

RESOLUTION 2016-74

RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR CONSTRUCTION AND MAINTENANCE OF THE INTERIM BAYSHORE BIKEWAY SEGMENT 5

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, Section 21 of the Port Act states that the Board of Port Commissioners (BPC) may pass all necessary ordinances and resolutions for the regulation of the District; 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, 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, 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 32nd 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 32nd 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 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 District is the trustee of said tidelands where a portion of the Project will be constructed; 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 it involves minor alterations of existing streets and does not involve the expansion of an existing use, and 15304 (Class 4 – Minor Alterations to Land) because the 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, SANDAG and the District propose to enter into a Memorandum of Understanding (MOU) to memorialize that the portion of the Project within the District's jurisdiction would be constructed by SANDAG and maintained/operated by the District; and

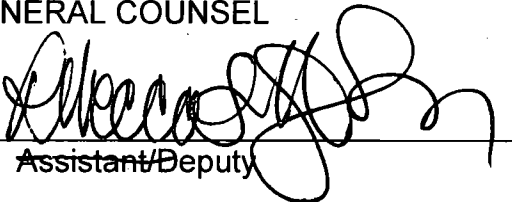
WHEREAS, SANDAG intends to construct the Project with grant funds from the California State Coastal Conservancy (Coastal Conservancy) and the grant requires SANDAG to complete Project by February 25, 2017; and

WHEREAS, the MOU also includes a template Right of Entry (ROE) Permit that indicates that SANDAG must obtain a ROE Permit prior to the commencement of construction of the portion of the Project within the District's jurisdiction.

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

That the Executive Director or her designated representative is hereby authorized and directed to enter into the Memorandum of Understanding between the San Diego Unified Port District and the San Diego Association of Governments for Construction and Maintenance of the Interim Bayshore Bikeway Segment 5, as attached to the agenda sheet for the item.

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 10th 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)