

RESOLUTION 2013-180

RESOLUTION CONSIDERING THE FINAL ENVIRONMENTAL IMPACT REPORT AND FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT PREPARED BY THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY FOR THE SAN DIEGO INTERNATIONAL AIRPORT MASTER PLAN, ADOPTING THE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND AUTHORIZING STAFF TO FILE THE NOTICE OF DETERMINATION FOR THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY ACCESS ROAD AT SOUTHWEST CORNER OF PALM STREET AND PACIFIC HIGHWAY

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 1, (Port Act); and

WHEREAS, on May 1, 2008, the Board of the San Diego County Regional Airport Authority (Airport Authority Board), as lead agency, certified the Final Environmental Impact Report (Final EIR) for the San Diego International Airport Master Plan and adopted California Environmental Quality Act (CEQA) Findings of Fact, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program pursuant to San Diego County Regional Airport Authority (Airport Authority) Resolution No. 2008-0048; and

WHEREAS, on May 1, 2008, the Airport Authority Board adopted the San Diego International Airport Master Plan, which consists of two components, an Airport Land Use Plan and an Airport Implementation Plan, pursuant to Airport Authority Resolution Nos. 2008-0049 and 2008-0062; and

WHEREAS, on September 1, 2011, the Airport Authority Board, as lead agency, certified the Final Supplemental Environmental Impact Report (Final Supplemental EIR), and re-adopted CEQA Findings of Fact, Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (originally adopted May 1, 2008, pursuant to SDCRAA Resolution No. 2008-0048) for the San Diego International Airport Master Plan Northside Improvements pursuant to Airport Authority Resolution No. 2011-0114; and

WHEREAS, as part of the Northside Improvements, the Airport Authority proposed a new 6,500-space consolidated rental car facility, a new Terminal Link Road along Pacific Highway, Laurel Street and North Harbor Drive, a relocated surface parking lot, redevelopment of a general aviation facility, and road and infrastructure improvements, including a proposed access road (Access Road), and reconfiguration of the District's employee parking lot and the Northside Improvements were analyzed in the Final EIR and Final Supplemental EIR; and

WHEREAS, on May 8, 2013 and August 14, 2013, the California Coastal Commission granted approval of two Coastal Development Permits to the Airport Authority for components of the Northside Improvements, including its proposed demolition of its existing general aviation facility and construction of a new general aviation facility (CDP #6-12-088), and its proposed construction of a Terminal Link Road (CDP #6-13-011) and these Coastal Development Permits included the Access Road; and

WHEREAS, on September 6, 2013, the Federal Aviation Administration completed its National Environmental Policy Act review of the applicable portions of the Northside Improvements; and

WHEREAS, on September 12, 2013, the Airport Authority approved construction of the new general aviation facility, new Terminal Link Road and the Access Road pursuant to Resolution 2013-0099; and

WHEREAS, the Airport Authority leases from the District the former General Dynamics leasehold (GD Lease) located along Pacific Highway; and

WHEREAS, to develop the Access Road, the Airport Authority seeks to amend the GD Lease to add 3,988 square feet of real property (Requested Parcel) located southwesterly of Pacific Highway at the prolongation of Palm Street for the Access Road; and

WHEREAS, the Parcel is currently part of a 17,666-square-foot lease (General Aviation Lease) from the District to Airport Authority that is subleased to a general aviation facility operator, Landmark Aviation, for use as customer parking, the General Aviation Lease expired on April 30, 2012, and was placed on a month-to-month hold over to allow the general aviation facility to operate while a replacement facility is constructed; and

WHEREAS, upon completion of the relocated general aviation facility, scheduled for summer 2014, the Airport Authority proposes to terminate the General Aviation Lease and enter into Amendment No. 2 to the GD Lease to add the Requested Parcel to the GD Lease (Project); and

WHEREAS, the Northside Improvement's and particularly, the Project, complies with all applicable District policies and requirements; and

WHEREAS, pursuant to Public Resources Code Section 21069 and Section 15381 of the CEQA Guidelines, the District is a responsible agency under CEQA because approval of the Project is necessary to carry out the development of the Northside Improvements and the District is a public agency that has discretionary approval of the Project; and

WHEREAS, the Clerk of the Board has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and affidavit of mailing on file with the Clerk of the Board; and

