

RESOLUTION 2014-181

RESOLUTION ADOPTING A SECOND ADDENDUM TO THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE AMERICA'S CUP HARBOR REDEVELOPMENT AND PORT MASTER PLAN AMENDMENT FOR SHELTER ISLAND PLANNING DISTRICT

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 certain improvements to North Harbor Drive and amendment to the existing lease Point Loma Marina, LLC (PLM), which also allows for some minor development (collectively, Proposed Project); and

WHEREAS, the Proposed Project includes the following changes to the original project:

- a. Realignment and reconstruction of approximately 1,600 linear feet of North Harbor Drive, including parking, bike lanes, and driving lanes;
- b. Reconfiguration of an existing oversized roadway lane widths, remove the existing frontage road, and replace with standard (City of San Diego) lane widths;
- c. Replacement of an existing frontage road and south curb parking areas, consisting of approximately 140 parking spaces, with approximately 270 parking spaces, for a net increase of approximately 130 parking spaces;
- d. Add a new mid-block traffic signal with a pedestrian crosswalk that connects the north side of North Harbor Drive with the south (water) side;
- e. Replacement of existing and create new ADA-compliant pedestrian ramp;
- f. Improvement of accessible routes from various parking areas to businesses and waterfront;
- g. Add a new sidewalk along the south curb side;
- h. Maintain existing public seating at Marina Green Park area and along the waterfront promenade;
- i. Maintain existing 100-foot-wide view corridor at Marina Green Park area;
- j. Add a new mid-block entrance road near Marina Green Park and approximately 3,800-square-feet of additional park area;
- k. Enhancement of existing and add new landscaping throughout the Project site;

- l. Relocation of controls and modification of an existing sewer lift station located on Marina Green Park with a reinforced concrete top slab to allow for traffic loads;
- m. Use landscaping to screen modified sewer lift station;
- n. Add new LED street lights along North Harbor Drive and in the Westy's parking lot;
- o. Construct new ADA-accessible promenade through the western extent of the Westy's parking lot;
- p. Apply a two-inch asphalt-concrete overlay and restripe to restore the Westy's parking lot;
- q. Implement a parking pilot program that consists of:
 - Designating portions of the newly created spaces for two-hour time limited parking. This includes approximately 101 parking spaces behind the south curb of North Harbor Drive for short-term visitors.
 - Designating portions of the newly created spaces for 24-hour time limited parking. This includes approximately 45 parking spaces on the southeastern end of North Harbor Drive for half day and overnight visitors.
 - Designating the 40 public parking spaces in the Harbor Services Lot between Driscoll's Wharf and Point Loma Marina for two-hour time limited parking.
 - Designating the 180 parking spaces in the Westy's parking lot for 72-hour time limited parking.
 - Initiating a parking placard/validation program for customers and employees of the sportfishing operations to facilitate long-term parking at the Westy's parking lot.
- r. An amendment to the existing lease with Point Loma Marina and improvements associated with said amendment as follows:
 - Removal of 5,881 square feet of land area from the leasehold.
 - The addition of approximately 497 square feet of land for construction of a trash enclosure. The additional land is located east of the current leasehold boundary, adjacent to the Navy facility. The exterior of the trash enclosure has been designed to match the architectural elements of the existing buildings. The tenant will assume maintenance responsibility for the trash enclosure and surrounding landscaping.
 - The addition of an adjacent 23,262 square foot public parking lot. The public parking lot is currently free of charge. Upon completion of the North Harbor Drive Improvements and the addition of 130 public parking spaces, the tenant would be permitted to begin operating the parking lot as a paid public parking lot subject to a rate schedule approved by the District, in its sole and absolute discretion. The tenant will also assume maintenance responsibilities for the parking lot and landscaping currently maintained by the District. The tenant will be required to commence construction on a project that will add a minimum of 18 parking spaces to the lot by January 1, 2020, five of which may be used solely by the tenant or its customers. This improvement will result in a total of 40 public parking spaces in the parking lot.

