

Approvals Needed

**TABLE 3-1
Project Approvals**

Authorizing Jurisdiction or Agency	Action
San Diego Unified Port District — Lead Agency	
Chula Vista Bayfront Master Plan	Approval
Port/Private Developer Land Exchange	Approval
Port Master Plan: Planning District 7 Chula Vista Bayfront Precise Plan	Amendment
Coastal Development Permit	Approval
Lease Agreements, Amendments, and Conceptual Design Review	Approval
City of Chula Vista Redevelopment Agency	
Chula Vista Bayfront Master Plan	Approval
Chula Vista General Plan Amendment (including Bayfront Area Plan)	Amendment
Land Use Plan of the Chula Vista Local Coastal Program	Amendment
Bayfront Specific Plan	Amendment
Bayfront/Town Centre I Redevelopment Plan	Amendment
Coastal Development Permit	Approval
Habitat Loss Incidental Take Permit	Approval
Chula Vista MSCP Subarea Plan Amendment	Amendment
Tentative Map	Approval
California State Lands Commission	
Port/Pacifica Land Exchange	Approval
Dredging Permit	Approval
California Coastal Commission	
Port Master Plan Amendment	Certification
City Local Coastal Program Amendment	Certification
U.S. Army Corps of Engineers	
Clean Water Act Section 404 Permit	Approval
Section 10 Rivers and Harbor Act Permit	Approval
U.S. Fish and Wildlife Service	
Chula Vista MSCP Subarea Plan Amendment	Amendment
California Department of Transportation	
Right-of-Way Encroachment Permit	Approval
California Department of Fish and Game	
Title 14 of California Code of Regulations 1600 permit	Approval
MSCP Chula Vista Subarea Plan Amendment	Amendment
Regional Water Quality Control Board	
Clean Water Act Section 401 Permit	Approval

3.4.1.1 State Lands Commission (Land Exchange)

The California State Legislature created the State Lands Commission (SLC) in 1939 as an independent body. The SLC manages and protects important natural and cultural resources on some 4.5 million acres of land held in trust for the people of California, and ensures the public's right to access these lands. Pursuant to Division 6 of the California Public Resources Code, the SLC has jurisdiction and control over two types of property—sovereign lands and school lands. Sovereign lands include the water and beds of California's naturally navigable rivers, lakes, and streams as well as a three-mile-wide section of tidal and submerged lands along the coastline, including offshore islands, bays, estuaries, and lagoons. The State holds these lands in trust for all the people of the State of California for the public trust purposes of water-related commerce, navigation, fisheries, recreation, and ecological preservation. The SLC also manages 585,000 acres of school lands granted to the state by the federal government to support public education. No State Trust school lands occur within the project site.

The SLC is a Responsible and/or Trustor Agency for any and all projects that could directly or indirectly affect sovereign lands, their accompanying public trust resources or uses, and the public easement in navigable waters.

a. Land Exchange

Assigned by the State Legislature to act as trustee for administration (pursuant to Chapter 67, Statutes of 1962, as amended, the Port District Act), the Port manages and protects the State's coastal tidelands and submerged lands surrounding San Diego Bay for the people of the State of California. These state lands are held in public trust for purposes of water-related commerce, navigation, fisheries, recreation, and ecological preservation, for which private development, including residential use, is not constitutionally allowed. The Port, as a Trustee of these sovereign lands, must ensure that the specific uses proposed in the plan are consistent with the provisions of the relevant granting statutes and the Public Trust Doctrine.

In unique situations the exchange of trust lands for non-trust lands is authorized pursuant to Public Resources Code Section 6307, which requires the abandonment of the public trust be consistent with the purposes of the trust. Section 6307 authorizes the Commission to exchange lands of equal value, whether filled or unfilled, whenever it finds that it is "in the best interests of the state, for the improvements of navigation, aid in reclamation, for flood control protection, or to enhance the configuration of the shoreline for the improvement of the water and upland, on navigable rivers, sloughs, streams, lakes, bays, estuaries, inlets, or straits, and that it will not substantially interfere with the right of navigation and fishing in the waters involved."

