

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



April 18, 2013

W14c**TO: COMMISSIONERS AND INTERESTED PARTIES****FROM: CHARLES LESTER, EXECUTIVE DIRECTOR****SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION** that the action by the City of Chula Vista, certifying the City's Local Coastal Program Amendment No. #1-11 (Chula Vista Bayfront Master Plan), is adequate to effectively certify its local coastal program (for Commission review at its meeting of May 8-9, 2013)**BACKGROUND**

At its August 9, 2012 meeting, the Coastal Commission certified, with suggested modifications, the City of Chula Vista Local Coastal Program Amendment #1-11. The approved amendment replaces the City's Bayfront Land Use Plan and Specific Plan (Implementation Plan) with new plans allowing for the redesignation of existing land uses to implement the Chula Vista Bayfront Master Plan, the transfer of various parcels of land between the City and the Port District, and the addition of policy language addressing environmentally sensitive habitat, visitor-serving uses, overnight accommodations, visual quality, parking standards and circulation. By its action adopting Ordinance No. 3283 and Resolution 2012-189 on September 25, 2012, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications cover a broad range of topics, and include such things as additional definitions, clarifications in language to ensure protection for visitor-serving commercial uses, overnight accommodations, environmentally sensitive habitat, visual resources, and water quality. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Imperial Beach is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



May 13, 2013

Mayor Cheryl Cox
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

RE: Certification of the City of Chula Vista Local Coastal Program Amendment
No. #1-11 (Chula Vista Bayfront Master Plan)

Dear Mayor Cox:

The California Coastal Commission has reviewed the City's Ordinance No. 3283 and Resolution 2012-189 together with the Commission's action of August 9, 2012 certifying City of Chula Vista Local Coastal Program Amendment #1-11 pertaining to the implementation of the Chula Vista Bayfront Master Plan. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of May 8-9, 2013.

By its action on September 25, 2012, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications cover a broad range of topics, and include such things as additional definitions, clarifications in language to ensure protection for visitor-serving commercial uses, overnight accommodations, environmentally sensitive habitat, visual resources, and water quality. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Charles Lester
Executive Director

RECEIVED

FEB 06 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RESOLUTION NO. 2012-189

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING RESOLUTION NO. 2010-115 OF THE CITY OF CHULA VISTA BY ADOPTING THE CALIFORNIA COASTAL COMMISSION'S AUGUST 9, 2012 ACTIONS ON THE CITY OF CHULA VISTA LOCAL COASTAL PLAN AMENDMENT 1-11 AND ACCEPTING AND INCORPORATING MODIFICATIONS TO THE LAND USE PLAN

WHEREAS, the City of Chula Vista (City) and the San Diego Unified Port District (Port District), in a collaborative effort with the community began working on a comprehensive Chula Vista Bayfront Master Plan in 2002; and

WHEREAS, the area of land, which is the subject of this Resolution is diagrammatically represented in Exhibit A attached hereto and incorporated herein by this reference, and for the purpose of general description is the Chula Vista Bayfront generally located west of Interstate 5, south of the Sweetwater Marsh, east of the San Diego Bay, and north of Palomar Street, including two territory islands one generally located south of State Route 54 between Broadway and Fifth Avenue, and the other generally located on the west end of Faivre Street; and

WHEREAS, the City of Chula Vista prepared Local Coastal Program Amendment 1-11, comprising the Land Use Plan and Specific Plan, for submittal to the California Coastal Commission for consideration; and

WHEREAS, the City Council adopted Resolution Number 2010-115 on May 18, 2010 approving, on conditions, the Land Use Plan Amendment, and making certain findings with regard thereto, and directing the City Manager to submit said Local Coastal Program Amendment, including the Land Use Plan to the California Coastal Commission for consideration; and

WHEREAS, the City Manager subsequently submitted the Chula Vista Local Coastal Program Amendment 1-11 to the California Coastal Commission for review, public hearing and action; and

WHEREAS, on August 9, 2012, the California Coastal Commission reviewed the Local Coastal Program Amendment 1-11, held a public hearing, and approved Local Coastal Program Amendment 1-11 with suggested modifications to the Land Use Plan, attached hereto as Exhibit B and Exhibit C, respectively; and

WHEREAS, the California Coastal Commission subsequently forwarded a copy of its resolution of certification, including all of the suggested modifications to the to the Land Use Plan, to the City Council; and

WHEREAS, the City Council acknowledges receipt of the California Coastal Commission resolution of certification, including all of the suggested modifications to the Land Use Plan; and

WHEREAS, the City Council of the City of Chula Vista reviewed the California Coastal Commission's suggested modifications to the Land Use Plan and determined that they are acceptable.

I. NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista does hereby find and determine as follows:

A. ENVIRONMENTAL DETERMINATION

In accordance with the requirements of the California Environmental Quality Act (CEQA), the proposed LCP amendments were the subject of the *Final Environmental Impact Report (EIR) prepared for the Bayfront Master Plan and Port Master Plan Amendment (dated April 2010) (UPD #83356-EIR-658; SCH No. 2005081077)* (Final EIR) which was certified on May 18, 2010 and whereby, the requisite CEQA Findings of Fact pursuant to Section 15096(h) of the CEQA Guidelines and a Mitigation Monitoring and Reporting Program (MMRP) were adopted.

B. CONSISTENCY WITH GENERAL PLAN AND CALIFORNIA COASTAL ACT

The City Council finds that the amendment to the Local Coastal Program Land Use Plan, including the California Coastal Commission suggested modifications thereto, are consistent with the City of Chula Vista General Plan and the California Coastal Act Policies. The proposed amendments and suggested modifications are based on sound planning principles and practices that will provide for the protection and conservation of sensitive natural resources. The amendment allows the transfer of development from the Sweetwater District to the Harbor District, which is a previously developed and less sensitive area of the Bayfront, leading to the development of a project that will minimize potential negative impacts. The amendment will also contribute to provide and conserve bay views and provide more direct access to the Bayfront creating better connection to the rest of the city and the region. This will open up the Bayfront for the enjoyment of residents and visitors. The proposed amendment will be conducive to the development of the Bayfront and the creation of a world-class destination for residents and visitors.

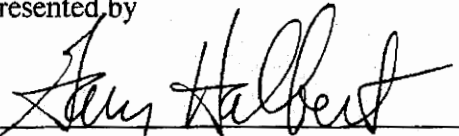
C. ACKNOWLEDGEMENT AND ACCEPTANCE OF RESOLUTION

The City Council does hereby acknowledge receipt of the California Coastal Commission resolution of certification, as referenced in the California Coastal Commission's Staff Report of August 9, 2012, including all of the suggested modifications to the Local Coastal Program Amendment 1-11 Land Use Plan, and accept the same.

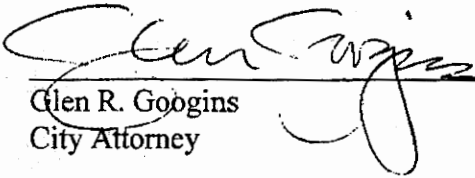
II. BE IT FURTHER RESOLVED, that the City Council does hereby adopt this resolution approving the California Coastal Commission's August 9, 2012 actions on the City of Chula Vista Local Coastal Plan Amendment 1-11 and accepting and incorporating modifications to the Land Use Plan, attached hereto as Exhibit B and Exhibit C, respectively, and incorporated herein by this reference.

Presented by

Approved as to form by



Gary Halbert, P.E., AICP
Assistant City Manager/Director of
Development Services



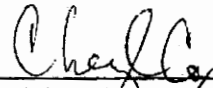
Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 25th day of September 2012 by the following vote:

AYES: Councilmembers: Aguilar, Bensoussan, Castaneda, Ramirez and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: None



Cheryl Cox, Mayor

ATTEST:

