

RESOLUTION 2013-213

RESOLUTION TO ADOPT FINAL NEGATIVE DECLARATION FOR THE SHELTER ISLAND BOATYARD CRANE REPLACEMENT AND PIER ADDITION PROJECT AND DIRECT FILING OF THE NOTICE OF DETERMINATION

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 two current leases with Shelter Island Yachtways, Ltd. dba Shelter Island Boatyard (SIBY) for a boatyard operation on Shelter Island located at 2330 and 2390 Shelter Island Drive in San Diego; and

WHEREAS, in accordance with Board Policy No. 355, SIBY has submitted a redevelopment proposal to invest approximately \$3.25 million to modernize the boatyard facility (Project) in return for an 18-month option agreement, terminating on June 30, 2015; and

WHEREAS, if certain conditions are met in the option agreement, SIBY may enter into a new 30-year lease with the District that would combine the two current adjoining leaseholds leased from the District to SIBY; and

WHEREAS, the Project consists of (a) replacement of two existing boat gantry cranes (one at a 35-ton lift capacity and one at a 70-ton lift capacity) with two new gantry cranes with increased lift capacities (one at a 70-ton lift capacity and one at a 150-ton lift capacity); (b) construction of two new 90-foot long parallel concrete piers and installation of associated floating docks and pier piles for a total of 1,240 square feet of over-water improvements; (c) removal of floating docks and finger docks for a total of 1,247 square feet of eliminated over-water improvements, for an overall net decrease of seven square feet of over-water improvements; (d) installation of a concrete abutment supported by bearing piles; (e) demolition of two existing maintenance area storage sheds (336 square feet) and a portion of an on-site timber-frame shop structure (565 square feet); (f) replacement of approximately 9,812 square feet of existing concrete slab; (g) repair of two sections of existing bulkhead. Repair work would consist of application of protective coating to existing bulkhead wall; and (h) features that would protect sensitive species during construction; and

WHEREAS, the District has analyzed Project as required by CEQA and, pursuant to CEQA Guidelines section 15070, has prepared an Negative Declaration (UPD #ND-2013-40) for the Project because based on the entire

record and the project description, there is no substantial evidence that the Project would have a significant effect on the environment; and

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

1. The Final Negative Declaration;
2. The Staff Report and Agenda Sheet; and
3. All documents and records filed in this proceeding by the District and all interested parties; 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, the Board held a duly noticed public hearing on the Final Negative Declaration on December 10, 2013; and

WHEREAS, having reviewed and considered all the materials made available to the Board, including, but not limited to, the Final Negative Declaration, the staff reports and all the evidence in the record of the proceedings with respect to the 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 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. There is no substantial evidence that the Project would have a significant environmental effect on the environment; and
- b. There is no substantial evidence that the Proposed Project

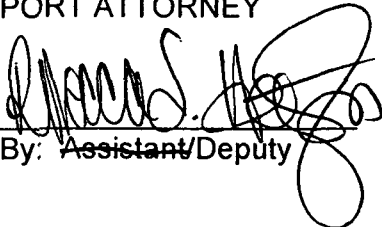
will have a significant unmitigated effect on the environment;
and

- c. The Final Negative Declaration is complete and adequate in scope and has been completed in compliance with CEQA, the CEQA Guidelines and District Guidelines for implementation thereof; and
- d. The Final Negative Declaration was presented to the Board and the Board has fully reviewed and considered the information in Final Negative Declaration prior to approving: (i) a resolution Granting an Option Agreement to Shelter Island Yachtways, LTD. for a New 30-Year Lease; (ii) a resolution Granting Concept Approval for Shelter Island Yachtways, LTD. for Proposed Crane Replacement and Pier Addition Project; (iii) a resolution Authorizing Issuance of a Non-Appealable Coastal Development Permit; and (iv) a resolution Consenting to \$3,300,00 Loan Between American West Bank and Shelter Island Yachtways, LTD., with Conditions; and
- e. The Final Negative Declaration reflects the District's independent judgment and analysis.

4. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075, 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.

5. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15074(c), 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


By: Assistant/Deputy

2013-213

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10th day of December, 2013, by the following vote:

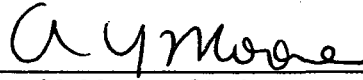
AYES: Castellanos, Malcolm, Merrifield, Moore, Nelson, Smith and Valderrama

NAYS: None.

EXCUSED: None.

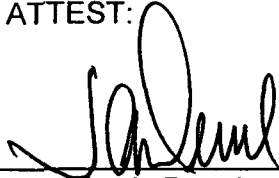
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)