Street.
- Removal of existing railroad tracks and ties at non-operational crossing.
- Appropriate roadway transitions at each terminus point to existing roadway improvements, including striping.
- Traffic signal modifications and striping at Bay Boulevard, the I-5 southbound on and off-ramps, and E Street to provide pedestrian crossings on the north, west and south sides of the intersection.
- 8-foot wide sidewalk on the north side of E Street west of Bay Boulevard, with a 6-foot wide landscape parkway between the curb and sidewalk except adjacent to the existing mulefat area.
- 5-foot wide sidewalk on the north side of E Street east of the I-5 southbound ramp to the I-5 bridge.
- 12-foot wide decomposed granite pedestrian trail looping around the outside of the RV Park, in Parcels SP-3 and SP-1.
- 14-foot wide Class 1 bicycle path and 8-foot wide decomposed granite pedestrian path along the south side of E Street around the north side of the roundabout and into S-2.
- The existing parking lot used by LCDC on the San Diego Gas & Electric (SDG&E) utility corridor north of E Street will be left in place, slurry coated and restriped. The new parking lot

for the LCDC in parcel SP-3 is not included in the scope of this permit.

Utilities

- The potable water system will provide service to adjacent properties and accommodate the build-out of the Bayfront. A 12-inch waterline will be installed in F Street, connecting to an existing 16-inch line in Lagoon Drive and continuing to E Street. An 8-inch line will be installed in F Street north of E Street.
- The existing fire line and service line that serve the United States Fish and Wildlife Service (USFWS) and LCDC will be relocated into the new Gunpowder Point Drive. These new underground lines will replace existing on-ground pipelines up to the USFWS boundary.
- The sewer system will provide service to adjacent properties and accommodate the build-out of the Bayfront. An 8-inch sewer line will be installed in F Street, connecting to an existing 10-inch sewer line in Lagoon Drive and continuing to the northerly terminus of F Street.
- A new sewer flow meter may be installed in an existing meter vault by the City of San Diego.
- Dry utilities, including gas, electric, and communications lines in E and F Streets.
- Relocation and undergrounding of all existing electric and communications lines on S-1, SP-3 and SP-1.
- Light-emitting diode (LED) street lighting along E Street and F Street north of E Street.

Drainage/Grading

- Storm drain systems to accommodate the ultimate build-out of the Bayfront.
- Post-construction storm water mitigation Best Management Practices (BMPs), including Low Impact Development (LID) strategies. Permanent BMPs include three bio-retention basins and two sediment traps.
- A portion of the storm drain system captures runoff from off-site upstream areas which is discharged to a bio-retention basin. This will provide treatment of runoff from upstream commercial areas that currently discharge directly into the Seasonal Wetlands.
- Grading on parcels S-1, S-2, S-3, SP-1, SP-2, and SP-3 that includes 40,000 cubic yards of cut and 205,000 cubic yards of fill for a total import of 165,000 cubic yards.

Landscape

- Landscape planting and irrigation along E Street and F Street.
- Landscape planting and irrigation with a native species plant palette in the 400-foot buffer on Buffer Parcel SP-1 and Seasonal Wetlands Parcel SP-2.
- Mitigation for impacts to existing coastal sage scrub at a 3:1 ratio. Mitigation includes restoration with maritime succulent scrub in Buffer Parcel SP-1 and Seasonal Wetlands Parcel SP-3. The habitat restoration will be monitored consistent with the provisions of the PMP, including the Development Policies and NRMP, and the Final EIR Mitigation Monitoring and Reporting Program (MMRP).
- A 6-foot tall, black vinyl-coated chain link fence located along the outer boundary of the no-touch buffer to limit access to the NWR.
- Keypad controlled electric-operated gates will be provided at two locations on Gunpowder Point Drive to control access to USFWS and LCDC. One will be at the turnoff from F Street and the other will be along the no-touch buffer fence.

