



Legislation Text

File #: 2019-0200, **Version:** 1

DATE: September 16, 2019

SUBJECT:

PRESENTATION AND UPDATE ON SCHEMATIC DESIGN FOR HARBOR PARK AND SWEETWATER PARK AT CHULA VISTA BAYFRONT

EXECUTIVE SUMMARY:

After a decade-long planning effort, in 2010 the Board of Port Commissioners (Board) certified a Final Environmental Impact Report (FEIR) (UPD #83356-EIR-658; SCH #2005081077; Clerk Document No. 56562, 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). Over 200 acres of parks, public open space, promenades, walking trails, shopping, dining and more is envisioned as part of the CVBMP. Two such parks within the first phase of the development of the CVBMP include Sweetwater Park and Harbor Park, located within the Sweetwater District and Harbor District respectively of the CVBMP. At the September 16, 2019 Board Meeting, staff will present the 50% schematic design for Harbor Park and Sweetwater Park located within the Chula Vista Bayfront (CVB).

Since August 2018, staff from the District and City of Chula Vista (City) have worked with the designers, KTU+A and Petersen Studio, KTU+A's consultant leading the Harbor Park design, to complete two (2) public outreach workshops and advance the schematic design of each park to a 50% schematic level.

This presentation serves as the update on the design of Harbor Park and Sweetwater Park within the CVB and identifies the next steps to complete the public outreach and schematic design for both parks. Petersen Studio will present the design of Harbor Park and KTU+A will present the design of Sweetwater Park. Board action is not required at this time, as staff is only presenting an update to the Board on the schematic design of the Harbor Park and Sweetwater Park. At the September Board meeting, the Board will not be approving the design of the proposed Harbor Park and Sweetwater Park, the feedback provided by the Board will not be binding on the District, and the Board reserves its sole and absolute discretion to approve or disapprove any design for Harbor Park and Sweetwater Park and adopt all feasible mitigation measures, a project alternative, including the no project alternative and a Statement of Overriding Considerations, if applicable, in the future.

RECOMMENDATION:

Receive a presentation and update on the schematic design of Harbor Park and Sweetwater Park.

FISCAL IMPACT:

Receiving a presentation and update on the schematic design of the Harbor Park and Sweetwater Park will not have a direct fiscal impact. The current budget for the Harbor Park is \$47.5M. The first phase of Harbor Park is \$19.5M and will be funded by the bonds that are contemplated to be issued by the Chula Vista Bayfront Facilities Financing Authority (JEPA) for the Phase 1A infrastructure improvements (Phase 1A) in conjunction with the closing under the Disposition and Development Agreement (DDA). The second phase of Harbor Park is \$28M. The source of the funds for the second phase of Harbor Park have not been established. The current budget for Sweetwater Park is \$8.7M. A portion of the budget for the Sweetwater Park will be funded by the bonds that are contemplated to be issued by the JEPA for the Phase 1A in conjunction with the closing under the DDA. Board action will likely be required prior to expending any funds for the construction of the parks.

COMPASS STRATEGIC GOALS:

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

- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port that is a safe place to visit, work and play.

DISCUSSION:

The District entered into a DDA for the development of the Resort Hotel and Convention Center (RHCC) in May 2018 and the Coastal Development Permit (CDP) was issued in July 2019. The DDA establishes the framework for the development timeline, preliminary budgets, and financing measures for development of Phase 1A of the CVB, which includes Harbor Park and Sweetwater Park. Following execution of the DDA, staff commenced a public outreach process to get public feedback on the design of the Harbor Park and Sweetwater Park.

Staff from the City and the District have worked with KTU+A and their subconsultant, Petersen Studio, to conduct two (2) public workshops, multiple design update presentations to other stakeholder groups, and completion of the 50% schematic design of both parks. The design of both parks incorporates input gained from survey responses received from the public during the public workshops and stakeholder feedback. In total, over 300 people attended both workshops and staff received over 1,700 completed surveys providing feedback on the design of both parks. The designs also reflect the projected Phase 1 budget for the Harbor Park and the current budget for the Sweetwater Park and timelines, and address issues such as habitat protection and restoration, public access, and projections of future sea level rise. In addition, the park designs have been coordinated to complement the designs of the adjacent future CVB developments of the Costa Vista Recreational Vehicle Park and the RHCC developments.