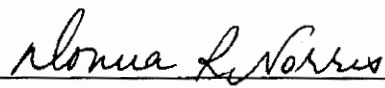


Donna R. Norris, CMC, City Clerk

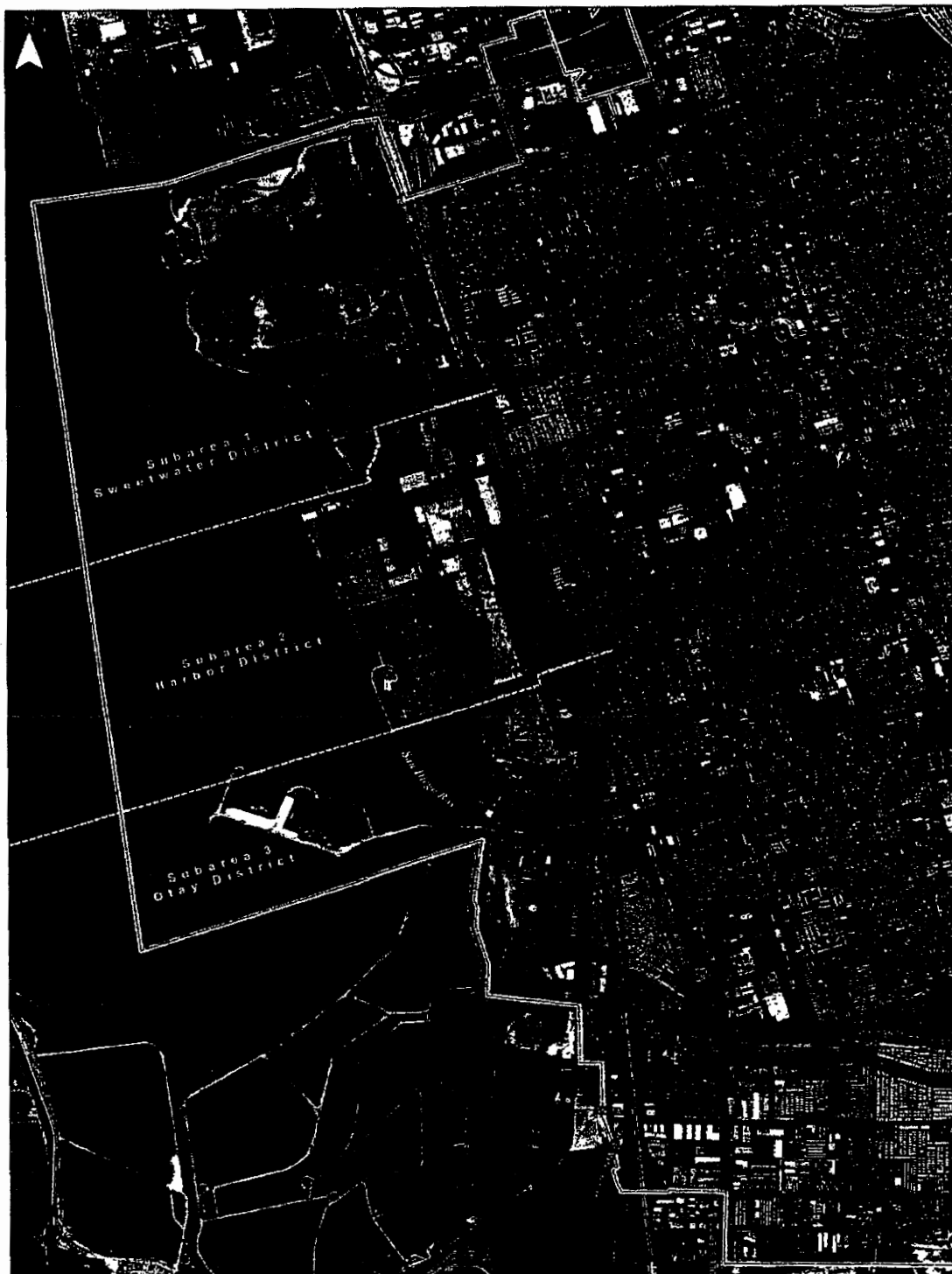
STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 2012-189 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 25th day of September 2012.



Executed this 25th day of September 2012.



Donna R. Norris, CMC, City Clerk



0 950 1,900 3,800 5,700 7,800 Feet

 LCP Planning Area
 City of Chula Vista

Chula Vista Bayfront Local Coastal Plan
Chula Vista, California

Exhibit A

This map is for illustrative purposes only and does not provide precise design details.

ORDINANCE NO. 3238

ORDINANCE OF THE CITY OF CHULA VISTA ADOPTING THE CALIFORNIA COASTAL COMMISSION'S AUGUST 9, 2012 ACTIONS ON THE CITY OF CHULA VISTA LOCAL COASTAL PLAN AMENDMENT 1-11 AND ACCEPTING AND INCORPORATING MODIFICATIONS TO THE SPECIFIC PLAN, APPROVING THE AMENDED SPECIFIC PLAN OF THE CHULA VISTA LOCAL COASTAL PROGRAM AND AMENDING CHULA VISTA MUNICIPAL CODE CHAPTERS 19.81 THROUGH 19.87

RECEIVED

FEB 06 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

WHEREAS, the City of Chula Vista (City) and the San Diego Unified Port District (Port District), in a collaborative effort with the community began working on a comprehensive Chula Vista Bayfront Master Plan in 2002; and