RV Park

- 255 spaces with concrete pads and utility hook-ups for sewer, water and electricity. The RV

resort will consist of 139 RV stalls and 116 RV Park Models (PMs). PMs are considered a unique, trailer-type of RV that are built on a single chassis, mounted on wheels, and can be moved at any time. PMs are manufacture-certified as complying with the American National Standards Institute (ANSI) A119.5 standard for Recreational Park Trailers. Once parked, PMs are typically treated with architectural enhancements and skirting around the wheels to make the units aesthetically pleasing.

- Welcome center (4,519 square feet) containing Costa Vista Resort offices, marketplace, restrooms, showers and guest laundry facilities. A protected dog area is proposed adjacent to the welcome center.
- A paseo which links the resorts welcome center to the pool area amenities.
- The aquatic features of the resort include a children's play pool, family pool and Jacuzzi.
- The aquatic amenities building (4,980 square feet) will house the men's and women's changing facilities equipped with restrooms and showers, a day spa/salon, massage/treatment rooms, sauna, work-out gym, and a guest laundry facilities.
- The resort activity building (6,252 square feet) is located on the north side of the aquatic facilities and will house the grill/restaurant, entertainment arcade, game room, business center and restrooms.
- The activity center will also contain a multi-purpose room for educational and large guest gathering.
- The center of the RV resort will house a covered picnic area, outdoor grills, children's rock climbing and playground, bocce ball courts and horse shoe pits. The resort restroom (1,071 square feet) will also be located in this area.
- Interior drive aisles and utilities.
- The facilities within the RV Resort will provide LED lighting to ensure safety of the guest. Low-level pathway lights will be utilized within the resort to assist in wayfinding for the guest.
- A 6-foot tall, black tubular metal fence with spacing of approximately four inches will be installed along the perimeter to control wildlife movement and to protect the adjacent sensitive habitat from human interaction and domesticated, feral, and nuisance predators. Security gates and controlled entry points will also be provided.
- The entire RV resort will be graded to accommodate adequate sewer fall across the site eliminating the need for a sewer pump station along the southwest corner of the resort at the round-about on E street.
- An additional landscape buffer will be provided along E street to enhance the entrance into the Chula Vista Bayfront.

Second Addendum to the Final Environmental Impact Report and Inapplicable Phase IV Mitigation Measures to the Relocated RV Park being a Phase I Development

A component of the Final EIR was an analysis of the development of parcel S-1 with a hotel, consisting of a two-to-eight stories with 500-750 rooms, and a height of 40 to 100 feet. As previously discussed, parcel S-1 was re-designated in the certified PMPA to a less intensive use that was limited to the Relocated RV Park (a minimum 237 stall RV park and/or campground with associated retail, restaurant, and meeting space) and the Relocated RV Park was moved from Phase IV to Phase I of the CVBMP implementation. As a result of these changes, some of the mitigation measures identified in the Final EIR for Traffic and Transportation would no longer apply to the Project. Specifically, the following mitigation measures will be applied during Phase IV of the CVBMP implementation as they were adopted to mitigate potential traffic impacts in Phase IV of the CVBMP buildout, including a hotel on parcel S-1, as described in the PMP. However, the proposed Project is now a component of

Phase I as certified by the CCC and identified in the PMP Project List (Table 19) and therefore, the mitigation measures are inapplicable to the proposed Project. This determination is analyzed in the Second Addendum to the Final EIR and further supported by a “CVBMP Traffic Analysis” prepared by Rick Engineering in March 2018 (included as Appendix E of Attachment B). The inapplicable mitigation measures are as follows:

