



City of Chula Vista

Staff Report

File#: 14-0393, Item#: 14.

CONSIDERATION OF AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE CHULA VISTA BAYFRONT MASTER PLAN AND APPROVING THE AMENDED SPECIFIC PLAN OF THE CHULA VISTA LOCAL COASTAL PROGRAM

- A. RESOLUTION NO. 2014-150 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CONSIDERING AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE CHULA VISTA BAYFRONT MASTER PLAN (UPD#83356-EIR-658/SCH#2005081077), MAKING CERTAIN FINDINGS AND APPROVING THE AMENDED LAND USE PLAN OF THE LOCAL COASTAL PROGRAM AND DIRECTING STAFF TO FORWARD THE SAME TO THE CALIFORNIA COASTAL COMMISSION

- B. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING THE AMENDED SPECIFIC PLAN OF THE CHULA VISTA LOCAL COASTAL PROGRAM, AMENDING CHULA VISTA MUNICIPAL CODE CHAPTERS 19.81 THROUGH 19.87, AND MAKING CERTAIN FINDINGS WITH REGARD THERETO (FIRST READING)

RECOMMENDED ACTION

Council conduct the public hearing, adopt the resolution and place the ordinance on first reading.

SUMMARY

During the past twelve years the City of Chula Vista and the San Diego Unified Port District in collaboration with the Community have arduously worked on the preparation of a comprehensive Master Plan and Local Coastal Program (LCP) for the Chula Vista Bayfront. The area of the City's Bayfront covered by the LCP is shown in the attached map (Attachment 1). California State Law requires that coastal cities adopt an LCP, which must be certified by the California Coastal Commission before the LCP can become effective and implemented by the local jurisdiction. The LCP, which is composed of a Land Use Plan (LUP) and Specific Plan (SP), was certified by the California Coastal Commission at its public meeting of August 9, 2012 and the LCP was approved and adopted by the City Council of the City of Chula Vista on September 25, 2012. Subsequent to the adoption of the certified LCP, it was determined that some minor changes to the documents needed to be made.

The revisions to the certified LCP are necessary because the language and provisions of the LCP documents have been superseded by changes in the City's regulations and processes during the past ten years. Some of the nomenclature in the documents did not correspond to the current conditions and a few provisions needed to be clarified. This created the need for a "clean-up" of the documents, which needs to be done through a minor amendment to the LUP and SP. These "clean up" changes are described in this report.

This item is being presented to the City Council with a recommendation from the Planning

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Commission to approve the amendments as presented. Once approved by the City Council, the proposed amendments will be forwarded to the Coastal Commission for approval and certifications.

ENVIRONMENTAL REVIEW

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was covered in previously adopted Environmental Impact Report UPD#83356-EIR-65B/SCH#2005081077. The Development Services Director has determined that only minor technical changes or additions to this document are necessary and that none of the conditions described in Section 15162 of the State CEQA Guidelines calling for the preparation of a subsequent document have occurred; therefore, the Development Services Director has prepared an addendum to this document (see Attachment 2)

BOARD/COMMISSION RECOMMENDATION

The Planning Commission considered the proposed LCP Amendment at its public hearing of June 11, 2014 and approved a resolution recommending that the City Council consider the Addendum to Environmental Impact Report UPD#83356-EIR-65B/SCH#2005081077, and approve the proposed amendments to the Chula Vista Local Coastal Program Land Use Plan and Specific Plan, and Chula Vista Municipal Code Chapters 19.81 thru 19.87

DISCUSSION

The City, Port and Community began preparation of the Bayfront Master Plan and LCP in 2002. The LCP was certified by the California Coastal Commission in August 2012 and adopted by the Chula Vista City Council on September 25, 2012. The area of the City's Bayfront covered by the LCP is shown in the attached map (Attachment 1). As outlined below, the proposed amendments will ensure the documents are clear and consistent with changes in conditions and circumstances that occurred while the documents were in process between 2002 and 2012.

