

## **RESOLUTION 2014-182**

### **RESOLUTION AUTHORIZING ISSUANCE OF AN 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**, on May 21, 2002, by Resolution No. 2002-119, the Board of Port Commissioners (Board) certified the Final Program Environmental Impact Report (FPEIR) for the America's Cup Harbor Redevelopment and Port Master Plan Amendment for Shelter Island Planning District (America's Cup Harbor Redevelopment) (SCH No. 2000091043), adopted the Findings of Fact and Statement of Overriding Considerations, and a Mitigation Monitoring Reporting Program;

**WHEREAS**, on May 21, 2002, by Resolution No. 2002-120, the Board approved the and Port Master Plan Amendment for Shelter Island Planning District, which was subsequently certified by the Coastal Commission; and

**WHEREAS**, on October 7, 2008, the Board considered an Addendum to the FPEIR, which was prepared for development of Phase Two of the Wharf's commercial recreational development consisting of a small craft marina, buildings, landscaping improvements, and providing a parking facility with pedestrian access, prior to authorizing issuance of an appealable Coastal Development Permit for Phase Two the Wharf's commercial recreational development by Resolution No. 2008-209; and

**WHEREAS**, the District approved the Second Addendum to the FPEIR, which was prepared to analyze changes to the North Harbor Drive and Westy's former parking lot (collectively, North Harbor Drive Improvements), and a third amendment to the existing lease issued to Point Loma Marina, LLC, which would facilitate the construction of the North Harbor Drive Improvements; and

**WHEREAS**, the North Harbor Drive Improvements and the lease amendment are hereby referred to as the "Project";

**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 in Planning District 1, Shelter Island/La Playa, which is delineated on Precise Plan Map Figure 4 of the certified Port Master Plan (PMP) and the North Harbor Dive realignment is listed as project number 13 "No. Harbor Drive" on the Planning District 1 Project List (Table 7) in the certified PMP; and

**WHEREAS**, the PMP land use designations within the limits of the Project site are "Commercial Recreation," "Street," "Park," "Open Space," and "Harbor Services"; and

**WHEREAS**, the Project will result in the development of a street realignment, public and employee parking spaces, public promenade, a trash enclosure, two monument signs and grasscrete for valet parking, as well as associated improvements, all of which are consistent with the current PMP land use designations and text; 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 Public Resources Code Section 30604(c), 30210-30224, and all applicable California Coastal Act policies; and

**WHEREAS**, an application has been prepared for an appealable Coastal Development Permit (CDP) 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 held a noticed public hearing on the CDP on September 16, 2014; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA) statutes and guidelines, the Project and the minor changes thereto, were analyzed in the FPEIR and the Addendum and Second Addendum, the Board considered the FPEIR and the Addendums to the FP'EIR.

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

1. The Project, in general, consists of:
  - 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 an existing and create new ADA-compliant pedestrian ramps.
  - f. Improvement of accessible routes from various parking areas to business 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 an 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 former Westy's 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.

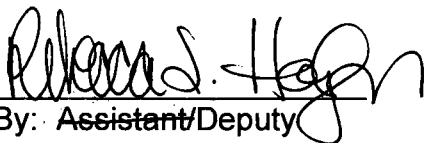
- The proposed lease amendment also requires that, once the District adopts a sustainable leasing policy, the next time a lease amendment is required, the tenant must negotiate language to fully incorporate the provisions of the sustainable leasing policy into the terms of the amendment.

2. The Project is located in Planning District 1, Shelter Island/La Playa, which is delineated on Precise Plan Map Figure 4 of the certified PMP.

Portions of the project is listed as project number 13 "No. Harbor Drive" on the Planning District 1 Project List (Table 7) in the certified PMP. The PMP land use designations within the limits of the project site are "Commercial Recreation," "Street," "Park," "Open Space," and "Harbor Services." The Project will result in improved vehicular and pedestrian connectivity. The proposed uses conform to the underlying land use designations and precise plan text, and would serve to facilitate the implementation of the certified PMP. 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 said proposed Project is consistent with Public Resources Code Sections 30604(c) and 30210-30224, and the California Coastal Act public access and recreation policies referenced therein.

3. The Project is consistent with and conforms to the certified PMP, and, accordingly, the Executive Director or his designated representative is hereby authorized and directed to issue a CDP for said Project after passage of the ten (10) working day appeal period as described in the CDP Regulations of the District. Said CDP shall require compliance with the Standard Provisions, Short-Term Construction Measures and in particular, the conditions listed under the Special Provisions section of the CDP.

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 16<sup>th</sup> day of September 2014, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

ABSENT: None.

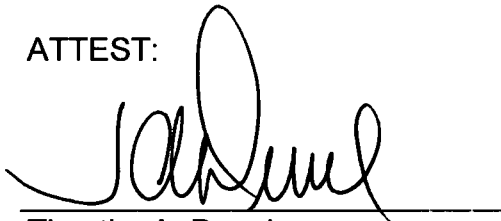
ABSTAIN: None.



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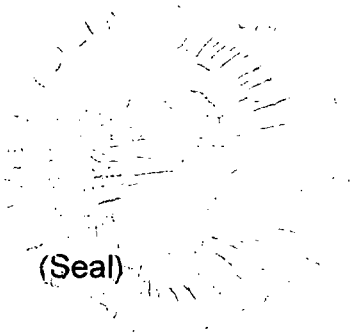
Robert E. Nelson, Chairman  
Board of Port Commissioners

ATTEST:



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Timothy A. Deuel  
District Clerk



(Seal)