



CEQA and COASTAL DETERMINATIONS

Project: Construction and Operation of Sweetwater Park by the San Diego Unified Port District at Chula Vista Bayfront
Location: West of E Street, Chula Vista, CA 91910
Parcel No.: SP-1, SP-3, S-2, and HP-1(N)
Project No.: 2020-042
Applicant: Ernesto Medina, Chief Engineer, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101
Date: April 13, 2020

PROJECT DESCRIPTION

The proposed project would involve construction and operation of a new passive use resource-based park (referred to herein as "Sweetwater Park"), as well as associated improvements and mitigating habitat restoration, by the San Diego Unified Port District (Applicant) in the City of Chula Vista, California. Work to specifically complete the proposed project would consist of grading, landscaping, habitat restoration, and construction of parking areas and public amenities, including a multi-purpose shade structure, wildlife viewing facilities, walking and biking paths, play areas, and associated wayfinding signage.

Sweetwater Park would consist of construction of a restroom building, a shade pavilion, three (3) wildlife viewing areas, a natural play adventure area, a no-mow multi-use meadow, wayfinding signage, pedestrian walkways, and public art.

The proposed project would also include construction of a new entry driveway and approximately 216 parking spaces, with 100 of the parking spaces to serve the Living Coast Discovery Center visitors. 60 of the spaces would run along the eastern perimeter of the Park adjacent to the future E Street extension right-of-way, and approximately 156 spaces would be located at the north end of Sweetwater Park.

The project would also consist of improvements to the Limited Use and Transitional Buffers. The proposed habitat restoration would consist of removal of non-native invasive plant species and revegetation with approximately 2.4 acres of Maritime Succulent Scrub and 4.4 acres of Coastal Sage Scrub along with supporting irrigation systems. An environmental fence would be installed to protect the outer 'No-Touch' 200-foot-wide buffer.

Construction of the proposed project would take place in a single phase over an estimated 12 to 18 months. Construction is tentatively scheduled to commence in Summer to Fall 2022 with an anticipated completion date of Fall 2023. The following determinations are based on the project submittal and all project information known to the District as of the date of this determination.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed project was adequately covered in the Final Environmental Impact Report (FEIR) for the Chula Vista Bayfront Master Plan (CVBMP) (UPD #83356-EIR-658; SCH #2005081077), 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 project 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, the FEIR and Addendums, the District finds that the proposed project would not require further environmental review and 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.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

Planning District: 7 - Chula Vista Bayfront (Precise Plan Figure 19)

Land Use Designations: Open Space; Park/Plaza; and Promenade

The proposed project conforms to the certified Port Master Plan because it would involve construction and operation of a passive use resource-based park, as well as associated improvements and mitigating habitat restoration, consistent with the existing certified Land use designations. Additionally, the proposed project is listed as Project Nos. 2: "Sweetwater Park (S-2)" and 6: "Sweetwater District Wetland and Upland Habitat Enhancement (SP-1 & SP-2)" in the Port Master Plan Project List (Table 19). The proposed project would not change the use of the site nor would it interrupt or expand the existing conforming use of the site.

CATEGORICAL DETERMINATION

The proposed project is determined to be a Non-Appealable development under Section 7.d. (3) of the District's *Coastal Development Permit Regulations* (Regulations):

Non-Appealable developments are those not classified in the Regulations in Section 7.d. (1) as "Excluded," in 7.d. (2) as "Emergency," or in 7.d. (4) as "Appealable."

In accordance with the District's Regulations, the proposed project constitutes a Non-Appealable development under Section 7.d. (3): Non-Appealable developments are those not classified in the Regulations in Section 7.d. (1) as "Excluded," in 7.d. (2) as "Emergency," or in 7.d. (4) as "Appealable." Pursuant to Coastal Act Section 30715 and Sections 7.d. (3) and (4) of the Regulations, parks are not listed as appealable developments, requiring an appealable Coastal Development Permit (CDP). Moreover, the proposed project does not constitute an emergency development.

CALIFORNIA PUBLIC TRUST DOCTRINE

The proposed project complies with Section 87.(a)(5) of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

RANDA CONIGLIO
President/CEO

Determination by:

Michael Paul
Assistant Planner
Development Services

Signature: Michael Paul
Date: Apr 13, 2020

Deputy General Counsel

Signature: Rebecca Harrington
Date: Apr 13, 2020