Recently, new legislation, Senate Bill 365 (Ducheny), was signed by the Governor on October 6, 2005. This new piece of legislation repealed former Section 6307 of the Public Resources Code and enacts a new Section 6307. New Section 6307 substantially broadens the Commission's exchange authority, and provides that the Commission may enter into a land exchange for any of the following purposes:

- To improve navigation or waterways
- To aid in reclamation or flood control
- To enhance the physical configuration of the shoreline or trust land ownership
- To enhance public access to or along the water
- To enhance waterfront and near shore development or redevelopment for public trust purposes
- To preserve, enhance, or create wetlands, riparian or littoral habitat, or open space
- To resolve boundary or title disputes.

In addition to the exchange furthering these purposes, the following additional conditions must be met:

- The lands or interests in lands to be acquired in the exchange will provide a significant benefit to the public trust.
- The exchange does not substantially interfere with public rights of navigation and fishing.
- The monetary value of the lands or interests in lands received by the trust in exchange is equal to or greater than that of the lands or interests in lands given by the trust in exchange.

- The lands or interest in lands given in exchange have been cut off from water access and no longer are in fact tidelands or submerged lands or navigable waterways, by virtue of having been filled or reclaimed, and are relatively useless for public trust purposes.
- The exchange is in the best interests of the state.

In an effort to improve land use compatibility in the Sweetwater District by moving proposed residential uses away from sensitive resources, and to enhance the synergy of proposed uses in the Harbor District, the Proposed Project includes a land exchange between the Port and a private developer, which, if approved by the SLC, would sever the trust restrictions on certain existing Port properties and would enable residential development to occur on existing Port Trust property within the Harbor District. The land exchange would also enable non-trust-related hotel/retail/office uses to be developed on existing Port properties located in the Harbor District.

The land exchange would include the transfer of up to 97 acres of land (Parcels S-1, S-3, SP-2, SP-3, and most of SP-1 and S-2) in the Sweetwater District from a private developer to the Port, in exchange for up to 33 acres of land (Parcels H-13, H-14, H-15, and HP-5) in the Harbor District from the Port to a private developer. The land under option by a private developer in the City’s jurisdiction would transfer to Port trusteeship and jurisdiction; likewise, the lands currently under Port trusteeship and jurisdiction would transfer to a private developer for development within the City’s jurisdiction. *Figure 3-5* shows the lands involved in the proposed land exchange.

The proposed land exchange between the Port and a private developer is a major component of the Proposed Project. The Proposed Project, including the anticipated land transfer, would affect the State’s lands. Therefore, the SLC is required to approve or disapprove the land exchange between the Port and a private developer, pursuant to Public Resources Code Section 6307.

3.4.1.2 Port Master Plan Amendment

The PMP primarily governs the lands that the State Legislature has conveyed to the Port to act as trustee for administration, and upon which the Port has regulatory duties and proprietary responsibilities. The State Legislature has granted approximately 33.1 miles of San Diego’s shoreline to the Port, which includes approximately 5,483 acres of combined tidelands and submerged lands, which are covered by the PMP. The CCC certified the original PMP on January 21, 1981. Since its inception, there have been periodic amendments to the PMP near or within the Proposed Project site, including a 1985 amendment in the project area to allow for the extension of the Chula Vista Bayside Park; a 1998 amendment to allow for the expansion of the Chula Vista Industrial Business Park land use designation; and most recently, two 2001 amendments—one to allow for mitigation at the D Street Fill area, and one to allow for redevelopment of the South Bay Boatyard site.

The overall goal of the PMP is to develop, protect, enhance, and restore the quality of the natural coastal zone environment, and to ensure physical and visual access to the shoreline. Port development seeks to minimize substantial adverse environmental impacts, minimize potential traffic conflicts between vessels in the

port, give highest priority to the use of existing land space within harbors for port purposes, and provide for a full array of beneficial activities including recreation and wildlife habitat uses. Social and economic needs of the people of the state are taken into account as well.

For planning purposes, the PMP is divided into 10 planning areas, or districts. The Proposed Project site is located in Planning District 7, Chula

**TABLE 3-2
Proposed Port Master Plan Amendment
Land and Water Use Allocation Summary**

Land and Water Use Category	Existing (acres)	Proposed (acres)	Net Change (acres)
Commercial	756.5	758.2	+1.7
Industrial	1,424.1	1464.0	+39.9
Public Recreation	961.5	1,123.6	+162.1
Conservation	1,457.8	1,533.5	+75.7
Public Facilities	617.2	628.7	+11.5
Military	151.5	151.5	N/A
TOTAL	5,368.6	5,659.5	+290.9

Vista Bayfront. Planning District 7 includes approximately 4.8 miles of the Chula Vista shoreline, including approximately 1,690 acres of tidelands and submerged lands, only a portion of which is located within the project boundary.

