

RESOLUTION 2015-154

RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO BAE SYSTEMS SAN DIEGO SHIP REPAIR, INC. FOR THE PIER 1 NORTH DRYDOCK

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, BAE Systems San Diego Ship Repair, Inc. (BAE), the project proponent/applicant, is a current District tenant that operates and maintains a shipyard at 2205 Belt Street, San Diego, and provides non-nuclear ship repair, modernization, conversion, maintenance and overhaul for government, military and commercial contracts on its leasehold premises; and

WHEREAS, BAE proposes to construct and operate a new floating drydock, the Pier 1 North Drydock, on the north side of its existing Pier 1, which, in summary, consists of: (1) a 205 feet by 851 feet drydock with aprons on each end, measuring approximately 174,455 square feet in total for a total of capacity to lift 55,000 long tons; (2) an underwater wall and cantilever king pile system along the north side of the pier; (3) a ramp wharf with a southern, intermediary and northern structure designed for accessing the drydock adjacent to and westward of the bulkhead (the northern ramp wharf and intermediary structures to be installed after the cooling tunnels are removed, as more particularly described, below); (4) a temporary, pedestrian-only access ramp on the north side of the drydock would be used; (5) two mooring dolphins, one of which will be approximately 26 feet by 33 feet, and include a 4-foot thick concrete deck, and the other will be incorporated into the deck of the existing Pier 1 and strengthened to account for adjacent drydock sump dredging and retrofitted with a drydock gripper; and (6) approximately 395,000 cubic yards of dredging (collectively, Project); and

WHEREAS, the Project also includes (1) new light-emitting diode (LED) fixtures; (2) two electric cranes mounted on the proposed drydock; (3) a zero-discharge salt water system (pumps) using smart controllers and cascading pumps; (4) coverage under the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, Permit No. CAS000002) (Construction General Permit [CGP]); (5) compliance with the Statewide General Waste Discharge Requirements (WDRs) for discharges to land with a low threat to water quality (Order No. 2003-0003-DWQ) and for Discharges from Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay, Tributaries Thereto

under Tidal Influence, and Storm Drains or Other Conveyance Systems Tributary Thereto Order No. R9-2007-0034 (NPDES No. CAG919001); (6) compliance with the Municipal Separate Storm Sewer Systems Draining the Watersheds of the County of San Diego, Incorporated Cities of San Diego County, the District, and the San Diego County Regional Airport Authority (Order No. R9-2013-0001, NPDES No. CAS0109266); (7) preparation and implementation of an Urban Storm Water Mitigation Plan (USMP); (8) compliance with the requirements set forth in the Storm Water Management and Discharge Control Ordinance adopted by the District; (9) compliance with the requirements set forth in WDRs for BAE Systems San Diego Ship Repair Inc. (Order No. R9-2015-0034, NPDES No. CA0109151), including all storm water runoff contained on-site before discharging into the storm sewer system; and (10) preparation and implementation of a Construction Management Plan; and

WHEREAS, the majority of the Project is located within the District's jurisdiction, but a portion of the waterside improvements are located within the jurisdiction of the California State Lands Commission and is within the Coastal Act permitting jurisdiction of the California Coastal Commission; and

WHEREAS, the Project complies with all District policies and requirements; and

WHEREAS, the District is the trustee of said tidelands where the majority of Project will be constructed; and

WHEREAS, the portion of the Project site within the District's jurisdiction is located in Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 13 of the certified Port Master Plan (PMP), and the landside area of the Project site is designated Marine Related Industrial, and the waterside area, within the District's jurisdiction, is designated as Specialized Berthing Industrial in the PMP; and

WHEREAS, the portion of the Project within the District's jurisdiction conforms to the certified PMP because it consists of the construction and operation of a new floating drydock, as well as physical improvements to the shoreline, the existing pier, and two mooring dolphins, all of which would help facilitate ship repair activities, which are allowable uses under the Marine Related Industrial, and Specialized Berthing Industrial land use designations; 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 California Public Resources Code Sections 30604(c), 30210-30224, and all applicable California Coastal Act policies; and