WHEREAS, the area of land, which is the subject of this Ordinance, is diagrammatically represented in Exhibit A attached hereto and incorporated herein by this reference, and for the purpose of general description is the Chula Vista Bayfront generally located west of Interstate 5, south of the Sweetwater Marsh, east of the San Diego Bay, and north of Palomar Street, including two territory islands one generally located south of State Route 54 between Broadway and Fifth Avenue, and the other generally located on the west end of Faivre Street; and

WHEREAS, California State law requires that coastal cities adopt a Local Coastal Program (LCP) and said LCP must be certified by the California Coastal Commission before the LCP can become effective and implemented by the local jurisdiction; and

WHEREAS, the LCP is composed of a Land Use Plan (LUP) and a Specific Plan; and

WHEREAS, the LCP was certified by the California Coastal Commission on January 15, 1993 and amended by City Resolution No. 17036 and Ordinance No. 2546 on March 23, 1993; and

WHEREAS, in 2005 the City and the Port District embarked on a process to amend the LCP and Port Master Plan (PMP) in conjunction with the creation of the Chula Vista Bayfront Master Plan (CVBMP) and proposed land exchange between the Port District and a private land owner; and

WHEREAS, the amendments to the LCP and PMP resulted in changes to 1) the Port District's and City's jurisdictional boundaries, 2) proposed development projects, 3) land use designations, and 4) circulation/public access system within the Bayfront area; and

WHEREAS, the Proposed LCP Amendment is contained in a document known as Local Coastal Program Amendment 1-11 on file in the Office of the City Clerk; and

WHEREAS, the Planning Commission set the time and place for a hearing on the LCP Amendment and notice of the hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the city, and its mailing to property owners within 1,000 feet of the exterior boundary of the CVBMP, at least ten (10) days prior to the hearing; and

WHEREAS, a hearing at the time and place as advertised, namely May 18, 2010, at 1:00 p.m. in the Council Chambers, 276 Fourth Avenue, was held before the Planning Commission and said hearing was thereafter closed; and

WHEREAS, the Planning Commission reviewed and considered the Proposed LCP Amendment; and

WHEREAS, the Planning Commission after considering all evidence and testimony presented recommended that the City Council approve the LCP Amendment, including the Specific Plan; and

WHEREAS, a hearing time and place was set by the Chula Vista Redevelopment Corporation for consideration of the LCP Amendment and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the city, and its mailing to property owners and residents within 1,000 feet of the exterior boundary of the CVBMP, at least ten (10) days prior to the hearing; and

WHEREAS, the Chula Vista Redevelopment Corporation held a duly noticed public hearing to consider said amendment at the time and place as advertised, namely May 18, 2010 at 1:00 p.m. in the Council Chambers, 276 Fourth Avenue, said hearing was thereafter closed; and

WHEREAS, the Chula Vista Redevelopment Corporation reviewed and considered the Proposed LCP Amendment; and

WHEREAS, the Chula Vista Redevelopment Corporation after considering all evidence and testimony presented recommended that the City Council approve the LCP Amendment, including the Specific Plan; and

WHEREAS, the City Council set the time and place for the hearing on the LCP Amendment, including the Specific Plan, and notices of the hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the city, and its mailing to property owners within 1,000 feet of the exterior boundary of the CVBMP at least ten (10) days prior to the hearing; and

WHEREAS, the duly called and noticed public hearing on the LCP Amendment, including the Specific Plan, was held before the City Council on May 18, 2010, in the Council Chambers in the City Hall, City of Chula Vista Civic Center, 276 Fourth Avenue, at 1:00 p.m. to receive the recommendations of the Planning Commission and Chula Vista Redevelopment Corporation and to hear public testimony with regard to the same; and

WHEREAS, the City Council did thereby approve the LCP Amendment, including the Specific Plan in accordance with a first reading of the subject ordinance, i.e., the Specific Plan; and

WHEREAS, the City Council thereby certified that the LCP is intended to be carried out in a manner fully conforming with the California Coastal Act of 1976 (Public Resources Code Section 30510(a)); and

WHEREAS, the City Council found that the LCP complied with the guidelines established by the Coastal Commission and contained materials sufficient for a thorough and complete review (Public Resources Code Section 30510(b)); and

WHEREAS, after the duly called and noticed public hearing the City Council thereby directed the City Manager or his designee to submit the adopted resolution and the LCP, consisting of both the LUP and the Specific Plan, to the Coastal Commission and that the Coastal Commission certify the same (Public Resources Code Section 30514); and

