

RESOLUTION 2016-07

RESOLUTION ADOPTING THE FINAL MITIGATED NEGATIVE DECLARATION, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION

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, the Shelter Island Boat Launch Facility (SIBLF) is a free public boat launching facility located on Shelter Island in San Diego that provides waterfront access opportunities to the public; and

WHEREAS, the SIBLF, which was constructed in 1956 and last upgraded in 2005, is in need of renovation due to the corrosive and wearing actions of seawater, heavy use by boaters, increased congestion and delays when launching boats in the limited basin area, and limited boat access during low tide; and

WHEREAS, the District is proposing to implement the Shelter Island Boat Launch Facility Improvements Project (Project), which involves repair, maintenance, and replacement of the boat launch ramp, jetties (including public walkways), gangways, and floating docks, as well as minor improvements to the kayak launching area, restrooms, and parking; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the District, as Lead Agency, prepared a Draft Initial Study and Mitigated Negative Declaration (collectively, MND) for the Project, and circulated the Draft MND for a 30-day public review period that started on June 12, 2015, and ended on July 14, 2015; and

WHEREAS, in conformance with CEQA, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project and circulated with the Draft MND and includes a program for reporting on and monitoring mitigation measures for the Project; and

WHEREAS, a complete copy of the MND and MMRP are on file with the District and can be viewed at:

https://www.portofsandiego.org/environment/environmental-downloads/cat_view/157-environment/608-land-use-planning.html; and

WHEREAS, the District received comment letters from four agencies on

the Draft MND, and staff responded to those letters in writing; and

WHEREAS, after the public comment period and in response to public comments received, errata to the Final MND (Errata) has been prepared to clarify (1) the demolition phasing proposed for the launch ramp and (2) minor modifications proposed for the restrooms and parking facilities supporting the SIBLF, as well as to correct minor typographical errors and outdated information; and

WHEREAS, the comment letters and written responses, and Errata do not present a substantial revision to the Draft MND, as defined by State CEQA Guidelines Section 15073.5(b), but clarify the MND; and

WHEREAS, the comment letters and written responses, and Errata are included in and part of the Final MND; and

WHEREAS, the Final MND finds that the Project, with the incorporation of mitigation measures identified in the MMRP, would not result in significant adverse impacts to the environment; and

WHEREAS, the Final MND and MMRP have been prepared in accordance with CEQA, the State CEQA Guidelines, and the District's Guidelines for Compliance with CEQA (District Guidelines); and

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

1. The Draft MND; and
2. The Final MND; and
3. Errata to the Final MND; and
4. The Staff Report and Agenda sheet dated January 12, 2016; and
5. The proposed MMRP; and
6. 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 BPC, including, but not limited to, the Draft MND, the Final MND and Errata, the proposed MMRP, the staff reports and all the evidence in the record of the proceedings with respect to the Project, the BPC took the actions hereinafter set forth below; and

WHEREAS, the Final MND and the MMRP are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, a duly noticed public hearing was held on January 12, 2016, before the BPC, at which the BPC received public testimony, reviewed and considered all testimony and materials made available to the BPC regarding the Project.

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

1. The BPC finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. The BPC finds and determines that the applicable provisions of the CEQA, CEQA Guidelines, and 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 BPC has independently reviewed, analyzed and considered the MND, Errata and MMRP and the whole record before it, including without limitation the initial study, comments received and responses to the same, and finds and determines, on the basis of the whole record before the BPC, that:

(a) No substantial revisions have been made to the MND requiring recirculation, meaning (1) there are no new, avoidable significant effects that have been identified requiring mitigation measures or project revisions to reduce such effects to a level of insignificance and (2) the District has not determined that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance or that new mitigation measures or revisions are required;

(b) There is no substantial evidence supporting a fair argument that the Project will have a significant unmitigated effect on the environment;

(c) The Final MND is complete and adequate in scope and has been completed in compliance with CEQA, the CEQA Guidelines and District Guidelines for implementation thereof;

(d) Mitigation Measures identified in the Final MND and MMRP are applicable and mitigate all potentially significant impacts to below a level of significance and thus, no additional mitigation measures are required; and

(e) The Final MND reflect the District's independent judgment and analysis.

4. The BPC hereby adopts the Final MND and MMRP for the Project.

5. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075, the Clerk of the BPC 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 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 Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: Assistant/Deputy

2016-07

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12th day of January, 2016, by the following vote:


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

NAYS: None.

EXCUSED: None.

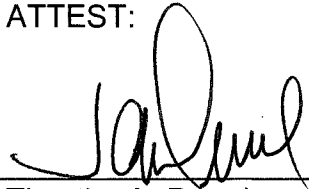
ABSENT: None.

ABSTAIN: None.



Marshall Merrifield, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)