

RESOLUTION 2016-115

RESOLUTION AUTHORIZING ISSUANCE OF NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE DOLE FRESH FRUIT REFRIGERATED RACK IMPROVEMENTS PROJECT

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, Section 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

WHEREAS, Dole Fresh Fruit Company (Dole), the project proponent/applicant, currently leases 20-acres of land at the District's Tenth Avenue Marine Terminal (TAMT), where it imports and distributes bananas, pineapples and other fresh fruits and vegetables; and

WHEREAS, Dole's cargo is transported in forty-foot containers (Forty Equivalent Units or FEUs), which are plugged into electrical outlets so the produce can be refrigerated and be kept from spoiling; and

WHEREAS, Dole currently has 669 outlets within its leasehold, many of which are pedestals that enable containers to plug in at grade and without the outlets, Dole would otherwise, use diesel generators to refrigerate the containers; and

WHEREAS, Dole proposes to construct and operate five new refrigerated racks that are comprised of multi-level steel platforms with ladders and guardrails approximately 42 feet in height and distribution panels and monitoring panels on an existing single four-inch concrete pad at grade level (collectively, Project); and

WHEREAS, the proposed new racks would accommodate 94 additional refrigerated containers by stacking the containers four high and five wide, would increase the maximum practical capacity at Dole's leasehold from 730,000 metric tons (MT) annually to 830,000 MT annually, increase throughput from 26,780 FEUs annually (or 515 FEUs per week) to 41,500 FEUs annually (or 798 FEUs per week), result in the need for two additional gangs (involving 24 additional workers) and four additional yard-trucks and facilitate the use on new larger vessels at the premises; and

WHEREAS, the Project 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 is designated Marine Terminal and Marine Related; and

WHEREAS, the Project conforms to the certified Port Master Plan because it assists with the operation of Dole's import/export maritime operation at TAMT, which is an allowable use under the Terminal and Marine Related land use designation; 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 Section 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein since the Project will have no impact on public access, public recreation, public facilities, or related issues; and

WHEREAS, an application has been prepared for a non-appealable Coastal Development Permit to implement the Project; and

WHEREAS, the Board of Port Commissioners (BPC) finds that said application and attachments contain correct and accurate statements of fact; and

WHEREAS, the BPC has concluded that the Project conforms to the certified Port Master Plan; and

WHEREAS, the BPC considered the non-appealable Coastal Development Permit at the July 27, 2016 BPC meeting; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) statutes and guidelines, the Project was analyzed in the Environmental Impact Report (EIR) entitled "Dole Fresh Fruit Refrigerated Rack Improvements Project" (UPD#EIR-2015-012, SCH#2015071077) and pursuant to Resolution No. 2016-113, on July 27, 2016, the Final EIR and a Statement of Overriding Consideration, made certain findings as particularly stated in said Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners (BPC) of the San Diego Unified Port District, 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. In general, the Project consists of installation/construction, operation and maintenance of five new refrigerated racks that would

accommodate 94 additional refrigerated containers by stacking the containers four high and five wide. The five new racks would be sited in the north-eastern corner of Dole's leasehold, near its existing refrigerated racks and away from public views. The new refrigerated racks would be multi-level steel platforms with ladders and guardrails approximately 42 feet in height. Each rack would include a distribution panel and a monitoring panel on an existing single four-inch concrete pad at grade level. Each distribution panel would be 48 inches wide, 96 inches tall and 36 inches deep. Each monitoring panel would be 24 inches wide, 36 inches tall and 30 inches deep. The Project would increase the maximum practical capacity at Dole's leasehold from 730,000 metric tons (MT) annually to 830,000 MT annually, increase throughput from 26,780 FEUs annually (or 515 FEUs per week) to 41,500 FEUs annually (or 798 FEUs per week), result in the need for two additional gangs (involving 24 additional workers) and four additional yard-trucks to facilitate the use on new larger vessels at the premises

4. The Project 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 is designated Marine Terminal and Marine Related. The Project conforms to the certified Port Master Plan because it assists with the operation of Dole's import/export maritime operation at TAMT, which is an allowable use under the Terminal and Marine Related land use designation.

5. The proposed 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 would increase the intensity of use and includes the placement or erection of structures. In accordance with the District's CDP Regulations, the Project is "Non-Appealable" because it does not qualify as an "Excluded," "Appealable," or "Emergency" development. The BPC further finds that the proposed Project is 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.

6. Based on the entire record available to the BPC 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 Dole Fresh Fruit Refrigerated Rack Improvements Project. Said Non-Appealable CDP shall require compliance with all the conditions set forth in the Non-Appealable CDP; provided, however, as a condition of this approval, Dole Fresh Fruit Company 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 Dole Fresh Fruit Company and the District.

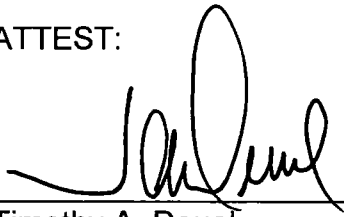
APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 27th day of July, 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)