



## Legislation Text

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**DATE:** September 12, 2018

**SUBJECT:**

**COSTA VISTA RV RESORT AT CHULA VISTA BAYFRONT:**

- A) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION RE-AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT TO SUN COMMUNITIES, INC. FOR THE COSTA VISTA RV RESORT REVISED PROJECT, CONDITIONED ON SATISFACTION OF CERTAIN CONDITIONS PRECEDENT**
- B) RESOLUTION RESCINDING BOARD RESOLUTION 2018-070 AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE COSTA VISTA RV RESORT PROJECT CONDITIONED ON SATISFACTION OF CERTAIN CONDITIONS PRECEDENT**

**EXECUTIVE SUMMARY:**

On April 10, 2018, the Board conducted a public hearing, adopted a Second Addendum to the Chula Vista Bayfront Master Plan (CVBMP) 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), granted concept approval and by Resolution No. 2018-070 authorized issuance of an appealable Coastal Development Permit (CDP) to Sun Communities Inc. (Sun Communities) for the Costa Vista RV Resort (Attachment A). However, based on feedback received by California Coastal Commission (CCC) staff, issuance of the CDP was postponed to allow District staff time to work through CCC staff's concerns regarding the Project. The Project has since been revised (Attachment B) and is in conformance with the Port Master Plan (PMP) and Chula Vista Bayfront Development Policies (Development Policies) and new provisions have been incorporated into a revised draft CDP (Attachment C). Should the Board re-authorize issuance of a CDP, staff would issue a Notice of Board Action to the CCC and commence a 10-day appeal period.

Pursuant to the District's CDP Regulations and the California Coastal Act, the Project as revised requires re-authorization by the Board to issue an appealable CDP. 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. In addition, staff recommends that the previous Board approval authorizing issuance of the previous April 2018 CDP (Board Resolution 2018-070) be rescinded.

**RECOMMENDATION:**

Costa Vista RV Resort at Chula Vista Bayfront:

- A) Conduct public hearing and adopt 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 certain conditions precedent

- B) Adopt resolution rescinding Board Resolution 2018-070 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 action 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, California Environmental Quality Act (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 Project 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:**

#### **Revised 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. Further information on the Project and Background is included in the April 2018 Agenda Report (Attachment A). 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, as revised, 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).
- Temporary access road to the Living Coast Discovery Center during construction.
- 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 Parcel S-2.
- The existing parking lot used by LCDRC 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 LCDRC 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 LCDRC 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 Parcels 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 (revisions made since April 2018)

- Landscape planting and irrigation throughout the RV resort with a special plant palette native to California.
- Landscape planting and irrigation with a species plant palette native to Coastal Southern San Diego County in the 400-foot buffer on Buffer Parcel SP-1 and Seasonal Wetlands Parcel SP-2.
- Landscape planting and irrigation along E Street and F Street.
- 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 National Wildlife Refuge (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 (revisions made since April 2018)

- 246 spaces with concrete pads and utility hook-ups for sewer, water and electricity. The RV resort will consist of 172 traditional RV stalls and 74 stalls with RV 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 on a stall, 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 resort's 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 horseshoe 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 guests. 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.

## Coastal Development Permit

### Revisions to April 2018 Draft CDP

On April 10, 2018, the Board conducted a public hearing, adopted a Second Addendum to the Final EIR, granted concept approval and by Resolution No. 2018-070 (Attachment E) authorized issuance of an appealable Coastal Development Permit to Sun Communities for the Project. A Notice of Board Action (NOBA) was sent to the CCC San Diego District office on April 12, 2018. After receiving the NOBA and reviewing the CDP, CCC staff was concerned that the Project was not consistent with the Port Master Plan and Development Policies. There were two components of the Project that caused most concern. The first component was the use of PMs on the site as a "comparable replacement" for existing RV stalls and the ratio of stalls with PMs to traditional RV stalls. CCC staff suggested that PMs do not constitute a like-for-like replacement of the existing RV stalls because it cannot be ensured that they will maintain a lower cost rate. A description of the PMs is contained in the Project Description below. The second item of concern was that the landscaping plan was not consistent with Development Policy 6.1, which prohibits non-native plants adjacent to wildlife habitat areas and strongly discourages the use of non-native plants elsewhere where they will provide breeding of undesired scavengers.