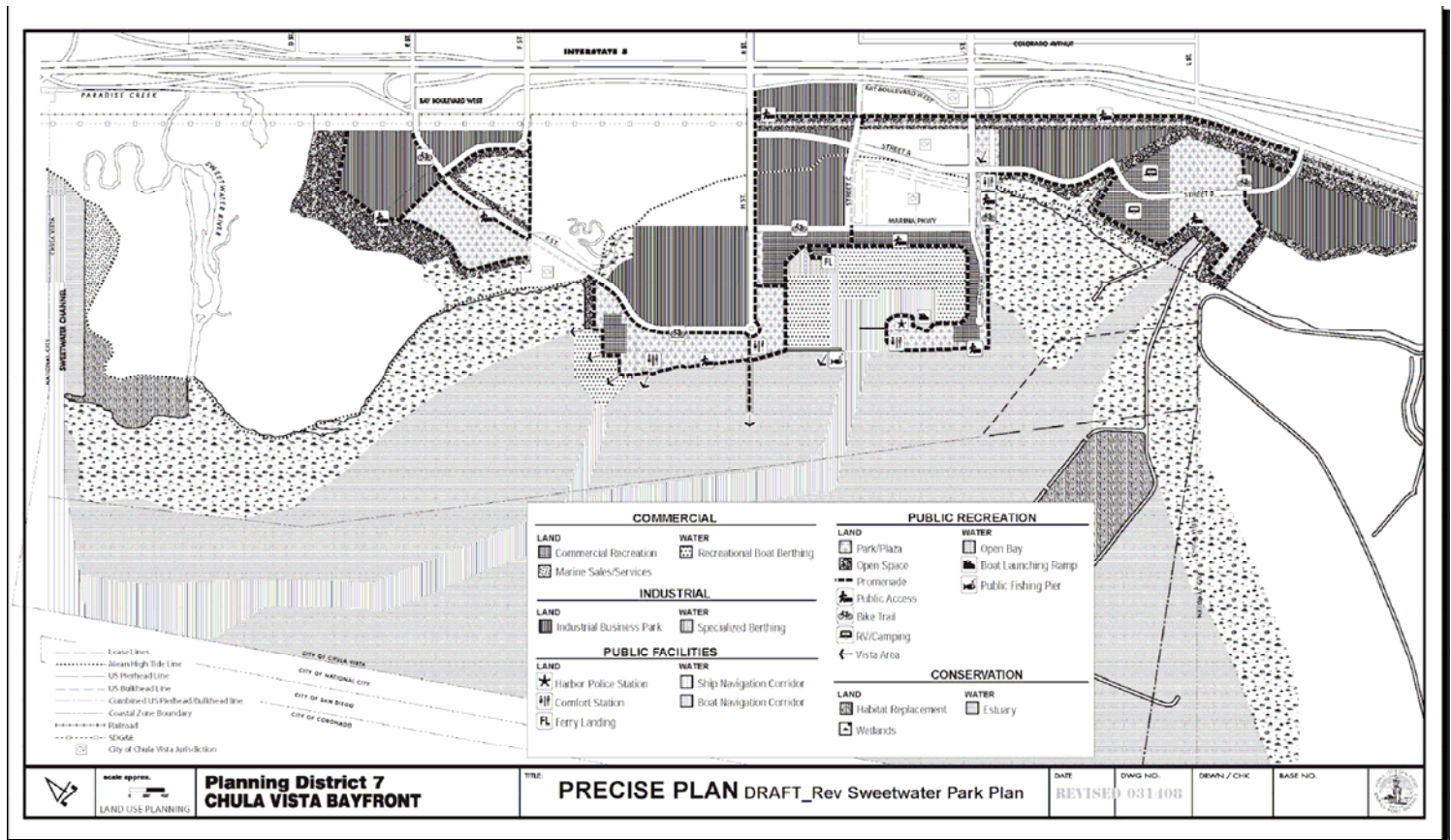
Planning District 7 is further subdivided into nine planning subareas.

