

RESOLUTION 2014-55

RESOLUTION ADOPTING AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SAN DIEGO CONVENTION CENTER PHASE III EXPANSION AND EXPANSION HOTEL PROJECT AND PORT MASTER PLAN AMENDMENT

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 September 19, 2012, 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 Environmental Impact Report (Final EIR) for the San Diego Convention Center Phase III Expansion (Phase III Expansion) and Expansion Hotel, and associated Port Master Plan Amendment (PMPA) and adopted Findings of Fact and a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP) for the same; and

WHEREAS, on September 19, 2012, the Board adopted Resolution No. 2012-136, approving the PMPA and directed District staff to file the PMPA with the California Coastal Commission (Coastal Commission); and

WHEREAS, the Phase III Expansion, Hotel Expansion and PMPA are collectively referred to as "Project"; and

WHEREAS, the applicant for the Phase III Expansion component of the Project is the City of San Diego (City) and the applicant for the Expansion Hotel component of the Project is One Park Boulevard, LLC (OPB); and

WHEREAS, the Phase III Expansion component of the Project analyzed in the Final EIR included: (a) relocating Convention Way bayward of its present location and narrowing the roadway from approximately 50 feet to 25 feet, (b) adding approximately 740,000 square feet of functional space to the existing Convention Center, including approximately 220,150 square feet of exhibit hall space, 101,500 square feet of meeting rooms, 78,470 square feet of ballroom space, and 336,030 square feet of service and support space, (c) adding up to 42,500 square feet of visitor-serving retail space, (d) constructing of an approximate 5-acre rooftop park/plaza that would be accessible from six exterior access points, including elevators, stairs, and an inclined walkway, and one point

of access from the interior of the Convention Center, (e) relocating the Water Transportation Center onto the western portion of the Project site, (f) realigning and upgrading existing utility infrastructure, and (g) removing a multi-purpose surface lot associated with operations and restriping of parking spaces in the Convention Center garage; and

WHEREAS, the Hotel Expansion component of the Project analyzed in the Final EIR included (a) adding up to 500 hotel rooms in a new guestroom tower adjacent to the Hilton Hotel, including a portion of the tower cantilevering over the existing Hilton Hotel entry ramp and the existing hotel parking garage, (b) adding approximately 55,000 net square feet of meeting and ballroom space, a 10,000 square foot fitness/spa facility, and up to 2,500 square feet of retail space, and (c) realigning and upgrading existing utility infrastructure; and

WHEREAS, the PMPA analyzed by the Final EIR included revisions to the Planning District 3, Centre City Embarcadero precise plan including revisions to (a) the precise plan text, including a detailed description of the proposed Phase III Expansion's rooftop park/plaza, updated areas with existing conditions, and removing the Spinnaker Hotel project, a 250-room hotel with meeting space and ballrooms, located on the waterside of Convention Way, on the northwestern portion of the existing Project site, (b) the land use acreage table to reflect proposed changes to the commercial recreation, park/plaza, promenade, open space, and street land use designations, (c) the project list to remove the Spinnaker Hotel project, relocate the Water Transportation Center to the west of the former Spinnaker Hotel site and add (i) the Phase III Expansion, (ii) the realignment of Convention Way, (iii) the Hotel Expansion, and (d) the boundaries of the Marina Zone and Convention Way Basin Subareas; and

WHEREAS, District staff submitted an application for the PMPA to the Coastal Commission for its consideration and certification; and

WHEREAS, during the Coastal Commission staff's review and Coastal Commission's consideration of the PMPA, the application was revised to include the following changes: (a) slightly pulling back and angling the southeast corner of the Phase III Expansion to preserve views of the water from the existing Park Boulevard pedestrian bridge, which will result in a reduction of approximately 5,175 square feet in each level (approximately 20,700 square feet total) of the Phase III Expansion, (b) improvement of a 1,900 sq. ft. public plaza and public parking next to the relocated Water Transportation Center, (c) improvements to an existing pier for use as a public recreational viewpoint, (d) removal of the landscape mounds blocking water views next to the existing Hilton Hotel, (e) addition of direct pedestrian access from the Harbor Drive pedestrian bridge to the waterfront, (f) improvements to the proposed Park Boulevard corridor with additional landscaping, pedestrian scale furnishings and public art (g) the inclusion of approximately 15,000 sq. ft. of visitor-serving uses such as retail, museums, and display cases on the bayward façade of the Convention Center