The design of Harbor Park, as shown on Attachment A, will nearly double the size of the existing Bayside Park and will be developed in two phases. The first phase has a preliminary budget of \$19.5M and the goal is to open the park concurrent with the opening of the RHCC. The second phase which addresses the “ultimate” Harbor Park has an estimated budget of \$28.0M for a total estimated budget for both phases equal to \$47.5M. Currently, a timeline for completion of the second phase of Harbor Park has not been determined. During the recent public outreach on the design

effort, two distinct options for Phase 1 of Harbor Park were identified. Option 1 focuses on the southern portion of the park and includes an extensive play area, formal lawns and large public gathering areas. Option 2 focuses on the northern portion of the park and includes an enlarged beach, waterside terraces and most of the large public gathering areas included in Option 1. Staff, consulting with various stakeholders and staff from the City, recommends that Option 2, the northern focus with the beach, should be completed as Phase 1 for Harbor Park and Option 1 be delivered as Phase 2 of Harbor Park, rounding out the ultimate development of the park.

The design of the Sweetwater Park, as shown on Attachment B, is planned for the northern portion of the CVB located within the Sweetwater District. This park will be developed in one phase and has a preliminary budget of \$8.7M. CVB Development Policy No. 18.2 (District Clerk No. 59407) requires that the Sweetwater Park be completed prior to the issuance of a Certificate of Occupancy for the RHCC. The current design is estimated to cost \$12M, and staff is pursuing funding opportunities to address the budget shortfall. In addition, the JEPA has applied for a \$8.5M grant administered by the California Department of Parks and Recreation. If awarded the grant, the JEPA would use the grant for the District or the City to complete the park as currently designed. If the grant is not awarded, adjustments will be made to the design and/or the budget to conform to the current or adjusted budget, with staff continuing to identify other funding sources.

After incorporating any feedback received from the Board, District staff will conduct a third and final public outreach workshop, which will lead to completion of the schematic design for each park to 100%. Based on the current timeline, District staff anticipates returning to the Board in early 2020 for the Board's consideration of Coastal Development Permits for each park.

General Counsel's Comments:

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

Environmental Review:

The proposed Board direction, including without limitation, a presentation and update on the design for Harbor Park and Sweetwater Park, was adequately covered in the Final Environmental Impact Report (FEIR) for the Chula Vista Bayfront Master Plan (CVBMP) (UPD #83356-EIR-658; SCH #2005081077; Clerk Document No. 56562), certified by the District on May 18, 2010 (Resolution No. 2010-78), the Addendum to the FEIR, which was adopted by the Board on August 13, 2013 (Resolution No. 2013-138), and the Second Addendum to the FEIR, which was adopted by the Board on April 10, 2018 (Resolution No. 2018-0069). The proposed Board direction is not 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.) Additionally, pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the review of the entire record, including without limitation, the FEIR and Addendums, the District finds and recommends that the proposed Board direction does 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 and Addendum 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 and Addendum, (b) identifies significant impacts would not be more severe than those analyzed in the FEIR and Addendum, (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. Pursuant to CEQA Guidelines §15162(b), the District finds and recommends that no further analysis or environmental documentation is necessary. Accordingly, the proposed Board direction is merely a step-in furtherance of the original project for which environmental review was performed and no supplemental or subsequent CEQA has been triggered, and no further environmental review is required.

In addition, the proposed Board direction complies with Section 35 of the Port Act which allows the Board to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board direction is consistent with the Public Trust Doctrine.

The proposed Board direction does not allow for “development,” as defined in Section 30106 of the California Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit (CDP) Regulations because they will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a Coastal Development Permit or exclusion is not required. However, development within the District requires processing under the District’s CDP Regulations. 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. The Board’s direction in no way limits the exercise of the District’s discretion under the District’s CDP Regulations. Therefore, issuance of a CDP or exclusion is not required at this time.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

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Attachment(s):

Attachment A: 50% Schematic Design of Harbor Park
Attachment B: 50% Schematic Design of Sweetwater Park