As part of the Proposed Project, a PMP Amendment has been prepared to update Port and City coastal jurisdictional boundaries and to facilitate proposed development. The proposed amendments to the PMP Precise Plan for Planning District 7, Chula Vista Bayfront, are discussed in more detail in *Section 4.1, Land/Water Use Compatibility* of this report.

The Proposed Project includes the following changes to the PMP:

- Incorporating approximately 97 acres of land at the north end of District 7, formerly under the City’s jurisdiction, within the Port’s trusteeship and jurisdiction and removing up to 33 acres of land from the PMP that would convert to City jurisdiction (and be included in the City’s LCP) as a result of the proposed land exchange with a private entity.
- Revising the Precise Plan concept for Chula Vista Bayfront, Planning District 7 to reflect the Proposed Project components, including revising the precise plan text and map, acreage tables, planning subareas map, and project list.
- Revising the allowable uses under certain land use classifications.
- Updating other portions of the PMP as appropriate to reflect the Planning District 7 changes, including incorporating an additional 194 acres of land area previously not included in the PMP, resulting from past land acquisitions.

The Proposed Project would result in changes to the broader PMP land and water use categories. These changes are summarized above in *Table 3-2*.



SOURCE: Port Of San Diego

Revised Draft Environmental Impact Report (EIR) for the Chula Vista Bayfront Master Plan
Proposed Amendments to the Planning District 7 Chula Vista Bayfront Precise Plan (Port Master Plan)

TABLE 3-3
Land and Water Use Allocation Summary
For Chula Vista Bayfront: Planning District 7

Land and Water Use Category	Existing (acres)	Proposed (acres)	Net Change (acres)
Commercial	82.5	84.2	+1.7
Industrial	93.6	133.5	+39.9
Public Recreation	24.8	186.9	+162.1
Conservation	1,268.5	1,344.2	+75.7
Public Facilities	220.1	231.6	+11.5
TOTAL	1,689.5	1,980.4	+290.9

As a result of the proposed PMP Amendment, a total of 1,980 acres of Chula Vista Bayfront will be allocated to commercial, industrial, public recreation, conservation and public facilities

activities. The changes to the PMP land use and water allocations for the Chula Vista Bayfront as a result of this project are summarized in table 3-3 above.

Figure 3-6 illustrates the proposed amendments to the PMP Planning District 7 Chula Vista Bayfront Precise Plan map. Appendix 3.4-1 of this report contains the entire draft PMP Amendment text and graphics for the Proposed Project.

3.4.1.3 Chula Vista General Plan Amendment

The Chula Vista General Plan defines the framework by which the City’s physical and economic resources are to be managed and used in the future. The General Plan guides future development within the existing City limits, and also addresses areas within the City’s Sphere of Influence and other portions of the General Plan area beyond City limits. The General Plan directs all future development; therefore, any decision by the City affecting land use and development (e.g., zoning) must be consistent with the General Plan as required by State Law. An action, program, or project would be deemed consistent with the General Plan if, considering all of its aspects, it complies with the objectives and policies set forth in the General Plan.

On December 13, 2005, the Chula Vista General Plan was last comprehensively updated to incorporate development into the year 2030. The General Plan Update is organized into four planning areas (Northwest, Southwest, Bayfront, and East) and a number of subareas. Due to ongoing planning efforts, the General Plan Update did not change the land use designation for the Bayfront Planning Area. The Proposed Project addressed in this report will require an amendment to the Chula Vista General Plan’s Bayfront Area Plan. Currently, the General Plan land use designation for the Bayfront area includes a large-scale residential and commercial project in the Sweetwater District—formerly referred to as the Midbayfront area—and industrial and commercial uses in the Harbor and Otay District areas.

As discussed above in Section 3.4.1.1 regarding the State lands Commission (SLC), the project proposes to move the residential land use designation from the Sweetwater District to the Harbor District on existing State Trust Lands. Since residential development is not allowed on Trust property, a land exchange between a private developer and the Port is required for the project as proposed. If the land exchange is approved, the jurisdictional boundary between the Port and the City would shift accordingly. Thereafter, proposed residential uses would be developed by a private developer on those exchanged lands brought within the City of Chula Vista’s jurisdiction. The lands adjacent to the wildlife refuge in the Sweetwater District would be transferred from the City to the Port and would be designated for mixed-use office/commercial recreation, hotel, and park and open space use. The proposed land exchange would require amendments to the Chula Vista General Plan and LCP, and the Port’s PMP, which would include changes in land use designations.

