

RESOLUTION 2017-069

RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE SAN DIEGO INTERNATIONAL BOAT SHOW AT SPANISH LANDING AND HARBOR ISLAND WEST BASIN

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 San Diego International Boat Show, which includes a temporary event of exhibitors' show of recreational boats and related items for the public, along with various interactive attractions and displays and associated staging, installation and removal of temporary improvements for the event ("Project"), is proposed by Duncan McIntosh Company, Inc., as the project applicant and proponent, for four days from Thursday, June 15, 2017 through Sunday, June 18, 2017, at the eastern portion of Spanish Landing and adjacent marina area on the western side of Harbor Island; and

WHEREAS, the Project includes paid admission, but may be viewed by the public free of charge in some areas; and

WHEREAS, the staging, installation and removal of improvements for the Project would take a maximum of 18 days from June 5, 2017 through June 23, 2017; and

WHEREAS, the Project's landside components generally consists of installation and removal of (1) a temporary fence around a paid event area encompassing Spanish Landing East parking lot and a majority of Cancer Survivor's Park, and (2) a series of 10-foot-long by 10-foot-wide tents in a portion of the parking lot (approximately 64 parking stalls) located on the east portion of Spanish Landing; and

WHEREAS, the Project's waterside component generally consist of installation and removal of a temporary marina facility comprised of approximately 100 (20-feet-long by 10-feet-wide) temporary floating docks positioned in the shape of a rectangle for a total area of 638-feet-long by 224-feet-wide (approximately 142,912 square-feet (sf)) that would be anchored by 55 anchors at the Harbor Island West Basin located adjacent to the existing Sheraton Harbor Island Marina; and

WHEREAS, Marine Taxonomic Services performed a Pre-Construction Eelgrass and *Caulerpa* survey in April 2017 for the proposed Project, and concluded that, due to the footprint of the anchors and their means of installation, the use of the Project area to support the boat show would not impact eelgrass; and

WHEREAS, the Project site is located in the Spanish Landing and West Harbor Island Subareas of Planning District 2, Lindberg Field/Harbor Island, which is delineated on Precise Plan Map Figure 9 of the certified Port Master Plan (PMP), the land and water use designations within the limits of the Project site are Commercial Recreation, Park/Plaza, Open Bay, Open Space, Boat Navigation Corridor, and Recreation Boat Berthing; and

WHEREAS, ancillary park-activating recreational uses are allowed uses under the Park/Plaza land use designation, recreational craft storage, such as the temporary marina, is an allowed use under the Recreational Boat Berthing water use designation, parking is an allowed use in the Commercial Recreation and Open Space land use designations, and recreational activities where the need for open water is related to the proper function of the shoreside activity is allowed in the Open Bay water use designation; and

WHEREAS, accordingly, the Project is consistent with the certified land and water use designations and the certified PMP; and

WHEREAS, the Project, as more particularly described in this resolution, the proposed Coastal Development Permit (CDP) and corresponding agenda sheet, conforms to the underlying land use designations and precise plan text, and would serve to facilitate implementation of the certified PMP; and

WHEREAS, the Project site is located between the sea (as defined in the California Coastal Act (codified as California Public Resource Code 30000, seq et.) and the first inland continuous public road paralleling the sea; and

WHEREAS, the Project is fully consistent with Chapter 3 and 8 policies of the California Coastal Act; and

WHEREAS, the Project constitutes "development" under Section 30106 of the California Coastal Act as it will involve the erection of temporary structures and temporary intensification of land use and because it will be held between Memorial Day Weekend and Labor Day, occupy all or a portion of a sandy beach area or the District's equivalent of shoreline parks and involve a charge for general public admission or seating where no fee is currently charged for use of the same area a CDP is required; and

WHEREAS, in accordance with the District's CDP Regulations, the proposed Project constitutes a non-appealable development under Section

7.d.(3) of the District's CDP Regulations (Regulations): Non-Appealable developments are those not classified in the Regulations in Section 7.d.(1) as "Excluded," in 7.d.(2) as "Emergency," or in 7.d.(4) as "Appealable," and pursuant to Coastal Act Section 30715 and Sections 7.d.(3) and (4) of the Regulations; and ; and

WHEREAS, the District has determined that one Non-Appealable CDP for the Project must be issued; and

WHEREAS, an application has been prepared for a Non-Appealable CDP 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 PMP and Chapters 3 and 8 of the Coastal Act; and

WHEREAS, the BPC considered the non-appealable CDP at the April 11, 2017 BPC meeting; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) statutes and guidelines, the Project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15302 (Replacement or Reconstruction), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures) and 1304 (Minor Alternation of Land) and Sections 3.a (1), 3.a (3), 3.a (6), 3.a (8), 3.b (2), 3.c (2), and 3.d of the District's Guidelines for compliance with CEQA

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. The Project generally consists of the following: (1) temporary event of exhibitors' show of recreational boats and related items for the public, along with various interactive attractions and displays; (2) installation and removal of a temporary fence around a paid event area encompassing Spanish Landing East parking lot and a majority of Cancer Survivor's Park; (3) installation and removal of a series of 10-foot-long by 10-foot-wide tents in a portion of the parking lot (approximately 64 parking stalls) located on the east portion of Spanish Landing; and (4) installation and removal of a temporary marina facility comprised of approximately 100 (20-feet-long by 10-feet-wide) temporary floating docks positioned in the shape of a rectangle for a total area of 638-feet-long by 224-

feet-wide (approximately 142,912 square-feet (sf)) that would be anchored by 55 anchors at the Harbor Island West Basin located adjacent to the existing Sheraton Harbor Island Marina.

3. The Project requires a Coastal Development Permit from the District and is located in the Spanish Landing and West Harbor Island Subareas of Planning District 2, Lindberg Field/Harbor Island, which is delineated on Precise Plan Map Figure 9 of the certified Port Master Plan. The land and water use designations within the limits of the Project site are Commercial Recreation, Park/Plaza, Open Bay, Open Space, Boat Navigation Corridor, and Recreation Boat Berthing. Ancillary park-activating recreational uses are allowed uses under the Park/Plaza land use designation, recreational craft storage, such as the temporary marina, is an allowed use under the Recreational Boat Berthing water use designation, parking is an allowed use in the Commercial Recreation and Open Space land use designations, and recreational activities where the need for open water is related to the proper function of the shoreside activity is allowed in the Open Bay water use designation. Therefore, the Project would be consistent with the certified land and water use designations and the certified Port Master Plan.

4. The Project site is located between the sea (as defined in the California Coastal Act) and the first inland continuous public road paralleling the sea.

5. The Project constitutes "development" under Section 30106 of the California Coastal Act as it will involve temporary installation and removal of improvements and use of public areas. 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. Additionally, 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.

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 Coastal Development Permit for the "San Diego International Boat Show."

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 16th day of May, 2017, by the following vote:

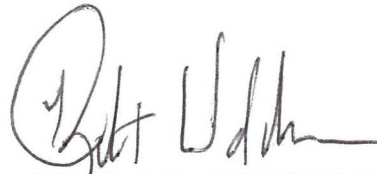
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Nelson

NAYS: None.

EXCUSED: Valderrama

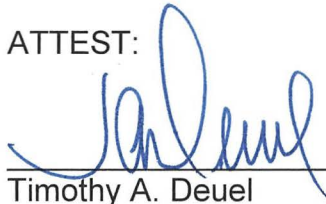
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)