

RESOLUTION 2013-59

RESOLUTION TO ADOPT ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SAN DIEGO MARRIOTT MARQUIS & MARINA FACIILTIES IMPROVEMENT AND PORT MASTER PLAN AMENDMENT 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 San Diego Marriott Marquis & Marina Facilities Improvement and Port Master Plan Amendment Project ("Proposed Project"); and

WHEREAS, the Proposed Project proposes to redevelop the portions of the existing site by constructing a new Marriott Hall, Marina Terrace, Marina Walk and related improvements; and

WHEREAS, the applicant for the Proposed Project is the Host Hotels and Resorts L.P., owner of Pacific Gateway, Ltd., doing business as San Diego Marriott Marquis & Marina ("Project Applicant"); and

WHEREAS, the property which is subject to the Proposed Project consists of approximately 5.4 acres of land located in the Marina Zone of Planning District 3 (Centre City/Embarcadero) of the District and is bounded by the San Diego Bay and the Embarcadero Promenade to the west, the Hyatt Hotel to the north, Harbor Drive and the Martin Luther King Jr. Promenade to the east, and the San Diego Convention Center (SDCC) to the south; 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 District prepared a Draft Environmental Impact Report ("Draft EIR") for the Proposed Project and circulated the Draft EIR for public review and comment as required by law; and

WHEREAS, the District received and responded to public comments on the Draft EIR and determined that the comments did not raise any significant environmental issues not already addressed in the Draft EIR; and

WHEREAS, the District prepared a Final Environmental Impact Report

("Final EIR"), which includes the Draft EIR, technical appendices, public comments and the responses to public comments on the Draft EIR, and all other information required by CEQA Guidelines section 15132, and a Mitigation Monitoring and Reporting Program ("MMRP") as required by CEQA Guidelines section 15097, which have been filed with the Clerk of the Board of Port Commissioners ("Board"); and

WHEREAS, a duly noticed public hearing was held on December 13, 2011, before the Board, at which the Board received public testimony, reviewed and considered all testimony and materials made available to the Board regarding the Proposed Project, and adopted Resolution No. 2011-178, certifying the Final EIR and adopting Findings of Fact and the MMRP; and

WHEREAS, on December 13, 2011, the Board also adopted Resolution No. 2011-179, adopting an amendment to the Port Master Plan concerning the Proposed Project and directing staff to transmit said Port Master Plan Amendment, together with all relevant factual information, the certified Final EIR, and the Coastal Act consistency analysis to the California Coastal Commission for its review, approval and certification pursuant to the California Coastal Act; and

WHEREAS, on November 15, 2012, after a duly noticed public hearing, the California Coastal Commission certified said Port Master Plan Amendment; and

WHEREAS, on December 4, 2012, in a lawsuit entitled *Coalition for Responsible Coastal Development, et al. v. San Diego Unified Port District, et al.* (San Diego Superior Court Case No. 37-2012-00090739), which challenged the adequacy of the Final EIR, the San Diego Superior Court entered a judgment in favor of the District which held that the Final EIR was adequate and fully complied with CEQA; and

WHEREAS, the Project Applicant has proposed changes and alterations to the Proposed Project that will, among other things, reduce the size and footprint of the proposed new Marriot Hall, increase the public access and related amenities associated with the proposed new Marina Walk and Marina Terrace, and relocate and reduce the size of an existing water line and associated easement serving 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 Addendum # 1 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 have occurred; 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 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 December 2011;
2. The Addendum # 1 to the Final EIR, dated May 2013;
3. The Staff Report and Agenda Sheet, dated May 7, 2013;
4. All documents and records filed in this proceeding by the District and all interested parties; and

WHEREAS, a duly noticed public hearing was held on May 7, 2013, before the Board, at which the Board received public testimony, reviewed and considered all testimony and materials made available to the Board regarding the Proposed Project; and

WHEREAS, having reviewed and considered all testimony and materials made available to the Board, including but not limited to Addendum # 1 to the Final EIR, the Final EIR, the staff reports and all the testimony and 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, its implementing State 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 that (a) the Addendum # 1 to the Final EIR is complete and adequate in scope and has been completed in compliance with CEQA and the State and District Guidelines for implementation thereof, (b) the Addendum # 1 to the Final EIR was presented to the Board and the Board has fully reviewed and considered the information in Addendum # 1 to the Final EIR and the Final EIR prior to approving the Proposed Project, and (c) the Addendum # 1 to the Final EIR reflects the District's independent judgment

and analysis.

4. 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.

5. 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.

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 7th day of May, 2013, by the following vote:

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

NAYS: None.

EXCUSED: None.

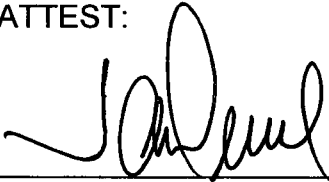
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)