The Proposed Project includes the acquisition of parcel H-17 by the City. Subject to this acquisition, Phase I development within the Harbor District requires a General Plan Amendment to re-designate the fire station site on parcel H-17 from Commercial Visitor to Public/Quasi-Public (P-Q) zone is proposed to allow for a public use within the Bayfront Master Plan.

The proposed amendments to the City’s General Plan are consistent in format and structure to the recently adopted General Plan Update and are limited to the Proposed Project planning area, which covers both Port and City jurisdictional boundaries. Adoption of the General Plan amendment will provide the required consistency (as discussed in *Section 4.1 Land/Water Use Compatibility*) between the Proposed Project and the General Plan document that guides the land use development for all properties within the City’s planning area.

3.4.1.4 City of Chula Vista Local Coastal Program Amendment

The Chula Vista LCP (which includes the LUP and Bayfront Specific Plan) was approved by the City of Chula Vista in 1992 and certified by the CCC in 1993. The LUP guides continuing development within the Bayfront coastal zone area by providing a detailed plan for the orderly growth, development, redevelopment, and

conservation of coastal resources. The LUP outlines the specific permitted land use types and intensity of development, as well as objectives and policies related to future development in the Chula Vista Local Coastal Zone. The project site is situated entirely within the Chula Vista Local Coastal Zone (*Figure 3-7*). As currently approved, the LUP anticipates intensive development in the Sweetwater District including hotel, retail, parking, restaurant, and commercial recreation uses, as well as residential use, for which approximately 1,100 residential units could be developed. The Proposed Project area encompasses several Coastal Zone Subareas discussed in greater detail in *Section 4.1, Land/Water Use Compatibility*. Because the project would modify land use designations, intensities and boundaries within the LCP, an amendment to the LCP is required and in part of this project. Subject to the acquisition of parcel H-17 by the City, an LCP Amendment is also required to change the designation of the fire station site on parcel H-17 to Public/Quasi-Public (P-Q) in the City’s LCP. The LCP amendment includes both an LUP and the implementing ordinance or resolution in the form of the Specific Plan. The only change to land uses proposed for the LUP and Specific Plan are within the Proposed Project boundary. No land use changes are proposed for the LCP area that is outside the Proposed Project boundary.



FIGURE 3-7

Revised Draft Environmental Impact Report (EIR) for the Chula Vista Bayfront Master Plan
Chula Vista Coastal Zone

3.4.1.5 Specific Plan/Rezone

Included in this report is an assessment of the proposed amendments to the Chula Vista Bayfront Specific Plan. The City intends to adopt the Specific Plan as the Implementing Program to amend the City’s adopted LCP

(pursuant to the California Government Code Sections 65450–65457). If approved, the Specific Plan would specify the permitted land uses as well as the standards and criteria for development and conservation of resources within the area covered by the Proposed Project. More precisely, it would describe the proposed distribution, location, extent and intensity of major infrastructure components necessary to support the land uses set forth in the Proposed Project. Such infrastructure components include public and private transportation facilities, sewage, water, drainage, solid waste disposal infrastructure, and energy facilities. In addition, the Specific Plan would include standards and criteria by which development consistent with the Proposed Project would proceed within the City’s jurisdiction, as well as standards for the conservation, development, and utilization of natural resources, when applicable. The Bayfront Specific Plan would apply zoning to properties within the project site’s boundary that are under the City’s jurisdiction only and would not apply to Port Trust lands. Individual projects under the Proposed Project will require the approval of a tentative map, including the residential development proposed by a private developer.

3.4.1.6 City of Chula Vista MSCP Subarea Plan Amendment

With the land exchange, Parcels H-13, H-14, H-15, and HP-5 will be transferred to the jurisdiction of the City. They are currently mapped in the MSCP Subarea Plan as “Other Agency– Preserve Planning Efforts” and the Proposed Project does not change that designation. The land exchange would also transfer lands within Parcels S-1, S-2, S-3, SP-1, SP-2, and SP-3 from City jurisdiction to Port jurisdiction.