WHEREAS, the Project constitutes "development" pursuant to Section 30106 of the California Public Resources Code because, among other things, it

will result in a potential increase in intensity on the site and the placement or erection of structures on the portion of the Project site within the District's jurisdiction; and

WHEREAS, in accordance with the District's Coastal Development Permit (CDP) Regulations, the portion of the Project within the District's jurisdiction is considered "Non-Appealable" because it does not qualify as an "Excluded," "Appealable," or "Emergency" development; and

WHEREAS, an application has been prepared for a Non-Appealable CDP to implement the portion of the Project within the District's jurisdiction; 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 portion of the Project within the District's jurisdiction conforms to the certified Port Master Plan; and

WHEREAS, the Board considered the Non-Appealable CDP at the November 17, 2015 Board meeting; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000, et seq., and its implementing regulations, 14 California Code of Regulations Section 15000, et seq. (CEQA Guidelines) and the District's CEQA Guidelines, the Board certified a Final Environmental Impact Report (EIR) for the Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels Project (UPD #EIR-2014-31; SCH #2014041071), and adopted the legally required Findings of Fact and Mitigation Monitoring and Reporting Program, on November 17, 2015 by Resolution 2015-152; and

WHEREAS, the Project falls within the scope of the Final EIR for the Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels Project (UPD #EIR-2014-31; SCH #2014041071); 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 Draft EIR, Final EIR and Errata thereto, the Findings of Fact, the Mitigation Monitoring and Reporting Program, the draft Non-Appealable Coastal Development Permit for the portion of the Project within the District's jurisdiction, the associated Staff Report and Addenda Sheet and all documents and records filed in this proceeding by the District and all interested parties.

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 Project, in general, consists of:

a. A 205 feet by 851 feet drydock with aprons on each end, measuring approximately 174,455 square feet in total for a total of capacity to lift 55,000 long tons;

b. An underwater wall and cantilever king pile system along the north side of the pier;

c. A ramp wharf with a southern, intermediary and northern structure designed for accessing the drydock adjacent to and westward of the bulkhead (the northern ramp wharf and intermediary structures to be installed after the cooling tunnels are removed, as more particularly described, below);

d. A temporary, pedestrian-only access ramp on the north side of the drydock would be used;

e. Two mooring dolphins, one of which will be approximately 26 feet by 33 feet, and include a 4-foot thick concrete deck, and the other will be incorporated into the deck of the existing Pier 1 and strengthened to account for adjacent drydock sump dredging and retrofitted with a drydock gripper;

f. Approximately 395,000 cubic yards of dredging;

g. New light-emitting diode (LED) fixtures;

h. Two electric cranes mounted on the proposed drydock;

i. A zero-discharge salt water system (pumps) using smart controllers and cascading pumps;

j. Coverage under the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009 0009 DWQ, Permit No. CAS000002) (Construction General Permit [CGP]);

k. Compliance with the Statewide General Waste Discharge Requirements (WDRs) for discharges to land with a low threat to water quality (Order No. 2003-0003 DWQ) and for Discharges from Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay, Tributaries Thereto under Tidal Influence, and Storm Drains or Other Conveyance Systems Tributary Thereto Order No. R9 2007 0034 (NPDES No. CAG919001);

l. Compliance with the Municipal Separate Storm Sewer Systems Draining the Watersheds of the County of San Diego, Incorporated Cities of San Diego County, the District, and the San Diego County Regional Airport Authority (Order No. R9 2013 0001, NPDES No. CAS0109266);

m. Preparation and implementation of an Urban Storm Water Mitigation Plan (USMP);

n. Compliance with the requirements set forth in the Storm Water Management and Discharge Control Ordinance adopted by the District;

o. Compliance with the requirements set forth in WDRs for BAE Systems San Diego Ship Repair Inc. (Order No. R9 2015 0034, NPDES No. CA0109151), including all storm water runoff contained on site before discharging into the storm sewer system; and

p. Preparation and implementation of a Construction Management Plan.

