

**RESOLUTION 2016-73**

**RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE SAN DIEGO ASSOCIATION OF GOVERNMENTS BAYSHORE BIKEWAY – INTERIM SEGMENT 5 LOCATED ALONG TIDELANDS AVENUE AND WEST 32<sup>ND</sup> STREET, IN THE CITY OF NATIONAL CITY**

**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**, Bayshore Bikeway is planned by the San Diego Association of Governments (SANDAG) as a designated 24-mile bike route around San Diego Bay, starting at the Broadway Pier near the intersection of Broadway and Harbor Drive in San Diego and extending through the cities of San Diego, National City, Chula Vista, Imperial Beach, and Coronado, where it ends at the Coronado Ferry Terminal; and

**WHEREAS**, the Bayshore Bikeway consists of different segments and currently is a combination of off-street bike paths and on-street bike lanes and routes, but the entire route is planned as a Class I off-street bike path, which is identified by the Caltrans' Highway Design Manual as a bike path that provides for two-way bike travel on a paved right-of-way completely separated from streets and highways; and

**WHEREAS**, Segment 5 of the Bayshore Bikeway is in the City of National City (National City), is partially is located within the District's jurisdiction and SANDAG initially proposed Segment 5 to be a Class I facility extending from Civic Center Drive to West 32nd Street via Tidelands Avenue; and

**WHEREAS**, the existing certified Port Master Plan identifies the Class I Bayshore Bikeway route within the District's jurisdiction in National City as occurring on the west side of Tidelands Avenue north of Bay Marina Drive, on the south side of Bay Marina Drive between Tidelands Avenue and Marina Way, and on or adjacent to Marina Way between Bay Marina Drive and West 32nd Street; and

**WHEREAS**, in May 2013, the BPC authorized issuance of a non-appealable Coastal Development Permit (CDP) to SANDAG for construction of the portion of Segment 5 of the Bayshore Bikeway that is located within the District's jurisdiction, an approximately 780-linear-foot portion (near the District's General Services Building) of the Class I bike path on the western side of Tidelands Avenue between Civic Center Drive on the north and Bay Marina Drive on the south; and

**WHEREAS**, the CDP contained a standard provision that required SANDAG to start development within two years following issuance of the CDP; and

**WHEREAS**, as a result of delays associated with the railroad crossing improvements needed to construct a Class I bike path in this area, in 2015, SANDAG was granted a first amendment to the CDP to extend the construction commencement date an additional two years to May 23, 2017; and

**WHEREAS**, due to the Board of Port Commissioners (BPC) and maritime stakeholder concerns and the Segment 5 alignment south of Bay Marina Drive being inconsistent with the Bayshore Bikeway alignment identified in the Port Master Plan, SANDAG proposed implementation of the portion of the Class I bike path north of Bay Marina Drive while continuing work to resolve issues with the remainder of the Segment 5 alignment; and

**WHEREAS**, a Class II bike path or Class III bike route would not require a Port Master Plan Amendment (PMPA), as it would not change the alignment of the Bayshore Bikeway, which is identified as a Class I bike path for a designated alignment in the current Port Master Plan, and a Class II bike path or Class III bike route are considered accessory uses on streets within the District's jurisdiction, not requiring identification in the Port Master Plan; and

**WHEREAS**, SANDAG submitted a proposal for an interim bicycle facility (Project) with the following components (1) a Class I bike path on the west side of Tidelands Avenue from Civic Center Drive to approximately 900 feet south of Civic Center Drive, of which approximately 550 linear feet (or approximately 0.1-mile) are in District jurisdiction (Class I Component); (2) a Class II bike lanes on both sides of Tidelands Avenue between approximately 900 feet south of Civic Center Drive and West 32<sup>nd</sup> Street - a total length of approximately 1-mile, of which 2,300 linear feet (or approximately 0.5-mile) are in District jurisdiction; and (3) a Class III bike route (shared lane markings) on West 32<sup>nd</sup> Street between Tidelands Avenue and Marina Way - a total length of approximately 1,000 linear feet (or approximately 0.2-mile), all of which is located in District jurisdiction; and

**WHEREAS**, the portion of the Class I Component in the District's jurisdiction is part of the CDP issued to SANDAG by the District in May 2013; and

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

**WHEREAS**, a second amendment to the CDP is proposed to address the development of the Project within the District's jurisdiction; and

**WHEREAS**, the portion of the Project within the District's jurisdiction would facilitate a Class I bike path being constructed on the area of Tidelands Avenue

north of Bay Marina Drive, which is consistent with the area identified as a Bicycle Corridor/Class I bike path in the Port Master Plan; and

**WHEREAS**, the Class I Component is proposed to be permanent and would continue to provide bike access along Tidelands Avenue north of Bay Marina Drive to the District's General Services Building and the Naval Base; and

**WHEREAS**, the portion of the Project within the District's jurisdiction would facilitate Class II and Class III bicycle facilities being temporarily placed (through striping, other roadway markings, and signage) on existing roadways as accessory uses and would not expand the existing uses of those roadways or require a PMPA; and

**WHEREAS**, the proposed second amendment to the CDP, and associated BPC actions, will permit SANDAG to construct the portion of the Project that is located within the District's jurisdiction; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND), entitled "Bayshore Bikeway Project (Segments 4, 5, 7, and 8A)" (SCH No. 2009021106), was prepared by SANDAG, as the CEQA Lead Agency, for the construction and operation of a Class I bike path on the same alignment as the Project; and

**WHEREAS**, in accordance with CEQA, a Final MND, appropriate CEQA findings and a Mitigation, Monitoring and Reporting Program was adopted by SANDAG on May 1, 2009, and SANDAG subsequently prepared two addenda to the MND, unrelated to Segment 5; and