- **MM 6.5-9:** Prior to the issuance of certificates of occupancy for any development in Phase IV of the development, the Port shall construct an eastbound and westbound through-lane along H Street (as part of roadway segment mitigation) and a westbound right-turn lane at the intersection of H Street and Woodlawn Avenue. The additional lanes shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 6.5-26 to below a level of significance.
- **MM 6.5-10:** Prior to the issuance of certificates of occupancy for any development in Phase IV of the development, the Port shall construct a westbound through- and right-turn lane along H Street at the intersection of H Street and Broadway. The lane shall be constructed to the satisfaction of the City Engineer. With mitigation, this intersection would still operate at LOS E during the PM peak hour. This is consistent with the result from the Chula Vista Urban Core traffic study, which concluded that no additional mitigation is desired at this location. This mitigation would reduce Significant Impact 6.5-27 to below a level of significance.
- **MM 6.5-11:** Prior to the issuance of certificates of occupancy for any development in Phase IV of the development, the Port shall construct a dual eastbound left-turn lane along J Street at the intersection of J Street and I-5 NB Ramps. The additional lanes shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 6.5-28 to below a level of significance.
- **MM 4.2-25:** Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct a new F Street segment between the proposed terminus of the existing F Street and the proposed E Street extension, ending at the SP-3 Chula Vista Nature Center parking lot, as a two lane Class III collector street, which shall also contain a Class II bike lane on both sides of the street. This mitigation would reduce Significant Impact 4.2-39 to below a level of significance.
- **MM 4.2-26:** Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall widen E Street between F Street and Bay Boulevard to a four-lane Class I Collector, or secure such construction to the satisfaction of the City Engineer. The additional roadway capacity would facilitate the flow of project traffic. Also, the widening of this segment of E Street would facilitate the flow of project traffic on Bay Boulevard between E Street to F Street. This mitigation would reduce Significant Impacts 4.2-40 and 4.2-41 to below a level of significance.
- **MM 4.2-27:** Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall widen H Street between I-5 Ramps and Broadway to a 6-lane Gateway Street. The additional roadway capacity would facilitate the flow of project traffic. This mitigation would reduce Significant Impact 4.2-42 to below a level of significance. The off-site traffic improvements described in this mitigation measure for direct traffic impacts would create secondary traffic impacts. Improvements associated with these secondary impacts would be required as a result of cumulative and growth-related traffic overall, of which the

Proposed Project would be a component. The Western Chula Vista TDIF identifies these improvements in a cumulative context and attributes fair share contributions according to the impact. Therefore, the Proposed Project would be responsible for a fair share contribution and would not be solely responsible for implementation of necessary secondary impact improvements.

- **MM 4.2-28:** Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct an eastbound through lane and an exclusive eastbound right-turn lane along E Street at the intersection of E Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The lanes shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-43 to below a level of significance.
- **MM 4.2-29:** Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct an exclusive southbound right-turn lane along Bay Boulevard at the intersection of J Street and Bay Boulevard, or secure such construction to the satisfaction of the City Engineer. The lane shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-44 to below a level of significance.
- **MM 4.2-30:** Prior to the issuance of certificates of occupancy for any development in Phase IV, the Port, Port tenant, or applicant, as appropriate, shall construct a dual southbound left-turn lane along Street A, or secure such construction to the satisfaction of the City Engineer. The lane shall be constructed to the satisfaction of the City Engineer. This mitigation would reduce Significant Impact 4.2-45 to below a level of significance.

Additionally, as part of their certification, the CCC reviewed the PMPA and found that all impacts could be mitigated. The CCC found that the PMPA did not have the potential to result in significant individual or cumulative impacts to sensitive resources, recreation, or the visual quality of the environment of the Coastal Zone. The CCC found that there were no feasible alternatives or feasible mitigation measures that would have substantially lessened any significant adverse impacts which the PMPA may have had on the environment. The CCC found that the PMPA, as certified with the revisions to the PMPA and incorporation of Development Policies and a PAP, was consistent with the EIR prepared for the CVBMP. An analysis of the Revised Project, including the Project, the certified PMPA as revised by the CCC, Development Policies, and PAP are included in the Second Addendum to the Final EIR (Attachment B).

Concept Approval

Pursuant to Board Policy No. 357, plans for new tenant development must be presented to the Board for approval if the project is estimated to cost more than \$500,000. The Project cost is approximately \$39 Million, which includes both on and offsite costs. The components of the proposed Project are further detailed above in the "Project Description" section.

