

Chula Vista Bayfront Plan Shows Power of Consensus-Building

CP&DR Staff on
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Early one Sunday morning in early February, the [South Bay Power Plant in Chula Vista](#) – a fixture on San Diego Bay for decades – was blown up. But it wasn't because terrorists had targeted the plant. It was because city and port officials – along with a developer and environmental groups – had finally reached agreement, after 14 years of negotiation, on how to move forward with a development project. The Chula Vista Bayfront Master Plan – which calls for the construction of thousands of hotel rooms, a commercial harbor, a conference center, and 1,500 townhomes on a small portion of the 556-acre site – is being touted by land use experts around Southern California as a win-win for the developer, the City of Chula Vista, the Port of San Diego, and environmental groups. The deal was completed after 14 years of negotiation and threatened lawsuits and even included the participation of a former Center for Biological Diversity employee who wound up working for the developer, Pacifica Companies.

The [Coastal Commission](#) approved the project unanimously, leading Pacifica's Alison Rolfe to quip: "I got a call from the governor's office. They never heard of unanimous support!"

The key deal point appears to be a land swap between Pacifica and the Port, which allowed Pacifica to take control of the developable portion of the property while the Port focused on conservation. But ultimately it was the willingness of the Bayfront Coalition – an assemblage of environmental groups that threatened litigation over the project – to sit down and negotiate pre-lawsuit that appeared to make the biggest difference.

In the end, the parties signed two settlement agreements – a document typically negotiated after a lawsuit is filed, not before – in order to nail down the deal points.

"One thing about CEQA," says Rolfe, who previously worked for both the Center for Biological Diversity and the Chula Vista mayor's office. "Mitigations don't always get done, which is a nice way of saying it. We needed to have more than mitigation in a CEQA document, we want a stipulated settlement agreement and some enforcement up-front. Not a lawsuit, just let's agree, so we have the confidence to know what's going to get done after the project goes through and not rely on CEQA."

The story of the Bayfront Master Plan begins in 1999, when the Port of San Diego purchased the South Bay Power Plant, a 700-megawatt plant that had sat on the bay in Chula Vista since 1960. The Port leased

the plant to power generating companies until 2010, when it was decommissioned.

Beginning in 2002, however, the Port and the city began to negotiate the possibility of a development project on the property.

"It is definitely a scar," said Ann Moore, president of the Port board. "We took a look at it and thought, we need to bring this down." Now a lawyer with Norton, Moore and Adams in San Diego, Moore is a former Chula Vista city attorney.

"Early on there wasn't 100% commitment at the political level," says City Manager Jim Sandoval. "This coalesced over time. At the Port, we have one vote out of seven. When you are dealing with projects like this and deal with more than one agency, it takes a tremendous amount of financial resources. Unfortunately we have been having to cut gardeners and custodians, but we hung onto this project team, because of the benefit to the community." He said the port and the city each took on what they were good at – large-scale planning in the case of the city, real estate expertise in the case of the Port.

The entire deal could have been scotched, however, if environmentalists had decided to fight it and litigate. But the environmental coalition took a different approach.

"What we decided to do," says Laura Hunter of the Environmental Health Coalition, "was come in out of our foxholes, just try to sit down together and look at anything that could be done, listen to each other about what their interests are. We started looking out for each other's interests. Sitting in one of our analysis meetings, the guy from the business association began to learn about (bird) nesting, and I learned what internal rate of return was."

She added: " Instead of spending our energy vilifying each other, we could talk about what the issue really is, once you get a trustful communication going, then all things are possible."

The critical element of the deal was a 3-for-1 land exchange between the Port and Pacifica, with the Port surrendering 35 acres of developable land in exchange for 97 acres of conservation land. Pacific surrendered a net of more than 60 acres, but of course received acreage in return that could actually be developed.

The power plant itself was located on the bay side of I-5 at approximately L Street. The Chula Vista Marina is located just north of the site, at approximately J Street. The Sweetwater Marsh National Wildlife Refuge is located even farther north, at approximately E Street. Under the land transfer, Pacifica gave the Port 95 acres of land adjacent to the wildlife refuge for conservation purposes. In exchange, the Port gave Pacifica 35 acres of developable land adjacent to the Marina.

Because Pacifica now has a smaller footprint on which to build, the developer had to propose building heights of up to 200 feet. Ordinarily, such tall buildings might stimulate strong opposition, but opposition in this case was mitigated by two factors. First, the buildings were replacing an eyesore that had blocked the

bay from the city for 50 years. And second, it was clear that the tall buildings were paying for the conservation land via the land trade."Once everybody understands the underlying principal of why we had to do that [plan for 200-foot building heights], everybody was advocating for the land trade," said Rolfe.Sandoval said the main goal was to protect view corridors, rather than simply keep buildings short. "I've never met anybody who can see through a one-story building," he said. "To me it's more important to protect view corridors than building heights. Yet that's something people never do."Pull-quote "I got a call from the governor's office. They never heard of unanimous support!"

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