

## **RESOLUTION 2015-07**

### **RESOLUTION ADOPTING A THIRD 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**, on September 16, 2014, the Board of Port Commissioners (Board) adopted Resolution No. 2014-181, adopting the Second Addendum to the Final Environmental Impact Report - America's Cup Harbor Redevelopment and Port Master Plan Amendment for Shelter Island Planning District, dated October 7, 2014 and on file with the Office of the District Clerk as Document Number 62420 (Second Addendum), which analyzed project changes including (a) the improvements to the North Harbor Drive roadway between Scott Street and Nimitz Boulevard, (b) an overlay and restripe the Westy's parking lot, and (c) Amendment Number 3 to Lease with Point Loma Marina (PLM) (Amendment No. 3), which among other items, removed approximately 5,881 square feet from the lease premises to accommodate the North Harbor Drive improvements, increased the premises by 20,029 square feet of land for a total of 95,679 square feet of land (2.20 acres) and 163,172 square feet of water (3.75 acres) and allowed for certain improvements on the leasehold, including, but not limited to, a 497 square-foot covered trash enclosure and landscaped area; and

**WHEREAS**, on September 16, 2014, after its adoption of the Second Addendum, the Board adopted Ordinance No. 2783, granting Amendment No. 3 to PLM and Resolution No. 2014-182, granting an Appealable Coastal Development Permit (CDP) (CDP-2014-02) to PLM and the District, as co-applicants, for the Proposed Project; and

**WHEREAS**, subsequent to the Board's September 16, 2014 approvals, more particularly described above, the District became aware of a surveying mapping revision related to the area of the premises to be used for the trash enclosure and landscaping, in that the premises needed to be increased by an additional approximate 818 square feet to accommodate the covered trash enclosure and the landscaping; and

**WHEREAS**, the District has proposed (a) granting Amendment Number 4 to Lease with Point Loma Marina, LLC at 4980 North Harbor Drive (Amendment No. 4) to PLM, which, if approved, would increase the leased premises by approximately 818 square feet, from approximately 95,679 square feet of land (2.20 acres) and 163,172 square feet of water (3.75 acres) to approximately 96,497 square feet of land (2.20 acres) and 163,172 square feet of water (3.75 acres), to allow for the construction of an approximate 1,315 square-foot trash enclosure and landscaped area and (b) issuing an immaterial change to the CDP to increase the square footage of the trash enclosure and landscaped area from approximately 497 square feet to approximately 1,315 square feet (collectively, Proposed Project); and

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

- a. Increase the PLM premises by approximately 818 square feet, from approximately 95,679 square feet of land (2.20 acres) and 163,172 square feet of water (3.75 acres) to approximately 96,497 square feet of land (2.20 acres) and 163,172 square feet of water (3.75 acres), to accommodate the construction of a covered trash enclosure and landscaped area; and
- b. Construct an approximate 1,315 square-foot covered trash enclosure and landscaped area on the premises; and

**WHEREAS**, the Proposed Project site 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 certified a Final Program Environmental Impact Report (FEIR) 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), dated September 19, 2008, which is on file in the Office of the District Clerk as Document No. 53985 and the Second Addendum; and

**WHEREAS**, the District has analyzed said proposed changes and alterations to the Original Project as required by CEQA and, pursuant to CEQA

Guidelines section 15164, has prepared a Third Addendum to the Final Environmental Impact Report for the America's Cup Harbor Redevelopment and Port Master Plan Amendment for Shelter Island Planning District (Third Addendum) because some minor 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 and District for its review and consideration of the Proposed Project including, but not limited to, the following:

1. The FEIR;
2. The Addendum;
3. The Second Addendum;
4. The Third Addendum;
4. The Staff Report and Agenda Sheet; and
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 Third Addendum, the Second Addendum, the Addendum, 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 effect 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 effect 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 Third Addendum to 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, the Second Addendum, the Third Addendum, the FEIR, and MMRP are applicable and no additional mitigation measures or alternatives are required;
- e. The Third Addendum was presented to the Board and the Board has fully reviewed and considered the information in the Third Addendum, the Second Addendum, the Addendum and the FEIR prior to approving an ordinance granting Amendment No. 4; and
- f. The Third Addendum, the Second Addendum, the Addendum and the FEIR was fully reviewed and considered prior to issuing the immaterial change to the CDP; and
- g. The Third Addendum, the Second Addendum, the Addendum and the FEIR reflect the District's independent judgment and analysis.

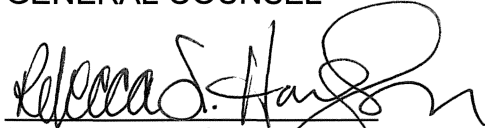
2015-07

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.

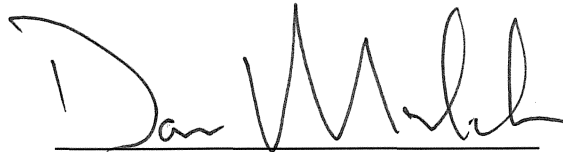
2015-07

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

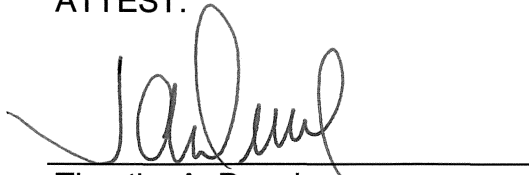
  
By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 13<sup>th</sup> day of January 2015, by the following vote:

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

  
Dan Malcolm, Chairman  
Board of Port Commissioners

ATTEST:

  
Timothy A. Deuel  
District Clerk



(Seal)