WHEREAS, the City Manager subsequently submitted the adopted resolution and the LCP, consisting of both the LUP and the Specific Plan, to the California Coastal Commission for review, public hearing and certification; and

WHEREAS, on August 9, 2012, the California Coastal Commission after a duly noticed public hearing, reviewed and approved the LCP with suggested modifications to the Specific Plan, attached hereto as Exhibit C; and

WHEREAS, the California Coastal Commission subsequently forwarded a copy of its resolution of certification, including all of the suggested modification to the Specific Plan, to the City Council; and

WHEREAS, the City Council acknowledges receipt of the California Coastal Commission resolution of certification, including all of the suggested modifications to the Specific Plan; and

WHEREAS, the City Council has reviewed the California Coastal Commission's suggested modifications to the Specific Plan and determined that they are acceptable.

I. NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Chula Vista does hereby find and determine as follows:

A. ENVIRONMENTAL DETERMINATION

In accordance with the requirements of the California Environmental Quality Act (CEQA), the proposed LCP amendments were the subject of the *Final Environmental Impact Report (EIR) prepared for the Bayfront Master Plan and Port Master Plan Amendment (dated April 2010) (UPD #83356-EIR-658; SCH No. 2005081077)* (Final EIR) which was certified on May 18, 2010 and whereby, the requisite CEQA Findings of Fact pursuant to Section 15096(h) of the CEQA Guidelines and a Mitigation Monitoring and Reporting Program (MMRP) were adopted.

B. CONSISTENCY WITH GENERAL PLAN AND CALIFORNIA COASTAL ACT

The City Council finds that the amendment to the Local Coastal Program Specific Plan, including the Coastal Commission suggested modifications thereto, are consistent with the City of Chula Vista General Plan and the California Coastal Act Policies. The proposed amendment and suggested modifications are based on sound planning principles and practices that will provide for the protection and conservation of sensitive natural resources. The amendment allows the transfer of development from the Sweetwater District to the Harbor District, which is a previously developed and less sensitive area of the Bayfront, leading to the development of a project that will minimize potential negative impacts. The amendment will also contribute to provide and conserve bay views and provide more direct access to the Bayfront creating better connection to the rest of the city and the region. This will open up the Bayfront for the enjoyment of residents and visitors. The proposed amendment will be conducive to the development of the Bayfront and the creation of a world-class destination for residents and visitors.

C. ACKNOWLEDGEMENT AND ACCEPTANCE OF RESOLUTION

The City Council does hereby acknowledge receipt of the California Coastal Commission resolution of certification, as referenced in the California Coastal Commission's Staff Report of August 9, 2012, including all of the suggested modifications to the Local Coastal Plan Specific Plan, and accept the same.

II. BE IT FURTHER ORDAINED, that the City Council does hereby adopt this ordinance approving the California Coastal Commission's August 9, 2012 actions on the City of Chula Vista Local Coastal Plan Amendment 1-11 and accepting and incorporating modifications to the Specific Plan, approving the amended Specific Plan of the Chula Vista Local Coastal Program, attached hereto as Exhibit B and Exhibit C, respectively, and incorporated herein by this reference, and thereby amending Chula Vista Municipal Code Chapters 19.81 thru 19.87.

III. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the second reading of the ordinance by the City Council.

Presented by

Approved as to form by



Gary Malbert, P.E., AICP
Assistant City Manager/Director of
Development Services




Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 2nd day of October 2012, by the following vote:

AYES: Councilmembers: Aguilar, Bensoussan, Castaneda, Ramirez and Cox

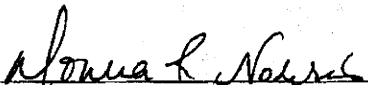
NAYS: Councilmembers: None

ABSENT: Councilmembers: None



Cheryl Cox, Mayor

ATTEST:

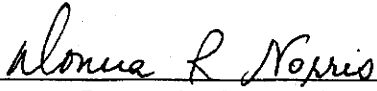


Donna R. Norris, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3238 had its first reading at a regular meeting held on the 25th day of September 2012 and its second reading and adoption at a regular meeting of said City Council held on the 2nd day of October 2012; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

October 11, 2012
Dated



Donna R. Norris, CMC, City Clerk

LCP Planning Area



11-328

Exhibits

See <http://209.242.175.50/weblink7/docview.aspx?id=114498> for exhibits to the adopted resolution.

See <http://209.242.175.50/weblink7/docview.aspx?id=114499> for exhibits to the adopted ordinance.