- The addition of approximately 2,151 square foot parcel to the PLM leasehold for use as a non-exclusive, temporary vehicle staging area. The non-exclusive area will be improved with "grasscrete." The tenant may use area to temporarily stage vehicles on the grasscrete as needed during valet operations.
- Construction of up to two monument signs in the landscaped area fronting the realigned North Harbor Drive.
- The proposed lease amendment also requires that, once the District adopts a sustainable leasing policy, the next time a lease amendment is required, the tenant must negotiate language to fully incorporate the provisions of the sustainable leasing policy into the terms of the amendment; and

WHEREAS, the Proposed Project site is located in is located in Planning District 1, Shelter Island/La Playa, which is delineated on Precise Plan Map Figure 4 of the District's Port Master Plan; 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 Board of Port Commissioners (Board) certified a Final Program Environmental Impact Report (FPEIR) for the America's Cup Harbor Redevelopment and Port Master Plan Amendment for Shelter Island Planning District (SCH No. 2000091043) for the redevelopment of the America's Cup Harbor and the Shelter Island Planning District, including the Proposed Project, on May 21, 2002, which is on file with the Office of the District Clerk as Document No. 44566; and

WHEREAS, pursuant to CEQA and the CEQA Guidelines, the District approved the Addendum to the Final Program Environmental Impact Report America's Cup Harbor Redevelopment and Port Master Plan Amendment for Shelter Island Planning District (Addendum to the FEIR), dated September 19, 2008, which is on file in the Office of the District Clerk as Document No. 53985; and

WHEREAS, the District has analyzed said changes and alterations as required by CEQA and, pursuant to CEQA Guidelines section 15164, has prepared a Second Addendum to the Final Environmental Impact Report for the America's Cup Harbor Redevelopment and Port Master Plan Amendment for Shelter Island Planning District (Second Addendum to the FEIR) 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 or a supplemental EIR have occurred; 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 FEIR;
2. The Addendum to the FEIR;
3. The Staff Report and Agenda Sheet;
4. All documents and records filed in this proceeding by the District and all interested parties; and

WHEREAS, having reviewed and considered all the materials made available to the Board, including, but not limited to, the Second Addendum to the FEIR, the Addendum to the FEIR, the FEIR, the staff reports and all the 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, the 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. The Board finds and determines, on the basis of the whole record before the Board, that:
 - a. Some minor changes or additions to the FEIR are necessary, but there is no substantial evidence that a new significant environmental effects or a substantial increase in the severity of a previously identified effect have occurred because of substantial changes to the Proposed Project or with respect to the circumstances under which the Proposed Project is undertaken;
 - b. There is no substantial evidence that new information exists that shows that: (i) the Proposed Project will have one or more significant effects that were not discussed in the FEIR; (ii) significant effects previously analyzed will be substantially

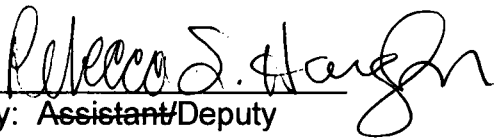
more severe; (iii) mitigation measures or alternatives previously found infeasible are now feasible and would substantially reduce one or more significant effects of the Proposed Project, but the applicant declines to adopt the mitigation measures or alternatives; or (iv) mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially lessen one or more significant effects, but the applicant declines to adopt the mitigation measures or alternatives;

- c. The Second Addendum to the FEIR is complete and adequate in scope and has been completed in compliance with CEQA and the CEQA Guidelines and the District Guidelines for implementation thereof;
- d. Mitigation Measures identified in the Addendum to the FEIR, the Second Addendum to the FEIR, FEIR, and MMRP are applicable and no additional mitigation measures or alternatives are required;
- e. The Second Addendum to the FEIR was presented to the Board and the Board has fully reviewed and considered the information in Second Addendum to the FEIR, the Addendum to the FEIR and the FEIR prior to approving a resolution Authorizing Issuance of an appealable Coastal Development Permit for the Proposed Project; and
- f. The Second Addendum to the FEIR, the Addendum to the FEIR and the FEIR reflect the District's independent judgment and analysis.

5. 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.

6. 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.

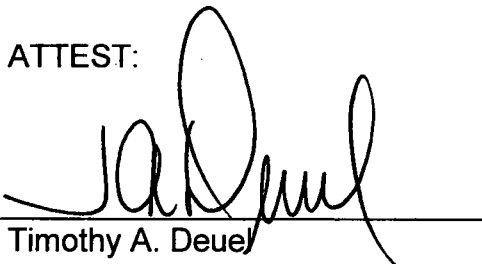
APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 16th day of September 2014, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.
NAYS: None.
EXCUSED: None.
ABSENT: None.
ABSTAIN: None.


Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:

Timothy A. Deuel
District Clerk

(Seal)