

RESOLUTION 2019-081

RESOLUTION GRANTING CONCEPT APPROVAL TO RIDA CHULA VISTA, LLC FOR A RESORT HOTEL AND CONVENTION CENTER

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I, (Port Act); and

WHEREAS, Section 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

WHEREAS, pursuant to Board of Port Commissioners (BPC) Policy No. 357 preliminary plans for proposed new tenant development or alterations to existing facilities shall be presented to the BPC for approval if the project is estimated to cost more than \$500,000; and

WHEREAS, as the applicant and project proponent, RIDA Chula Vista, LLC (RIDA) is proposing to a resort hotel and convention center (RHCC) on approximately 37 acres of land within the Chula Vista Bayfront (CVB) and certain infrastructure improvements, known as the "Phase 1A Infrastructure" (the RHCC and Phase 1A Infrastructure are collectively referred herein as, Project); and

WHEREAS, as more particularly described in the corresponding Agenda Sheet, the Project consists of (1) demolition, clearing and/or grubbing of approximately 27.7 acres of the existing improvements; (2) street improvements and associated street lighting in the Chula Vista Bayfront Master Plan (CVBMP) Harbor District, including approximately 3,500 linear feet of proposed streets that will be paved with asphalt concrete (AC) and developed with concrete curb and gutter on both sides of the streets; (3) pedestrian sidewalks and bicycle paths; (4) utility improvements, including sewer water and dry utilities; (5) drainage improvements; and (6) the RHCC consisting of a resort hotel, a convention center, a 340-foot-wide bayward area (340-Foot Area), visitor-serving uses (e.g., public open space plazas, retail, and food and beverage establishments), other commercial recreation uses, a public esplanade and phased parking; and

WHEREAS, the Project will enhance public access and public recreation by providing pedestrian-friendly features and is anticipated to be a catalyst development for the entire CVBMP; and

WHEREAS, in accordance with the California Environmental Quality Act

(CEQA) and as supported by the entire record, the Project was previously analyzed in a Final Environmental Impact Report (Final EIR) certified by the Board by Resolution No. 2010-78 on May 18, 2010 (UPD #83356-EIR-658; SCH #2005081077; District Clerk Document No. 56562), an Addendum to the Final EIR (Clerk Document No. 60864 and certified by Resolution No. 2013-138) and a Second Addendum to the Final EIR (filed in two parts under Clerk Document Nos. 68404 and 68405 and certified by Resolution No. 2018-068) (collectively, "CEQA Analyses"); and

WHEREAS, the CEQA Analyses analyzed the overall CVBMP at a program level and certain components of the CVBMP, including the RHCC on Parcel H-3 and associated infrastructure, at the project level; and

WHEREAS, the RHCC analyzed in the CEQA Analyses is larger than the Project, with a maximum square footage of 3 million square feet; 2,000 hotel rooms; 415,000 square feet of convention space (of which 200,000 square feet would be contiguous exhibit and flex space); 100,000 square feet of restaurant; 20,000 square feet of retail; hotel tower height of 240 feet; atrium height of 140 feet; convention center height of 120 feet; and a construction duration up to 48 months. The proposed Project is smaller as it will include 2 million square feet; 1,600 hotel rooms; 374,240 square feet of convention and meeting space (of which 165,000 square feet would be contiguous exhibit and flex space); 60,000 square feet of restaurant; 12,500 square feet of retail; hotel tower height of 236 feet, 8 inches; atrium height of 80 feet; convention center height of 100 feet; and a construction duration of 36 months with the balance of the Project including demolition of existing improvements, roads, bicycle/pedestrian circulation, and utility infrastructure were contemplated and/or required as mitigation measures within the Final EIR and/or design requirements of the subsequent certified PMPA, Development Policies, and CVB PAP; and

WHEREAS, as such, the CEQA Analyses analyzed the potential impacts of the Project and are adequate for the Board to grant concept approval; and

WHEREAS, pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the review of the entire record, including without limitation, the CEQA Analyses, the District finds that the concept approval 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 CEQA Analyses 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 CEQA Analyses, (b) identifies significant impacts would not be more severe than those analyzed in the CEQA Analyses, (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; and

WHEREAS, the District finds that granting of concept approval does not require further environmental review pursuant to CEQA Guidelines Section 16168 as no new effects would result from the activities beyond those analyzed in the CEQA Analyses and feasible mitigation measures were incorporated into the Project; and

WHEREAS, the Project and this concept approval 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; and

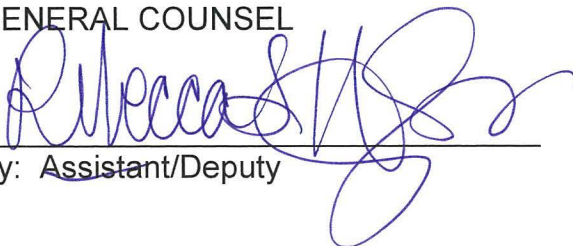
WHEREAS, the Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine; and

WHEREAS, the Project cost is approximately \$1.129 Billion, which includes both on and offsite costs for private development and infrastructure; and

WHEREAS, District staff recommends the BPC grant concept approval for the Project.

NOW, THEREFORE, BE IT RESOLVED that for the reasons set forth herein and as supported by the entire administrative record, the Board of Port Commissioners of the San Diego Unified Port District finds that CEQA Analyses fully analyzed the Project in accordance with CEQA and the Project is consistent with the Port Act and Public Trust Doctrine and hereby grants concept approval to RIDA Chula Vista, LLC for a Resort Hotel and Convention Center in the City of Chula Vista; provided, however, as a condition of approval, RIDA Chula Vista, LLC shall indemnify and hold the San Diego Unified Port District (District) harmless against all third-party legal challenges, claims, lawsuits, proceedings and the like, including reimbursement of all attorneys' fees, costs and expenses incurred by the District related to the approval of this concept approval. Said condition is independent of any agreement between the District and RIDA Chula Vista, LLC.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: Assistant/Deputy

2019-081

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 18th day of June 2019, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

NAYS: None.

EXCUSED: None.

ABSENT: None.

ABSTAIN: None.



Garry J. Bonelli, Chairman
Board of Port Commissioners

ATTEST:



Donna Morales
District Clerk

(Seal)