

RESOLUTION 2017-001

RESOLUTION AUTHORIZING THE ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE SITE PREPARATION AT CHULA VISTA BAYFRONT

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 "Site Preparation at Chula Vista Bayfront Project" (Project) would implement the Chula Vista Bayfront Master Plan (CVBMP) by preparing sites throughout the Chula Vista Bayfront (CVB) for development; and

WHEREAS, the Project involves demolition of existing pavement and foundations, as well as clearing and compaction of 11 sites throughout the CVB, as more particularly described in the proposed non-appealable Coastal Development Permit (CDP), incorporated herein by reference, to accommodate the import and placement of approximately 681,000 cubic yards (CY) of soil; and

WHEREAS, the imported soil would be used to increase existing sites' elevations that would provide more desirable building pads, improve drainage, and create more resilient redevelopment sites to accommodate potential future sea level rise; and

WHEREAS, the proposed Project is located within Planning District 7, CVB, of the certified Port Master Plan (PMP), and the Project area totals approximately 136 acres and is designated as Park/Plaza, Commercial Recreation, Habitat Replacement, and Industrial Business Park, and is consistent with the PMP because the Project would result in improved redevelopment sites that would facilitate implementation of the ultimate development of the uses contemplated in the PMP; and

WHEREAS, District staff determined that the Project, as conditioned, is consistent with the PMP; and

WHEREAS, the Project is also within the scope of the project analyzed in the CVBMP and Port Master Plan Amendment Final Environmental Impact Report (FEIR) (UPD #83356-EIR-658, SCH #2005081077, District Clerk Document No. 56562), which was certified by the Board of Port Commissioners (Board) on May 18, 2010 (District Resolution No. 2010-78); and

WHEREAS, the Project constitutes “development” under Section 30106 of the California Coastal Act as it will involve the placement and removal of materials on the Project site and accordingly requires a CDP; and

WHEREAS, pursuant to the District’s Coastal Development Permit Regulations, the Project has been determined to be a “non-appealable” development because it is not considered an “excluded,” “emergency,” or “appealable” development; and

WHEREAS, pursuant to the California Coastal Act, the proposed development is considered “non-appealable” because it is not the type of “appealable” development listed in Section 30715 of Chapter 8 of the California Coastal Act, which specifies the sole categories of development that may be appealed to the Coastal Commission; and

WHEREAS, San Diego Unified Port District (Permittee) is the applicant for the CDP; however, it is anticipated that certain entities that import soil to the Project site will be added administratively as co-permittees to the CDP in the future; and

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

WHEREAS, the Board has concluded that the Project conforms to the certified PMP; and

WHEREAS, the Board considered the non-appealable CDP at the January 10, 2017 Board meeting.

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

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

2. In general, the Project consists of (1) demolition of the existing pavement and foundations, as well as clearing and compaction of 11 sites throughout the CVB; and (2) import and placement of approximately 681,000 cubic yards of soil on the CVB.

3. The Project is located within Planning District 7, CVB, of the PMP, and the Project area totals approximately 136 acres and is designated as Park/Plaza, Commercial Recreation, Habitat Replacement, and Industrial Business Park, and the Project is consistent with the PMP because it would

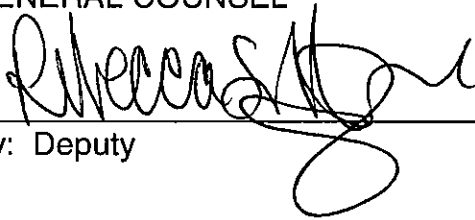
result in improved redevelopment sites that would the ultimate development of uses contemplated in the PMP.

4. 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 Sections 30715.5, 30718, 30604(c), and 30210-30224, and the Coastal Act public access and recreation policies referenced therein since the Project with mitigation measures, which are incorporated into the proposed Coastal Development Permit (CDP), will have no impact on public access, public recreation, public facilities, or related issues.

5. The Project constitutes "development" under Section 30106 of the California Coastal Act as it will involve the placement and removal of materials on the Project site and accordingly requires a CDP. 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. Furthermore, pursuant to the California Coastal Act, the proposed development is considered "non-appealable" because it is not the type of "appealable" development listed in Section 30715 of Chapter 8 of the California Coastal Act, which specifies the sole categories of development that may be appealed to the California Coastal Commission within the District's jurisdiction. The non-appealable category of development is supported by the record.

6. Based on the entire record available to the Board 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 "Site Preparation at Chula Vista Bayfront Project." Said Non-Appealable CDP shall require compliance with all the conditions set forth therein.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



A handwritten signature in black ink, appearing to read 'R. H. ...', is written over a horizontal line. The signature is cursive and somewhat stylized.

By: Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10th day of January, 2017, by the following vote:

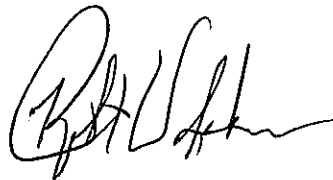
AYES: Bonelli, Nelson, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

NAYS: None.

EXCUSED: None.

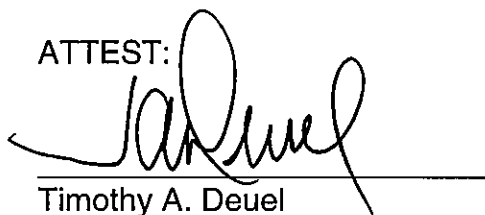
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk



(Seal)