

RESOLUTION 2015-77

RESOLUTION TO ADOPT AMENDMENT OF PORT MASTER PLAN FOR THE INTERIM ALIGNMENT OF BAYSHORE BIKEWAY- SEGMENT 5 SOUTH AND DIRECT FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

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 1, (Port Act); and

WHEREAS, the District has an adopted Port Master Plan (PMP) which has been certified by the California Coastal Commission; and

WHEREAS, the San Diego Association of Governments (SANDAG), as the project proponent/applicant, has requested that the District process a Port Master Plan Amendment (PMPA) to allow for the Segment 5 South of the Bayshore Bikeway to be constructed, on an interim (i.e., temporary short-term) basis, in the City of National City, and accordingly, the PMPA has been prepared and processed; and

WHEREAS, it is the District's intent that a subsequent PMPA to remove the interim Segment 5 South of the Bayshore Bikeway shall not be required; and

WHEREAS, said PMP and PMPA were prepared, adopted and certified pursuant to the Port District Act, the California Coastal Act and other applicable laws; and

WHEREAS, the District, as a responsible agency, considered the Mitigated Negative Declaration (MND) for the Bayshore Bikeway Project (Segments 4, 5, 7, and 8A) [SCH No. 2009021106], adopted SANDAG's CEQA Findings of Fact for the MND and adopted a Third Addendum to the Mitigated Negative Declaration for the Bayshore Bikeway Project (Segments 4, 5, 7, and 8A) [SCH No. 2009021106] previously adopted by SANDAG pursuant to the California Environmental Quality Act (CEQA), State CEQA Guidelines, and District procedures relative to said PMPA.

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

That the Port Master Plan Amendment pertaining to the interim Segment 5 South of the Bayshore Bikeway, on file in the office of the District Clerk as Document No. 63557, is approved; that the Executive Director or his/her

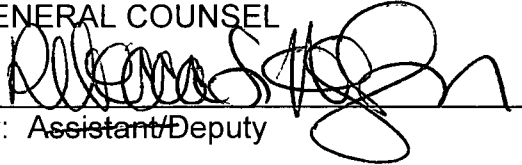
designated representative is hereby authorized and directed to transmit said Port Master Plan Amendment, together with all relevant factual information, the Mitigated Negative Declaration (MND) for the Bayshore Bikeway Project (Segments 4, 5, 7, and 8A) [SCH No. 2009021106], adopted CEQA Findings of Fact for the MND, adopted a Third Addendum to the Mitigated Negative Declaration for the Bayshore Bikeway Project (Segments 4, 5, 7, and 8A) [SCH No. 2009021106] and the Coastal Act consistency analysis to the California Coastal Commission for its review, approval and certification pursuant to Public Resources Code Section 30714; and that the Executive Director or his/her designated representative is hereby authorized to amend the Port Master Plan Amendment application prior to the California Coastal Commission's certification, if necessary; provided, however, that the Port Master Plan Amendment, as certified by the California Coastal Commission, shall be presented to the Board for its final approval at a subsequent date.

BE IT FURTHER RESOLVED that as a condition of the Port Master Plan Amendment's approval, SANDAG 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 the Port Master Plan Amendment, the Mitigated Negative Declaration (MND) for the Bayshore Bikeway Project (Segments 4, 5, 7, and 8A) [SCH No. 2009021106], adopted CEQA Findings of Fact for the MND, and adopted Third Addendum to the Mitigated Negative Declaration for the Bayshore Bikeway Project (Segments 4, 5, 7, and 8A) [SCH No. 2009021106].

BE IT FURTHER RESOLVED that as conditions of the Port Master Plan Amendment's approval, that the District and SANDAG shall enter into an agreement(s) related to the interim Segment 5 South of the Bayshore Bikeway, which shall be considered by the Board prior to the Board's consideration of the Port Master Plan Amendment, as certified by the California Coastal Commission, and said agreement(s) shall include terms dictating that the interim Segment 5 South of the Bayshore Bikeway is temporary and may be removed or relocated at the sole and absolute discretion of the Board of Port Commissioners without satisfaction of any conditions precedent to said removal or relocation and at no cost to the District.

BE IT FURTHER RESOLVED that consistent with Public Resources Code Sections 30714 and 30716, and California Code of Regulations Title 14, Section 13632(e), the Port Master Plan Amendment shall not be effective until: (a) the California Coastal Commission certifies the Port Master Plan Amendment; (b) the Board adopts the Port Master Plan Amendment as certified by the California Coastal Commission; and (c) the California Coastal Commission has received notice of such Board action and accepts the same as consistent with its certification.

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 11th day of June, 2015, by the following vote:

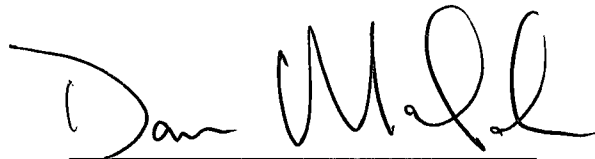
AYES: Bonelli, Castellanos, Malcolm, Moore, and Valderrama.

NAYS: Merrifield and Nelson.

EXCUSED: None.

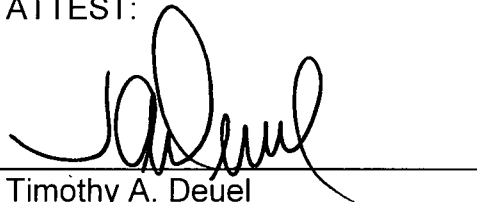
ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