At the time that the LCP was under preparation, processing and adoption, the City undertook significant Municipal Code changes particularly related to the boards and commissions in charge of reviewing projects and making recommendations to the City Council. These changes were not reflected in the final LCP. For example, by the time the LCP was adopted, the Chula Vista Redevelopment Corporation was not in effect and the Design Review Committee had been merged with the Planning Commission. These developments made the document seem outdated by the time its adoption process was complete. Thus, at the end of the process various clean up revisions were needed, none of which cause any substantial changes in the LUP and SP provisions.

The proposed changes to the LCP documents can be generally summarized as follows:

- Update references to City Council documents approving the LCP on September 25, 2012;
- Remove references to non-applicable and non-existing boards and committees;
- Include new applicable boards/committees;

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- Make a minor change to maps/graphics related to coastal area boundaries to exclude a Caltrans property at the interchange of I-5 and SR-54;
- Remove outdated specific business names and replace with general business types;
- Add a building footprint to Parcel 2-h on Exhibits 8a, 8b, and 14;
- Add language to further clarify that a retail market is permitted on Parcel 2-h in the Commercial - Professional and Administrative Zone;
- Include 44-foot height limitation for Parcel 3-L on Height Table, consistent with the requirements of the I-G zone; and
- Remove Tax-Increment Financing and Set Aside Funds as sources of funding for the implementation of the LCP due to the closure of Redevelopment Programs by the State.

The detailed amendments to the LUP and SP are presented in ~~and underlined~~ format, and are attached as Exhibit B to the City Council Resolution and Ordinance, respectively. The proposed amendments do not constitute a substantial change in the documents' objectives, policies or regulations, nor do they affect compliance with the policies of the California Coastal Act.

ANALYSIS

As it can be seen from the above list, most of the changes are intended to update references to documents, boards/commissions, and businesses located on the Bayfront; others are intended to correct the map making process (remove a Caltrans property that should be outside of the LCP boundaries), or put back information that was left out (44-foot height limitation). The introduction of more specific language that a retail market is permitted on Parcel 2-h (LUP page III-17)(see Exhibit B of the City Council Resolution) is intended to confirm and state clearly that this type of use is allowed as part of the development of administrative and commercial office space. Existing language in the Certified LUP (p. IV-5) indicates generally that future development for Parcel 2-h "consists of office, retail and a hotel." This language is generally repeated in another part of the page. It is important to include more specific and clearer language in the LUP and SP indicating that a retail market is permitted on Parcel 2-h, and thus avoid any misinterpretation during subsequent review of development proposals for that site. The purpose of introducing specific language as part of the proposed LCP Amendment is to ensure internal consistency in the documents. Also, the EIR that was prepared for the 2012 amendment included analysis of the potential impacts of up to 120,000 square-feet of retail space on parcel 2-h.

Three exhibits that are part of the 2012 Certified LUP (Exhibits 8a, 8b, and 14) show the northern part of Parcel 2-h with an empty space. The proposed Amendment shows the footprint of a building on this portion of Parcel 2-h (see Exhibit B of the City Council Resolution). The addition of the footprint to the exhibits is also intended to clarify and confirm that said space is designated for the retail building, thus avoiding a potential mis-interpretation. The maximum allowable height for this building is 30 feet. Since these elements were already mentioned generally in the LCP and analyzed in the EIR, their clarification and confirmation in the LCP does not constitute a substantial change.

The addition of the 44-foot building height limitation on Parcel 3-L (Table 3-1.5, page III-19) (see Exhibit B of the City Council Resolution) is to address an oversight during the preparation of the LCP documents, whereby this number was left out of the table. The Chula Vista Municipal Code (CVMC) requires that all parcels be assigned a building height limitation that corresponds to, and is generally the same as, other parcels in the area. The General Industrial zone within the LCP has a height limitation of 44-feet, with minor exemptions. Thus, the height limitation on Parcel 3-L is consistent with building heights in the rest of the zone

Perhaps the most noticeable change in the Specific Plan (strikeout of a half -page section on pp. 89 and 90) (see Exhibit B of the Ordinance) is the removal of the Redevelopment Funds as a funding mechanism for the implementation of the LCP. The removal of these funds is due to the closure of redevelopment programs and funding mechanisms by the State, which took place in December 2012.