(h) revisions to the Convention Center Public Access Program (CCPAP) to include improvements in way-finding signage to enhance public access and encourage the public to use the new rooftop park, (i) incorporation of a "Public Realm Design Principles and Programming Plan" to describe how public use of the public spaces associated with the Convention Center will be developed, including limitations on how often these areas can be reserved for private functions, (j) language requiring the Coastal Development Permit for the Hotel Expansion to include a condition that the hotel developer develop on-site or off-site lower cost visitor accommodations, or pay an in-lieu fee based on a study conducted by the District, (k) requirement that after the Phase III Expansion is completed, quarterly meetings will be held and written quarterly reports will be provided to the Coastal Commission to describe the utilization of the rooftop park/plaza and promenade, park programming and activities implemented to invite the public to access the rooftop park/plaza, promenade and coast, and marketing activities and signage implemented to enhance way-finding and public usage of the rooftop park/plaza, promenade, and coastal access. After five years, a summary report will be submitted to the Coastal Commission, and (l) a requirement that the Coastal Development Permit for the Phase III Expansion shall include a condition requiring the City, in consultation with the Executive Director of the Coastal Commission, to reprioritize \$500,000 of the City's construction budget to implement alternative access measures to activate the rooftop park/plaza, focusing on enhancements to the existing stairways and skywalk (including paving treatments, public art, etc.); and

WHEREAS, pursuant to Public Resources Code Sections 30714 and 30716 and Title 14, Section 13632(e) of the California Code of Regulations, in order for the PMPA to be fully certified, the Board must adopt a resolution approving the PMPA as certified by Coastal Commission and the District must notify the Coastal Commission of said approval, as well as transmit the CEQA analysis and other pertinent documents to the Coastal Commission, and the Coastal Commission must accept the approval as consistent with its certification; and

WHEREAS, general comments were submitted to the District the day of the March 4, 2014 hearing, and were considered by the Board in making its approval; and

WHEREAS, all materials with regard to the Project were made available to the Board for its review and consideration of the Project including, but not limited to, the following:

1. The Final EIR;
2. The Addendum to the Final EIR;
3. The previous Findings of Fact and Statement of Overriding

Considerations and MMRP;

4. The Staff Report and Agenda Sheets;
5. 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 Addendum to the Final EIR, the Final EIR, 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 Final EIR 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 Project or with respect to the circumstances under which the Project is undertaken;
- b. There is no substantial evidence that new information exists that shows that: (i) the Project will have one or more significant effects that were not discussed in the Final EIR; (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 effect of the 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 Final EIR would substantially lessen one or more significant effects, but the

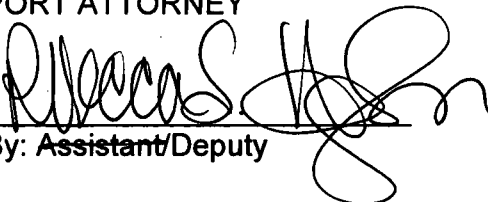
applicant declines to adopt the mitigation measures or alternatives;

- c. The Addendum to the Final EIR 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 Final EIR, and MMRP are applicable and no additional mitigation measures or alternatives are required;
- e. The Final EIR and Addendum to the Final EIR was presented to the Board and the Board has fully reviewed and considered the information in Addendum to the Final EIR and the Final EIR prior to approving a resolution Adopting the San Diego Convention Center Phase III Expansion and Expansion Hotel Port Master Plan Amendment, as Certified by the California Coastal Commission and Directing the Filing of Notice of Said Adoption and the Final Environmental Impact Report and Addendum with the California Coastal Commission; and
- f. The Addendum to the Final EIR and the Final EIR 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. 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.

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:
PORT ATTORNEY


By: Assistant/Deputy

2014-55

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 4th day of March, 2014, by the following vote:

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

NAYS: None.

EXCUSED: None.

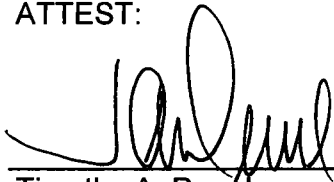
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)