

RESOLUTION 2013-215

RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT

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 Project complies with all District policies and requirements; and

WHEREAS, the District is the trustee of said tidelands where the Project will be constructed; and

WHEREAS, the Project is located within Planning District 1, Shelter Island/La Playa, which is delineated on Precise Plan Map Figure 4 of the certified Port Master Plan and the use designations within the limits of the Project site are "Marine Sales/Services" and "Marine Services Berthing"; and

WHEREAS, the Project is consistent with the Port Master Plan as (a) it proposes installation of gantry cranes at an existing boat repair yard, which is consistent with the existing certified land and water use designations; (b) the Marine Sales/Service land use designation allows for activities such as boat building and repair, and boat sales and rentals, which are activities that occur at SIBY; and (c) the Precise Plan text for Planning District 1 allows for "...updated marine sales and services and skills to deal with new vessel designs and materials in the boatyards"; and

WHEREAS, the Project is located between the sea (as defined in the California Coastal Act) and the first inland continuous public road paralleling the sea and is fully consistent with California Public Resources Code Section 30604(c), 30210-30224, and all applicable California Coastal Act policies; and

WHEREAS, an application has been prepared for a non-appealable Coastal Development Permit to implement the Project; and

WHEREAS, the Board finds that said application and attachments contain correct and accurate statements of fact; and

WHEREAS, the Board has concluded that the Project conforms to the certified Port Master Plan; and

WHEREAS, the Board considered the non-appealable Coastal Development Permit at the December 10, 2013 Board meeting; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) statutes and guidelines, the Project was analyzed in the Final Negative Declaration (UPD #ND-2013-40), and pursuant to Resolution 2013-213, on December 10, 2013, the Board adopted the Final Negative Declaration and made certain findings as particularly stated in said Resolution.

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 Project, in general, consists of:

- a. Removal of the existing 35-ton and 70-ton capacity gantry cranes; and
- b. Installation of two new gantry cranes of increased capacities (70-ton and 150-ton capacities, respectively) with the most current technology, four-wheel swivel capability, automated controls by one or two staff workers, and the most modern, fuel efficient and low-emission engines available; and
- c. Replacement of approximately 9,812 square feet of concrete slab necessary for the structural support of the improvements located adjacent to the existing bulkhead; and
- d. Construction of a new pier addition, consisting of two parallel 90-foot segments, as well as corresponding pier piles (20 total) and floating docks totaling 1,240 square feet of in-water improvements that will be located adjacent to the existing 51-foot pier segments; and
- e. Removal of approximately 1,247 square feet of existing floating docks and four finger docks for a net decrease of 7 square feet of in-water improvements and overall shading of bay waters; and
- f. Demolition of an existing storage sheds (approximately 336 square feet) and a portion of an existing timber frame shop structure (approximately 565 square feet) to accommodate the new pier construction and corresponding spatial needs for onsite gantry crane maneuvering, along with a new concrete abutment; and
- g. Repair of approximately 60 lineal feet of bulkhead by means of applying a protective coating product to the damaged areas; and
- h. Implementation of project features if in-water construction occurs during the Least Tern breeding season (between April 1 and September 15), including consultation with U.S. Fish & Wildlife Service, installation of a silt/turbidity curtain around all in-water construction activities that generate turbidity, and provision of a biological monitor.

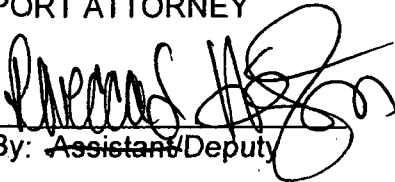
3. The Project is located within Planning District 1, Shelter Island/La Playa, which is delineated on Precise Plan Map Figure 4 of the certified Port Master Plan and the use designations within the limits of the Project site are "Marine Sales/Services" and "Marine Services Berthing." The Project is consistent with the Port Master Plan. It proposes installation of gantry cranes at an existing boat repair yard that is consistent with the existing certified land and water use designations; the Marine Sales/Service land use designation allows for activities such as boat building and repair, and boat sales and rentals, which are activities that occur at SIBY; and the Precise Plan text for Planning District 1 allows for "...updated marine sales and services and skills to deal with new vessel designs and materials in the boatyards." The Project is located between the sea (as defined in the Coastal Act) and the first inland continuous public road

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paralleling the sea, and said proposed Project is consistent with Public Resources Code Sections 30604(c) and 30210-30224, and the Coastal Act public access and recreation policies referenced therein.

4. The Project which is entitled "Shelter Island Boatyard Crane Replacement and Pier Addition Project at 2330 Shelter Island Drive in San Diego" is consistent with and conforms to the certified Port Master Plan, and, accordingly, the Executive Director or his designated representative is hereby authorized and directed to issue a non-appealable Coastal Development Permit for the Project. Said Coastal Development Permit shall require compliance with all the conditions set forth in the Coastal Development Permit.

APPROVED AS TO FORM AND LEGALITY:
PORT ATTORNEY


By: ~~Assistant~~ Deputy

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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:

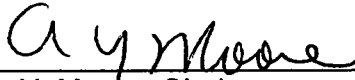
AYES: Castellanos, Malcolm, Merrifield, Moore, Nelson, Smith and Valderrama

NAYS: None.

EXCUSED: None.

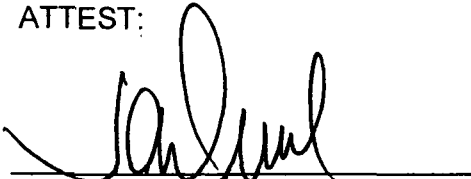
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)