Coastal Development Permit

A copy of a draft CDP is provided as Attachment E to this Agenda Sheet. The Applicant is required to comply with all applicable mitigation measures that are specified in the Final EIR MMRP and all applicable policies and implementation measures in the Development Policies, PAP, CVB Natural Resources Management Plan (NRMP) (Clerk Document No. 65065), and the CVB Settlement

Agreement (Clerk Document No. 56523) (listed as Special Provisions of the CDP). Special Provisions are incorporated into the CDP to ensure project conformance with all applicable mitigation measures, policies, and implementation measures. The Project complies with all the applicable Development Policies. Those Development Policies address environmental management, wetlands, climate change, landscaping, lighting and illumination, noise, pathway design, predator management, storm water and urban runoff quality, energy, hazardous materials, public engagement, and circulation. Compliance with the applicable Development Policies is analyzed in the Second Addendum to the Final EIR under each respective environmental topic, in addition to the relevant policies (Attachment B).

A Restoration and Enhancement Alternatives for the Chula Vista Bayfront was prepared by Merkel & Associates, Inc. in April 2017, which includes a sea level rise analysis that was prepared by Environmental Science Associates (ESA). The analysis provides models of sea level rise under four scenarios: a 1-foot rise in the year 2030; a 2-foot rise in the year 2050; a 3.2-foot rise in the year 2070; and a 5.5-foot rise in the year 2100 (Attachment H). The four models indicate that the Project will not be impacted by sea level rise through the year 2100 and hence, are consistent with the PMP and the applicable California Coastal Act policies.

A Biological Resources Survey Report was conducted for the Sweetwater District in March 2015, and includes quantities of vegetation communities (Appendix D to Attachment B). The Project was designed to avoid the adjacent mulefat scrub/riparian scrub and will provide mitigation to permanent impacts of Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, broom baccharis-dominated Diegan coastal sage scrub, and disturbed broom baccharis-dominated Diegan coastal sage scrub consistent with the mitigation identified within the Final EIR. Mitigation ratios for impacts to vegetation communities are provided in the MMRP and will be adhered to through a mitigation plan as required by Mitigation Measure 4.8-6(H).

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 be an "appealable" CDP. (See California Public Resources Code Section 30715 and Section 7(4) of the District's CDP Regulations that include the sole categories of appealable development within the District's jurisdiction; and Item 4 of Table 19 (Project List) of the PMP (p. 106) that lists the Project as appealable). The Project is also located between the sea (as defined in the Coastal Act) and the first inland continuous road paralleling the sea, and the Project is fully consistent with Public Resources Code Sections 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein. This Project will enhance public access and public recreation by providing 255 lower-cost overnight accommodations (comprised of 237 replacement lower cost overnight accommodations mobile vehicle stalls and 12 new additional stalls) and providing walking trails around the Project site of sufficient distance from the adjacent wildlife refuge. The Project conforms to the land use designations of "Commercial Recreation" for parcels S-1 and S-3, "Open Space/Habitat Replacement" 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, and is therefore consistent with the certified PMP which includes, by reference, the Development Policies, the PAP, and the NRMP. Based on this finding, a conditional CDP may be issued.

Pursuant to the CDP Regulations, a public hearing is required. Notices were mailed to all property owners, lessees, and occupants within 100 feet of the Project site, the CCC, and the City of Chula Vista Mayor and City Manager, to inform them that a public hearing will be conducted regarding the authorization to issue an appealable CDP for the proposed Project. E-mailed notices were also sent to members of the (WAG) and (BCDC). Board action on the proposed Project may be appealed to

the CCC pursuant to Chapter 7 of Division 20 of the Public Resources Code within 10 working days after the CCC receives a notice of the Board's decision on the CDP. After the CCC receives the notice of the Board's decision, if a written appeal is not filed within 10 working days, the Executive Director may issue the CDP immediately upon satisfaction of certain conditions precedent discussed below.