3. Having reviewed and considered all the materials made available to the Board, the Board further finds and determines:

a. The applicable provisions of CEQA, the CEQA Guidelines and the District CEQA Guidelines have been duly observed in the considerations of this matter and all of the previous proceedings related thereto;

b. The Project falls within the scope of the Final EIR for the Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels Project (UPD #EIR-2014-31; SCH #2014041071), which was approved by the Board of Port Commissioners on November 17, 2015 by Resolution 2015-152, which was completed in compliance with CEQA, the CEQA Guidelines and District CEQA Guidelines for implementation thereof; and

c. There is no substantial evidence that the Project would have a significant environmental effect on the environment with implementation of the mitigation measures identified in the Final EIR and the Mitigation Monitoring and Reporting Program; and

d. There is no substantial evidence that the Project will have a significant unmitigated effect on the environment; and

e. The Project shall implement the mitigation measures identified in the Final EIR and Mitigation Monitoring and Reporting Program; and

f. The Final EIR is complete and adequate; and

g. The Final EIR was presented to the Board and the Board has fully reviewed and considered the information contained therein prior to

authorizing the issuance of the Non-Appealable CDP for the portion of the Project within the District's jurisdiction.

4. Pursuant to California Public Resources Code Section 21152 and CEQA Guidelines Section 15075, the District Clerk caused a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research.

5. Pursuant to California Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15074(c), the location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the District Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

6. The portion of the Project site within the District's jurisdiction is located in Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 13 of the certified PMP, and the landside area of the Project site is designated Marine Related Industrial, and the waterside area, within the jurisdiction of the District, is designated as Specialized Berthing Industrial in the PMP.

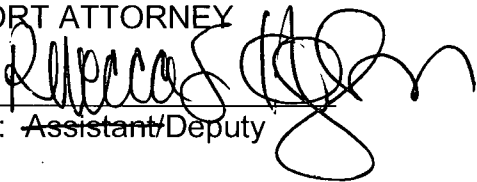
7. The Project is located between the sea (as defined in the Coastal Act) and the first inland continuous public road paralleling the sea. Pursuant to California Public Resources Code Section 30106, the Project constitutes "development" because, among other things, it constitutes a change in intensity of use at the Project site and includes the placement or erection of structures on the Project site. In accordance with the District's CDP Regulations, the portion of the Project within the District's jurisdiction considered "development" but is "Non-Appealable" because it does not qualify as an "Excluded," "Appealable," or "Emergency" development. The portion of the Project within the District's jurisdiction conforms to the certified PMP because it consists of the construction and operation of a new floating drydock, as well as physical improvements to the shoreline, the existing pier, and two mooring dolphins, all of which would help facilitate ship repair activities, which are allowable uses under the Marine Related Industrial, and Specialized Berthing Industrial land use designations and, as such, is a non-appealable Development that conforms to the certified District Master Plan. The Board further finds that the portion of the Project within the District's jurisdiction is also consistent with California Public Resources Code Sections 30715.5, 30718, 30604(c) and 30210-30224, and the Coastal Act public access and recreation policies referenced therein.

8. Based on the entire record available to the Board and the findings set forth in this Resolution, the Executive Director or her designated representative is hereby authorized and directed to issue a Non-Appealable CDP for the Project, entitled "Pier 1 North Drydock Project," for the portion of the Project within the District's jurisdiction. Said Non-Appealable CDP shall require compliance with all the conditions set forth in the Non-Appealable CDP,

including, but not limited to, the mitigation measures in the Final EIR and Mitigation Monitoring and Reporting Program; provided, however, as a condition of this approval, BAE systems shall indemnify and hold the District harmless against all third-party legal challenges, claims, lawsuits, proceedings, and the like, including reimbursement of all District attorneys' fees, costs and other expenses incurred by the District, related to the District's approval of this Non-Appealable CDP. Said indemnity and hold harmless condition is independent of any agreements by and between BEA and the District.

APPROVED AS TO FORM AND LEGALITY:

PORT ATTORNEY



By: ~~Assistant/Deputy~~

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 17th day of November 2015, by the following vote:

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

NAYS: None.

EXCUSED: None.

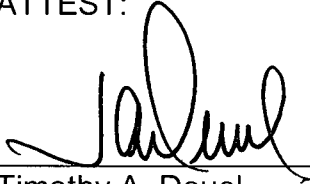
ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)