To avoid an appeal of the Project, District staff rescinded the NOBA on April 26, 2018, which was the last day of the 10-day appeal period. To date, the CDP has not been issued. Since that time, District staff has been working closely with CCC staff to address their concerns in order to demonstrate the Project is consistent with the PMP and Development Policies. Compared to the April 2018 project description, the revised Project includes a reduction in PMs from 119 to 74, and an increase in traditional RV stalls from 136 to 172. As a result, there would be 73% traditional RV stalls per the PMP-required 237 minimum (or 70% traditional RV stalls and 30% park models based on 246 total

stalls). Due to the revised plan and site constraints, the total combined number of traditional RV stalls and PMs had to be reduced from 255 to 246, but continues to provide an overall increase from the minimum PMP-required 237 stalls. Additionally, the landscape plan for Parcel S-1 has been revised to include a native plant palette. CCC staff also requested revisions to the Special Conditions regarding shuttle service and clarification on patrons of the grill/restaurant and spa.

Special conditions to the draft CDP have been revised as follows:

- Added a condition requiring that any increase in the number of PMs above 74 and any decrease in the number of traditional RV stalls below 172 on the S-1 site would require a CDP amendment.
- Added a condition stipulating that no restrictions shall be placed on the condition and/or age of RV/trailer allowed to use site so long as it was road-worthy and operational.
- Added a condition requiring all onsite landscaping on parcel S-1 shall be native to California, and all landscaping on buffer parcel SP-1 and seasonal wetlands parcel SP-2 shall be native to Coastal Southern San Diego County.
- Added a condition requiring 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.
- Added a condition clarifying that the grill/restaurant and spa will be solely for the use of on-site guests.
- Removed a condition which stipulated the CDP would not be effective until the development location/site be added to the District's tidelands (in late August, the Governor signed legislation formally incorporating parcel S-1 into District tidelands).
- Removed a condition which required an update to the March 2015 Biological Resources Survey Report (a memo is included as Attachment D that describes the current assessment of the conclusions in the 2015 report and the extent and quality of natural resources on the site).

A copy of a revised draft CDP is provided as Attachment C 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.

*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. 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.

Pursuant to Development Policy 5.13, an updated biological study was prepared by Merkel & Associates, Inc. on August 30, 2018 (Attachment D), and includes the quantities of vegetation communities located within the Project area. A similar study was prepared by Dudek in 2015, and the updated study indicates a decline in coastal scrub habitats and a minor expansion of the mule fat scrub habitat. As a result of the expansion of mule fat scrub, the grading plan has been revised to avoid this area and will provide mitigation of permanent impacts to Diegan coastal sage scrub and disturbed 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 246 lower-cost overnight accommodations (comprised of 237 replacement lower cost overnight accommodations mobile vehicle stalls and 9 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 subject to one condition precedent (as noted below).

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.

### **Condition Precedent to CDP Approval**

The District and Applicant still 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 is conditioned on execution of a Definitive Agreement. Staff is in negotiations with Sun Communities for a ground lease, which will be presented to the Board for consideration at a future meeting.

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

The office of the General Counsel has reviewed this 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. On April 10, 2018, the Board adopted Resolution 2018-068 adopting a Second Addendum to the Final EIR. The potential environmental impacts of the Project were analyzed pursuant to CEQA in the Second Addendum to the Final EIR. The project that was analyzed in the Second Addendum has been revised to include fewer RV stalls and the revised Project would result in less impacts. The proposed Project is a separate “project” for CEQA purposes, but is a subsequent discretionary approval related to a previously approved project (CEQA Guidelines § 15378(c); *Van de Kamps Coalition v. Board of Trustees of Los Angeles Comm. College Dist.* (2012) 206 Cal.App.4th 1036). Accordingly, the proposed Board action is merely a step in furtherance of the original project for which environmental review is required at this time.

Staff has reviewed the Project and has determined that: (1) the Project is within the scope of the Second Addendum to 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. Compliance with all applicable mitigation measures in the certified FEIR and Mitigation Monitoring and Reporting Program are proposed to be included as conditions of the CDP for the Project.

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:**

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Attachment(s):



Attachment A: Agenda Sheet from April 10, 2018 Board Meeting  
Attachment B: Revised Concept Architectural Plans  
Attachment C: Revised Draft Coastal Development Permit  
Attachment D: Biological Memo prepared August 2018 and Biological Resource Survey Report  
prepared by Dudek (2015)  
Attachment E: Board Resolution 2018-070