Conditions to the Concept Approval and CDP Approval

As of the date of the Board's consideration of the CDP and Concept Approval, the Site is leased by the District from State Land Commission (SLC) through a Master Lease and has not yet been granted to the District and added to the Port Act. Specifically, the Site was obtained through a land exchange, which is currently being perfected to bring the Site into the District's tidelands. As of the date of this Agenda Sheet, an urgency statute is proposed for the Legislature's adoption this year (Legislation), which would transfer the Site to the District's tidelands and allow the legislation to take effect immediately after it is signed by the Governor and chaptered into law. If the Legislation does not pass, a CDP would need to be obtained from the City for the Project and the Master Lease would need to be amended to specify the Project as an approved use. Moreover, the District and Applicant need to enter into a definitive real estate agreement to give the Applicant real property rights to develop and operate the Project (Definitive Agreement). Therefore, authority to issue the CDP and the effectiveness of the Concept Approval is conditioned on the Legislation other legislation being enacted and the District and Applicant execute Definitive Agreement. Alternatively, a CDP could be obtained by City, the Master Lease amended to allow for Project and the District and Applicant execute Definitive Agreement to allow the Applicant to develop on the Site. Additionally, the CDP has been conditioned so that prior to issuance, the Applicant and/or District shall retain a qualified biologist to prepare an update to the March 2015 *Biological Resources Survey Report*. The update shall provide a current assessment of the conclusions in the 2015 report and the extent and quality of natural resources on the site.

Stakeholder Outreach

Wildlife Advisory Group

As required by Development Policy 17.1, the WAG was formed to advise the District and the City of Chula Vista in the creation of the NRMP, cooperative management agreements, Adaptive Management Review, and any related wildlife management and restoration plans or prioritizations. In order to more fully understand the proposed Project, the WAG formed an RV Park Subcommittee (Subcommittee) to review the proposal. Tucker-Sadler Architects (Applicant's Representative) presented to the Subcommittee during a publicly-noticed meeting on August 16, 2017 to give an overview of the project components and site design. Several suggestions were raised by the Subcommittee as summarized in Attachment F, including the actions taken by the Applicant's Representative.

Bayfront Cultural and Design Committee

The BCDC was formed to meet the requirement of Development Policy 17.4 and Sections 13.1 and 13.2 of the CVBMP Settlement Agreement. The role of the BCDC is to advise the District in the design in parks, cultural facilities, and development projects. The BCDC held a publicly-noticed meeting at the City of Chula Vista offices on February 20, 2018 to allow the Applicant's Representative to present the proposed Project to the BCDC and receive input from the committee

and the public. No members of the public spoke regarding the Project. The main point of discussion between the BCDC and the Applicant's Representative was a suggestion shared by the committee that the Project would create a negative visual impact from RV parking stalls being located in close proximity to E Street, which is also a gateway or entryway into the CVB. BCDC also gave suggestions regarding the landscaping for the Project site, and more specifically that a more creative and native landscape palette should be used. With the exception of these two design issues, the BCDC determined that the Proposed Project meets the applicable provisions of the Chula Vista Bayfront Design Guidelines. The committee passed two motions formally carrying recommendations forward to the Board for consideration.

The two motions included the following:

1. Amend the preliminary site plan to provide visual relief by either removing/relocating the proposed RV lots away from the boundary adjacent to the E Street corridor or increasing landscape screening along the corridor.
2. Explore alternative landscaping options on the Project site with consideration for the CVB as a whole.

A letter from the BCDC to the Board was submitted that provided further explanation of the committee's suggestions regarding the E Street entryway into the CVB. Additional e-mail correspondence from members of the public (individual comments from committee members) were received regarding parking for the RV resort (Attachment G).

In response to the BCDC's suggestions over screening, the Applicant's Representative has revised the Project by providing deeper landscaped setbacks along the E Street frontage to provide increased visual screening into the entry of the CVB. A perspective is included in the plan set (Attachment D) that shows how the view of the RV resort, as currently proposed, would appear from public views along E Street. Additionally, the RV resort meets the parking requirement of one parking space per RV stall as indicated in Table 4.3-1 of the Final EIR.