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

1. The Final EIR certified by the Airport Authority on May 1, 2008;
2. The Findings of Fact and Statement of Overriding Considerations adopted by the Airport Authority on May 1, 2008;
3. The Mitigation Monitoring and Reporting Program adopted by the Airport Authority on May 1, 2008;
4. The Supplemental EIR certified by the Airport Authority on September 1, 2011;
5. The Findings of Fact and Statement of Overriding Considerations re-adopted by the Airport Authority on September 1, 2011;
6. The Mitigation Monitoring and Reporting Program re-adopted by the Airport Authority on September 1, 2011;
7. The Staff Report and Agenda Sheet, dated November 19, 2013; and
8. All documents and records filed in this proceeding by interested parties; and

WHEREAS, a duly noticed public hearing was held on November 19, 2013, before the Board, at which the Board received public testimony and reviewed and considered all testimony and materials made available to the Board regarding the Project and Northside Improvements; and

WHEREAS, having reviewed and considered all testimony and materials made available to the Board, including but not limited to the Final EIR, Final Supplemental EIR, Findings of Fact and Statement of Overriding Considerations,

Mitigation Monitoring and Reporting Program (originally adopted May 1, 2008 and re-adopted September 1, 2011), the staff reports and all the testimony and evidence in the record of the proceedings with respect to the Project and Northside Improvements, 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 State 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. Pursuant to CEQA Guidelines Section 15096(a) and (f), the Board finds and determines that (a) the Final EIR and Final Supplemental EIR prepared and certified by the Airport Authority have been presented to the Board, (b) the Board has fully reviewed and considered the Final EIR, Final Supplemental EIR and the environmental effects of the Northside Improvements, including the Project, as shown in the Final EIR and Final Supplemental EIR prior to making a decision whether to approve the Project, and (c) the Board has reached its own conclusions on whether and how to approve the Project.
4. The Board finds the Project to be within the scope of the Final EIR and Final Supplemental EIR, finds that implementation of the Project would not cause environmental effects that were not analyzed in the Final EIR or Final Supplemental EIR, or require any new mitigation measures, and finds that a supplemental or subsequent EIR or other CEQA document is not required for the Board's approval.
5. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Sections 15091(d) and 15096(g), the Board hereby adopts and approves the Mitigation Monitoring and Reporting Program adopted by the Airport Authority, which is appended hereto as Exhibit "A" and is made a part hereof by this reference, with respect to the significant environmental effects identified in the Final EIR and Final Supplemental EIR related to the Project, and hereby makes and adopts the provisions of the Mitigation Monitoring and Reporting Program as conditions of approval for the Project.
6. Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Sections 15091 and 15096(h), the Board hereby makes and adopts as its own the findings with respect to each significant environmental effect identified in the Final EIR and Final Supplemental EIR as set forth in the Airport Authority's

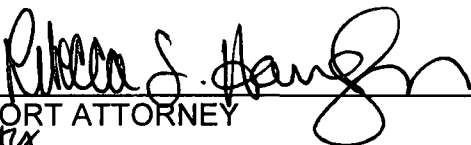
CEQA Findings of Fact, appended hereto as Exhibit "B" and made a part hereof by this reference, and declares that it considered the evidence described in connection with each such finding.

7. The Project is approved despite the existence of certain unavoidable significant environmental effects identified in the Final EIR and Final Supplemental EIR, and, pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15093 and 15096(h), the Board hereby makes and adopts as its own the Statement of Overriding Considerations as set forth by the Airport Authority, appended hereto as Pages 55-61 of Exhibit "B" and made a part hereof by this reference, and finds that such effects are considered acceptable because the benefits of the Northside Improvements, including, but not limited to the Project, outweigh the unavoidable environmental effects.

8. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Sections 15094 and 15096(i), 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 Project is declared exempt herein and a Certificate of Filing Fee Exemption is on file, the 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.

9. 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
Deputy

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PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 19th day of November, 2013, by the following vote:

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

NAYS: None.

EXCUSED: Malcolm, Valderrama

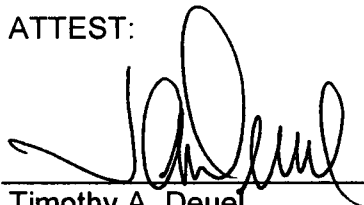
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)