

RESOLUTION 2013-138

RESOLUTION TO ADOPT AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CHULA VISTA BAYFRONT MASTER PLAN AND PORT MASTER PLAN AMENDMENT FOR THE H STREET EXTENSION PROJECT

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, the District has proposed the H Street Extension Project (Proposed Project) as part of the Chula Vista Bayfront Master Plan and Port Master Plan Amendment (CVBMP); and

WHEREAS, the Proposed Project proposes the construction of roadway improvements, including paving, sidewalks, a bicycle lane, landscaping, drainage and utilities, that would provide an east-west connection between the City of Chula Vista's urban core and the bayfront by extending the existing H Street westward to Marina Parkway from the existing terminus at the San Diego and Arizona Eastern railroad crossing; and

WHEREAS, the Proposed Project site is located in Planning District 7 (Chula Vista Bayfront) of the District's Port Master Plan and consists of approximately 4.25 acres of land along the northern boundary of the former Goodrich south campus in the City of Chula Vista, California; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., and its implementing regulations, 14 California Code of Regulations Section 15000, et seq. (CEQA Guidelines), the Board of Port Commissioners (Board) certified a Final Environmental Impact Report for the Chula Vista Bayfront Master Plan and Port Master Plan Amendment SCH # 2005081077/UPD # 83356-EIR-658 (Final EIR) for the CVBMP, including the Proposed Project, on May 18, 2010, which is on file with the Office of the District Clerk as Document No. 56562; and

WHEREAS, the District has proposed changes and alterations to the original design of the Proposed Project that will substitute a 10-foot-wide center turn lane in place of a 16-foot-wide median, widen the landscaped parkways on both sides of H Street to 9 feet, provide a 12-foot-wide Class I bicycle path along the south side of H Street, modify landscape plantings to provide a consistent street theme, and will maintain all other components and the same footprint as the original design of the Proposed Project; and

WHEREAS, the District has analyzed said changes and alterations as required by CEQA and, pursuant to CEQA Guidelines section 15164, has prepared an Addendum to the Final Environmental Impact Report for the Chula Vista Bayfront Master Plan and Port Master Plan Amendment, SCH # 2005081077/UPD # 83356-EIR-658 (Addendum to the Final EIR) because some changes or additions are necessary and none of the conditions described in CEQA Guidelines section 15162 calling for preparation of a subsequent EIR or a supplemental EIR have occurred; and

WHEREAS, all materials with regard to the Proposed Project were made available to the Board for its review and consideration of the Proposed Project including, but not limited to, the following:

1. The Final EIR, dated May 2010;
2. The Addendum to the Final EIR, dated July 2013;
3. The Staff Report and Agenda Sheet, dated August 13, 2013;
4. All documents and records filed in this proceeding by the District and all interested parties; and

WHEREAS, having reviewed and considered all the materials made available to the Board, including, but not limited to, the Addendum to the Final EIR, the Final EIR, the staff reports and all the evidence in the record of the proceedings with respect to the Proposed Project, the Board took the actions hereinafter set forth.

NOW THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

1. The Board finds the facts recited above are true and further finds that this Board has jurisdiction to consider, approve and adopt the subject of this Resolution.
2. The Board finds and determines that the applicable provisions of CEQA, the CEQA Guidelines and the District Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.
3. The Board finds and determines, on the basis of the whole record before the Board, that:

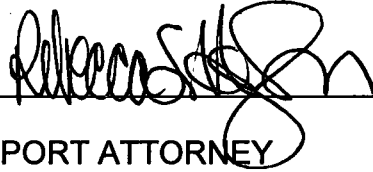
- a. Some minor changes or additions to the Final EIR are necessary, but there is no substantial evidence that a new significant environmental effects or a substantial increase in the severity of a previously identified effect have occurred because of substantial changes to the Proposed Project or with respect to the circumstances under which the Proposed Project is undertaken;
- b. There is no substantial evidence that new information exists that shows that: (i) the Proposed Project will have one or more significant effects that were not discussed in the Final EIR; (ii) significant effects previously analyzed will be substantially more severe; (iii) mitigation measures or alternatives previously found infeasible are now feasible and would substantially reduce one or more significant effect of the Proposed Project, but the applicant declines to adopt the mitigation measures or alternatives; or (iv) mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR would substantially lessen one or more significant effects, but the applicant declines to adopt the mitigation measures or alternatives;
- c. The Addendum to the Final EIR is complete and adequate in scope and has been completed in compliance with CEQA and the CEQA Guidelines and the District Guidelines for implementation thereof;
- d. Mitigation Measures identified in the Addendum, Final EIR, and MMRP are applicable and no additional mitigation measures or alternatives are required;
- e. The Addendum to the Final EIR was presented to the Board and the Board has fully reviewed and considered the information in Addendum to the Final EIR and the Final EIR prior to approving a resolution Authorizing Issuance of an appealable Coastal Development Permit for the Proposed Project; and
- f. The Addendum to the Final EIR and the Final EIR reflect the District's independent judgment and analysis.

5. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15094, the Clerk of the Board shall cause a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research. Unless the Proposed Project is declared exempt herein and a Certificate of Filing Fee Exemption is on file, the Proposed

Project is not operative, vested or final until the filing fees required pursuant to Fish and Game Code Section 711.4 are paid to the Clerk of the County of San Diego.

6. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

APPROVED AS TO FORM AND LEGALITY:



PORT ATTORNEY

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 13th day of August, 2013, by the following vote:

AYES: Castellanos, Merrifield, Moore, Nelson, Smith, Valderrama

NAYS: None.

EXCUSED: Malcolm.

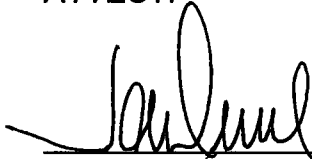
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)