Accessibility Advisory Committee

The AAC met at a publicly-noticed meeting on February 7, 2018 and the Applicant's Representative provided an overview of the Project. The committee inquired about the process to include adjustments to the showers, restrooms, and check-in counters to make them more accessible to the disabled community. Development Services staff noted that the suggested changes could be included as part of the Conditional Project Approval pursuant to Board Policy 357, if the Project were to be approved by the Board.

General Counsel's Comments:

The office of the General Counsel has reviewed the Agenda Sheet and attachments as presented to it, and approves them as to form and legality.

Environmental Review:

In accordance with CEQA statutes and guidelines, the 2010 Project was analyzed in the Final EIR for the CVBMP. On May 18, 2010, the Board adopted Resolution 2010-78 certifying the Final EIR,

adopting the Findings of Fact and Statement of Overriding Considerations (Findings and SOC), and adopting the MMRP.

An Second Addendum to the Final EIR, dated April 2018, has been prepared to analyze changes from the initial 2010 project with the Revised Project, including the inclusion of the Development Policies and PAP into the certified PMPA and exclusion of certain mitigation measures that no longer apply due to the CCC's certification of the PMPA (collectively "Updated Project" for descriptive purposes herein), and to document that none of the conditions in CEQA Guidelines Sections 15162 and 15163, triggering preparation of a Subsequent or Supplemental EIR have occurred. The Second Addendum is appropriate under CEQA Guidelines Section 15164. The Second Addendum analyzes the Updated Project and if adopted will become a chapter of the Final EIR. Staff has reviewed the Updated Project and has determined that: (1) the Updated Project is within the scope of the Final EIR; and (2) there will not be any new or more significant impacts or required new mitigation measures not previously identified in the Final EIR, Findings and SOC, or MMRP previously certified and adopted by the Board.

The analysis included in the Second Addendum to the Final EIR concludes that the Updated Project would result in substantially similar or less impacts to those of the 2010 project because the scope of the Updated Project, including both construction and operation is less intensive than the 2010 project. The Second Addendum to the Final EIR also concludes that: (1) analyses and conclusions in the Final EIR remain current and valid; (2) that the Updated Project would not cause new or substantially more severe significant effects than those identified in the Final EIR; (3) no new mitigation measures would be required; (4) that no change has occurred with respect to circumstances surrounding the Updated Project that would cause new or substantially more severe significant environmental effects than identified in the Final EIR; and (5) that no new information has become available that show that the Updated Project would cause significant environmental effects not already analyzed in the Final EIR. As such, pursuant to CEQA Guidelines Section 15164, and based on the information provided in the Second Addendum to the Final EIR, the analysis for the updated Project has been appropriately addressed in the Final EIR and no further environmental review is required.

If the Board approves any discretionary action to carry out the Updated Project, District staff will file a Notice of Determination pursuant to CEQA Guidelines Section 15094.

Additionally, the recommended Board actions comply 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.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

Austin Silva, AICP
Associate Planner, Development Services

Stephanie Shook
Asset Manager, Real Estate

Attachment(s):

Attachment A: Location Map and Precise Plan

Attachment B: Second Addendum to the Chula Vista Bayfront Master Plan Final EIR, dated April 2018

Attachment C: Precise Plan Figure 19, Planning District 7

Attachment D: Concept Architectural Plans

Attachment E: Draft Coastal Development Permit

Attachment F: Table with WAG Subcommittee Suggestions and Responses

Attachment G: Correspondence from the BCDC dated March 20, 2018, Susan Krzywicki dated March 28, 2018, and Tina Matthias dated March 5, 2018

Attachment H: Sea Level Rise Modeling at 2030, 2050, 2070 & 2100

¹ Lease dated November 3, 1981, on file in the Office of the District Clerk as Document No. 14243, as amended.

² Request for Proposals (RFP) RFP 16-36RH Destination RV Park Development Opportunity, filed with the Office of the District Clerk on January 24, 2017, as Document No. 66060.

³ SDUPD Clerk's Office Document No. 56067 filed February 19, 2010, Exchange Agreement by and between San Diego Unified Port District and North C.V. Waterfront L.P.