In summary, the proposed changes to the LCP documents are inconsequential for the land use policy and regulatory nature of the documents; they are intended to bring the documents up to date with City actions related to phased-out review processes and boards/commissions, and to correct and clarify provisions to prevent misinterpretation in the future. The purpose of the proposed changes is to have internally-consistent, clear, accurate, and reliable policy and regulatory documents for the proper development of the Chula Vista Bayfront with the projects contained therein. Staff, therefore, recommends that the City Council approve the LCP Amendment as presented in the attached City Council Resolution and Ordinance.

PUBLIC NOTICING

Processing of the proposed LCP Amendment went through several levels of public review. California Public Resources Code requires that amendments to LCP's be set for public review for a period of 45 days prior to their presentation to policy-makers for consideration. Staff set the proposed LCP Amendment for public review from March 17, 2014 through May 1, 2014. The documents were deposited for public consultation at the Chula Vista Public Library Civic Center and South Chula Vista branches, and an electronic copy of the documents was also available on the City's web site and the link was included in the written notice. A written public notice was mailed to all property owners within the LCP Area.

As part of the Planning Commission public hearing on the LCP Amendment, a new notice of public hearing was sent to and published in the Star News on May 30, 2014. A copy of the notice was also mailed to all property owners within the LCP Area. A copy of the LCPA documents remained in the library branches and City's website for public consultation until the day of the Planning Commission hearing.

And finally, as part of the City Council public hearing on the LCP Amendment, a new notice of public hearing was sent to and published in the Star News on July 11, 2014. A copy of the notice was also mailed to all property owners within the LCP Area. A copy of the LCPA documents remained in the library branches and City's website for public consultation until the day of the City Council hearing.

DECISION-MAKER CONFLICT

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Staff has reviewed the property holdings of the Council Members and has found that Council Member Salas has a property holding within 500 feet of the boundaries of the property which is the subject of this action. Staff is currently in the process of reviewing whether said property holding may constitute a basis for a decision maker conflict of interest in this matter. Staff is not independently aware, nor has staff been informed by any Council Member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

LINK TO STRATEGIC GOALS

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The amendment to the Local Coastal Program and its implementation at the project level support all of the City's major goals by providing a land use and regulatory document that will serve to promote and facilitate the implementation of development projects such as the Pacifica project, as well as other commercial, industrial and open space projects. Development of the projects contemplated in the LCP will create jobs (Economic Vitality/Operational Excellence), provide a well planned community on the Bayfront (Healthy, Strong and Secure Neighborhoods) that will improve the western part of the City and connect the Bayfront to the rest of the City (Connected Community).

CURRENT YEAR FISCAL IMPACT

There is no current fiscal impact to the General Fund as a result of this action.

ONGOING FISCAL IMPACT

As part of the overall Chula Vista Bayfront Master Plan (CVBMP) and LCP development and implementation, the City and Port have formed a Joint Powers Authority (JPA). Revenues from CVBMP development projects, including hotel occupancy taxes paid to the City, Ground Lease payments paid to the Port and development impact fees collected by the City, will be combined within the City/Port JPA to fund CVBMP infrastructure, the convention center and ongoing operations and maintenance costs.

To the extent permitted by law the above new revenue sources will be used by the JPA to fund costs associated with this action and are expected to be sufficient to fully fund these costs. Therefore, no additional impact to the General Fund is expected.

Costs related to the Pacifica project and any associated approval processing and/or mitigation monitoring efforts would be funded directly by a developer deposit account

ATTACHMENTS

1. Local Coastal Plan Area Map
2. Addendum to EIR

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