

RESOLUTION 2017-018

RESOLUTION AUTHORIZING A FIVE-PARTY AGREEMENT BETWEEN THE DISTRICT, CITY OF NATIONAL CITY, PASHA AUTOMOTIVE SERVICES, GB CAPITAL AND ICF JONES & STOKES FOR NATIONAL CITY BAYFRONT PROJECTS ENVIRONMENTAL REVIEW CONSULTING SERVICES FOR A TOTAL NOT TO EXCEED \$603,000 WITH DEFINED COST-SHARING PERCENTAGES FOR A PERIOD OF TWENTY-FOUR (24) MONTHS

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, on September 23, 2015, the Board of Port Commissioners (BPC) directed District staff to study land use changes in the National City Marina District (Marina District) and the permanent alignment of Segment 5 of the Bayshore Bikeway in National City (Bayshore Bikeway); and

WHEREAS, on April 14, 2016, District staff presented a preliminary land use plan, which is now commonly known as the "National City Marina District Balanced Land Use Plan" (Balanced Plan); and

WHEREAS, on April 14, 2016, the BPC directed District staff to proceed with processing an environmental impact report (EIR), pursuant to the California Environmental Quality Act (CEQA), for the land use changes associated with the Balanced Plan, Pasha Automotive Services' (Pasha) Tidelands Avenue Closure Project, and Bayshore Bikeway (collectively, Balanced Plan EIR); and

WHEREAS, on October 13, 2016, the BPC directed District staff to incorporate three more projects into the Balanced Plan EIR: (1) A recreational vehicle park and eventual hotel development proposed by GB Capital Holdings, LLC (GB Capital Project); (2) A connector rail project proposed by Pasha; and (3) A hotel and retail development on City-owned property, off of District tidelands (City Program); and

WHEREAS, on October 13, 2016, the BPC also directed District staff to build “flexibility” into the EIR and Port Master Plan Amendment (PMPA) for the Balanced Plan’s commercial recreation site, which is also the proposed GB Capital Project site, as it relates to public access corridors, the location of dry boat storage, and expanded park space; and

WHEREAS, District staff selected ICF Jones and Stokes to prepare the Balanced Plan EIR, and the total cost of the preparation of the EIR, which to date is estimated not to exceed \$603,000, to prepare the Balanced Plan EIR are proposed to be shared by the four involved parties – the District, the City, GB Capital, and Pasha; and

WHEREAS, the District and City are each responsible for 29 percent (29%) of the total Balanced Plan EIR cost and GB Capital and Pasha are each responsible for 21 percent (21%) of the total Balanced Plan EIR cost; and

WHEREAS, the District’s and City’s financial responsibility, which together totals 58 percent (58%) of the total EIR cost (Agencies’ Share), is proposed to be paid with funds from the District’s 2014-2018 Capital Improvement Program (CIP) for the National City Planning and Entitlement efforts; provided, however, if the Agencies’ Share of the costs exceed the amount for the 2014-2018 Capital Improvement Program for the National City Planning and Entitlement efforts, the City and the District shall split amount of the exceedance equally; and

WHEREAS, Pasha and GB Capital would be responsible for cost recovery fees in accordance with BPC Policy No. 106 – Cost Recovery User Fee Policy; and

WHEREAS, District staff is recommending that the BPC authorize the Executive Director to enter into that certain “Agreement”, attached as Attachment B to Agenda Item No. 2016-0601; and

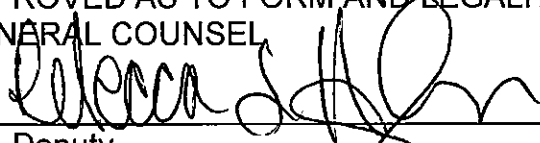
WHEREAS, once the project description for the EIR is finalized, as evidenced by written notice that shall be submitted to ICF Jones & Stokes, Inc. no later than six (6) months after execution of the Agreement, if any party causes or requests revisions to the EIR project description, the requesting party shall solely pay for all costs associated with said revision.

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

That the Executive Director and/or her designated representative is hereby authorized on behalf of the District to enter into a five-party agreement entitled “Agreement” by and between the San Diego Unified Port District, the City of National City, Pasha Automotive Services, GB Capital Holdings and ICF Jones

& Stokes, Inc. for Balanced Plan EIR for a total not to exceed \$603,000 with defined cost-sharing percentages for a period of twenty-four (24) months.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



By: Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 7th day of February, 2017, by the following vote:

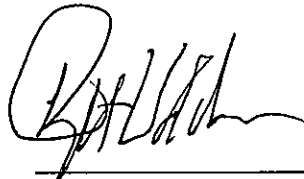
AYES: Bonelli, Nelson, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

NAYS: None.

EXCUSED: None.

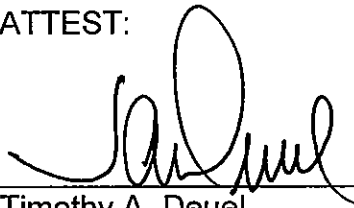
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk



(Seal)