

RESOLUTION 2013-97

**RESOLUTION AUTHORIZING ISSUANCE OF A
NON-APPEALABLE COASTAL DEVELOPMENT
PERMIT FOR MARINE GROUP BOAT WORKS, LLC
FOR THE RELOCATION OF A 27,145 SQUARE-
FOOT BUILDING AND ASSOCIATED
IMPROVEMENTS WITHIN THE LEASEHOLD AT 997
G STREET IN CHULA VISTA**

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 Marine Group Boat Works, LLC (Marine Group) has an Amended, Restated and Combined Lease (Document No. 54509) with the District to operate a full-service boat and super-yacht repair facility that includes the fabrication of government and commercial vessels and is located at 997 G Street in the City of Chula Vista; and

WHEREAS, on July 10, 2012, the Board approved Amendment No. 1 (Document No. 59238) to the Amended, Restated and Combined Lease with the Marine Group, which includes one additional 11-year option conditioned upon meeting certain qualifying conditions, including being a tenant in good standing, relocation of a large fabrication building to open up views on the site to San Diego Bay, creation of a habitat buffer zone, and implementation of a plan to accommodate off-street employee parking; and

WHEREAS, the Marine Group proposes the relocation of an existing 27,145 square foot fabrication building and all above and below-ground improvements, including the foundation, slab, footings, and all surrounding paved surfaces, from its current location in the southwestern area of the leasehold to the northeastern corner, the relocation of existing fencing and utilities, including stormwater and electrical facilities, as necessary, and the modification of the existing Marine Group leasehold to allow for the relocation of the building, habitat buffer area and onsite parking (Proposed Project); and

WHEREAS, the Port District is the trustee of said tidelands where the Proposed Project will be implemented; and

WHEREAS, the Proposed Project complies with all District policies and requirements, including the Marine Group's lease provisions, and is consistent with the qualifying conditions required for the additional 11-year option; and

WHEREAS, the Proposed Project is located within the Harbor District subarea of Planning District 7, Chula Vista Bayfront, which is delineated on Precise Plan Map Figure 19 of the Port Master Plan (PMP) and is designated for Commercial Recreation land uses; and

WHEREAS, the Marine Group facility is a legal non-conforming use in its current location and the Proposed Project will not change the uses of the site nor will it expand the existing non-conforming uses of the site; and

WHEREAS, the Proposed 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 Public Resources Code Section 30604(c), 30210-30224, and all applicable California Coastal Act policies; and

WHEREAS, an application has been prepared for a Coastal Development Permit (CDP) to provide for implementation of the Proposed Project; and

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

WHEREAS, the Board has concluded that the Proposed Project conforms to the District Master Plan; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the District, as lead agency, evaluated the Proposed Project and determined that the Proposed Project is exempt from CEQA pursuant to the categorical exemptions in State CEQA Guidelines sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures), and 15304 (Minor Alterations to Land) and Sections 3.a (6) and (7), 3.b (2), 3.c (2), and 3.d (5) of the District's Guidelines for Compliance with CEQA; and

WHEREAS, the District further determined that application of the categorical exemptions in State CEQA Guidelines sections 15301, 15302, 15303 and 15304 is not barred by one of the exceptions set forth in CEQA Guidelines section 15300.2;

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

1. The Board finds and determines that (a) the applicable provisions of CEQA, the State CEQA Guidelines, and the Port District Guidelines have been duly observed in conjunction with the consideration of this matter, (b) the Proposed Project is exempt from CEQA pursuant to the categorical exemptions in State CEQA Guidelines sections 15301 (Existing Facilities), 15302

(Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures), and 15304 (Minor Alterations to Land) and Sections 3.a (6) and (7), 3.b (2), 3.c (2), and 3.d (5) of the District's Guidelines for Compliance with CEQA, (c) application of the categorical exemptions in State CEQA Guidelines sections 15301, 15302, 15303 and 15304 is not barred by one of the exceptions set forth in CEQA Guidelines section 15300.2, and (d) pursuant to CEQA Guidelines Sections 15062(a), the Clerk of the Board shall cause a Notice of Exemption to be filed with the Clerk of the County of San Diego.

2. The Proposed Project has been proposed to fulfill one of the qualifying conditions for the additional 11-year option in Amendment No. 1 to the Amended, Restated and Combined Lease with the Marine Group and, in general, includes the relocation of an existing 27,145 square foot fabrication building and all above and below-ground improvements, including the foundation, slab, footings, and all surrounding paved surfaces, from its current location in the southwestern area of the leasehold to the northeastern corner, the relocation of existing fencing and utilities, including stormwater and electrical facilities, as necessary, and the modification of the existing Marine Group leasehold to allow for the relocation of the building, habitat buffer area and onsite parking, which is all within the Harbor District subarea of Planning District 7, Chula Vista Bayfront, which is delineated on Precise Plan Map Figure 19 of the District Master Plan.

3. In accordance with the District's CDP Regulations, the Proposed Project is considered "Non-Appealable" because it does not qualify as an "Excluded," "Appealable," or "Emergency" development. The Proposed Project is consistent with the use and development concept for the project area as provided in the District Master Plan and, as such, is a Non-Appealable Development which conforms to the certified District Master Plan. The Proposed Project is located between the sea (as defined in the Coastal Act) and the first inland continuous public road paralleling the sea, and the Proposed Project is consistent with Public Resources Code Sections 30604(a) and 30210-30224, and the Coastal Act public access and recreation policies referenced therein.

4. The Proposed Project which is entitled the "Relocation of 27,145 Square Foot Building and Associated Improvements within the Marine Group Boat Works, LLC Leasehold at 997 G Street, Chula Vista" is part of a legal non-conforming use in its current location and will not change or expand the existing non-conforming uses of the site and, therefore, is consistent with and conforms to the District Master Plan, and accordingly, the Executive Director or his authorized representative is hereby authorized and directed to issue a Coastal Development Permit for the Proposed Project, said Coastal Development Permit shall require compliance with the Standard Provisions and Short-Term Constructions Measures incorporated therein, and in particular the conditions listed under the Special Provisions section.

2013-97

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11th day of June, 2013, by the following vote:

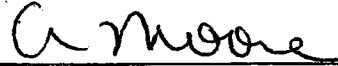
AYES: Castellanos, Malcolm, Merrifield, Moore, Nelson, Smith, Valderrama

NAYS: None.

EXCUSED: None.

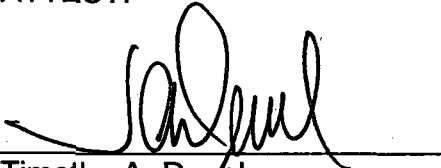
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)