**WHEREAS**, the District adopted the MND, SANDAG's findings and the Mitigation, Monitoring and Reporting Program in May 2015; and

**WHEREAS**, on March 25, 2016, SANDAG, in accordance with CEQA statutes, approved a CEQA Notice of Exemption for the Project; and

**WHEREAS**, the CEQA Notice of Exemption identified the Project as Categorically Exempt pursuant to CEQA Guidelines Sections 15301 (Class 1 – Existing Facilities) because they involve minor alterations of existing streets and do not involve the expansion of an existing use, and 15304 (Class 4 – Minor Alterations to Land) because the proposed project would create bicycle lanes on existing rights-of-way; and

**WHEREAS**, pursuant to CEQA Guidelines Section 15381, the District is a Responsible Agency because portions of the Project are being carried out by SANDAG within the District's jurisdiction; and

**WHEREAS**, the District has considered the CEQA Notice of Exemption and finds that it is sufficient for the Project; and

**WHEREAS**, the portion of the Project within the District's jurisdiction is located between the sea (as defined in the Coastal Act) and the first inland continuous road paralleling the sea, and the Project is fully consistent with Public Resources Code Sections 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein; and

**WHEREAS**, the portion of the Project within the District's jurisdiction constituted "development" pursuant to Section 30106 of the California Public Resources Code because, among other things, it will result in a change of intensity of use and requires an amendment to the previously issued CDP; and

**WHEREAS**, the Class I Component within the District's jurisdiction is located the Northern Industrial subarea of Planning District 5, National City Bayfront, which is delineated on Precise Plan Map Figure 15 of the certified Port Master Plan, and the Circulation/Navigation Element (Figure 2b) of the certified Port Master Plan identifies the Class I Component as a Class I "Bicycle Corridor"; and

**WHEREAS**, Class II or Class III bicycle facilities are not considered part of the Bicycle Corridor but are accessory uses to identified streets in the certified Port Master Plan; and

**WHEREAS**, staff determined that the Project and proposed second amendment to the CDP is consistent with the certified Port Master Plan and is considered a material change to the CDP requiring BPC approval; and

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

**WHEREAS**, the BPC finds that said application and attachments contain correct and accurate statements of fact; and

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

1. In general, the Project consists of:
  - a. A Class I bike path on the west side of Tidelands Avenue from Civic Center Drive to approximately 900 feet south of Civic Center Drive, of which approximately 550 linear feet (or approximately 0.1-mile) are in District jurisdiction (Class I Component);
  - b. A Class II bike lanes on both sides of Tidelands Avenue between approximately 900 feet south of Civic Center Drive and West 32<sup>nd</sup> Street - a total

length of approximately 1-mile, of which 2,300 linear feet (or approximately 0.5-mile) are in District jurisdiction (Class II Component); and

c. A Class III bike route (shared lane markings) on West 32<sup>nd</sup> Street between Tidelands Avenue and Marina Way - a total length of approximately 1,000 linear feet (or approximately 0.2-mile), all of which is located in District jurisdiction (Class III Component).

2. The May 2013 CDP, as amended, includes the Class I Component and should be amended to add the remaining parts of the Project.

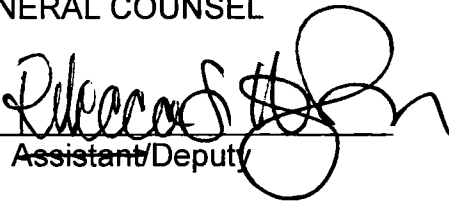
3. The Class I Component within the District's jurisdiction is located the Northern Industrial and Lumber Yards subarea of Planning District 5, National City Bayfront, which is delineated on Precise Plan Map Figure 15 of the certified Port Master Plan, and the Circulation/Navigation Element (Figure 2b) of the certified Port Master Plan identifies the Class I Component as a Class I "Bicycle Corridor" and is therefore, consistent with the certified Port Master Plan; and

4. The Class II Component and the Class III Component are identified as streets in the Northern Industrial and Lumber Yards subareas of Planning District 5, National City Bayfront, which is delineated on Precise Plan Map Figure 15 of the certified Port Master Plan, and are not considered part of the Bicycle Corridor but are accessory uses to those identified streets in the certified Port Master Plan; and

3. Pursuant to CEQA Guidelines Sections 15162 and 15168(c)(2), no new effects could occur as a result of, and no new mitigation measures would be required by, the Project. As such, the Project is within the scope of the project covered by the MND and the exemption, and no further environmental review is required. Furthermore, the Project is not a separate "project" for CEQA purposes but is a subsequent discretionary approval related to a previously approved project. (CEQA Guidelines § 15378(c); *Van de Kamps Coalition v. Board of Trustees of Los Angeles Comm. College Dist.* (2012) 206 Cal.App.4th 1036). Accordingly, the Project is merely a step in furtherance of the original project for which environmental review was performed and no further environmental review is required. No further action under CEQA is required.

4. 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 the Second Amendment to the CDP to SANDAG.

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 10<sup>th</sup> day of May 2016, by the following vote:

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

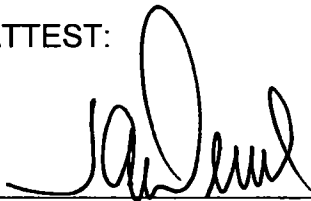
NAYS: None.

EXCUSED: Moore and Valderrama.

ABSENT: None.

ABSTAIN: None.

  
Marshall Merrifield, Chairman  
Board of Port Commissioners

ATTEST:  
  
Timothy A. Deuel  
District Clerk

(Seal)