These lands are currently shown in the Subarea Plan as “Development Area” and are identified as being outside of “Covered Projects.” The Proposed Project will require an amendment to the MSCP Subarea Plan to adjust the boundaries of the plan to correspond to the change in land use jurisdictional boundaries. The amendment will change the designation of Parcels H-13, H-14, H-15, and HP-5 from “Other Agency – Preserve Planning Efforts” to “Development Area” outside of “Covered Projects,” and will change the designation of lands within Parcels S-1, S-2, S-3, SP-1, SP-2, and SP-3 from “Development Area” to “Other Agency – Preserve Planning Efforts.” The proposed amendment must be approved by the City of Chula Vista, the U.S. Fish and Wildlife Service, and the

California Department of Fish and Game.

As a result of the proposed amendment, development within the future City jurisdiction on Parcels H-13, H-14, H-15, and HP-5 will be subject to a Habitat Loss and Incidental Take (HLIT) Permit.

3.4.2 Project Overview

Prominent characteristics of the Project include the establishment of three districts (Sweetwater, Harbor, and Otay), development of a RCC and other hotels, a signature park and other park and open space areas, a large ecological buffer, up to 1,500 residential units, mixed-use office/commercial recreation, retail, cultural uses, and reconfiguration of the existing Chula Vista Harbor. Several actions, including undergrounding of existing transmission lines, remediation of the former Goodrich South Campus land area, and demolition/relocation of the SDG&E switchyard (subject to the California Energy Commission (CEC) and California Public Utilities Commission (CPUC) actions), are being and/or would be separately addressed by the regulatory agencies responsible for their review and approval. Background information is provided for these related, but separate, projects under *Section 3.4.9*. For ease in referencing the proposed uses, each development component has been assigned an individual parcel number that corresponds to the project site parcel plan map. These parcel designations are used for convenience and should not be confused with the actual legal parcel references. *Figure 3-8a* depicts the parcel plan map and development phases for the Proposed Project. Readers may wish to use this figure as a reference while reading this report. As shown on the project site parcel plan map, parcel

numbers that begin with “S” are located in the Sweetwater District, with “H” in the Harbor District, and with “O” in the Otay District.

3.4.2.1 District Overview

The 556-acre planning area has been divided into three districts—the Sweetwater District, the Harbor District, and the Otay District. The Sweetwater District (approximately 130 acres) proposes the lowest intensity development of the three districts and focuses on lower scale, environmentally sensitive and environmentally themed uses, including a large ecological buffer, a signature park, bike path, pedestrian trails, other open space areas, uses such as office/retail, hotel, parking for the Chula Vista Nature Center, and roadway and infrastructure improvements. The Harbor District is most directly accessible to downtown Chula Vista and would be redeveloped to provide a significant link from the City to the Bayfront. It is composed of approximately 223 acres of land and approximately 59 acres of water. The Harbor District proposes the highest intensity development of the Proposed Project and encourages an active, vibrant mix of uses: hotels and conference space; bike path; park and other open space areas; a continuous waterfront promenade; residential uses; mixed-use retail, office, and cultural space; piers; and new roadways and infrastructure. Also proposed is a reconfiguration of the existing harbor to create a new commercial harbor, and realignment of the navigation channel.

The Otay District is composed of approximately 144 acres, and proposes medium intensity development that consists of industrial business park use (relocation of the existing switchyard), low cost visitor-serving recreational uses (such as a recreational vehicle park and a new South Park), other open space areas, an ecological buffer, stormwater retention basins, bike path, pedestrian trails, and new roadways and infrastructure.

The plan proposes to extend Chula Vista’s traditional grid of streets to ensure pedestrian, vehicle, bicycle, transit, and water links. The Proposed Project also proposes a continuous open space system, fully accessible to the public, which would seamlessly connect the Sweetwater, Harbor, and Otay Districts through components such as a continuous shoreline promenade or baywalk and a continuous bicycle path linking the parks and ultimately creating greenbelt linkages.

Significant park and other open space areas in each of the three districts are proposed along with a defined signature park and the creation of an active commercial harbor with public space at the water’s edge. The plan would also enhance existing physical and visual corridors while adding new ones. Approximately 258 acres, or 46%, of the project site is proposed to be developed with hotel, retail, office, and other uses, including public street systems. Approximately 238 acres, or 43%, of the project site is proposed to be open space, either in the form of natural habitat or public passive or active use parks. The remaining 59 acres, or 11%, of the project site is proposed to be water area for the marina basins and new commercial harbor.

