

## RESOLUTION 2017-100

### RESOLUTION ADOPTING AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE TENTH AVENUE MARINE TERMINAL DEMOLITION AND INITIAL RAIL COMPONENT PROJECT

**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**, on December 13, 2016, the Board of Port Commissioners (BPC) (1) pursuant to Resolution No. 2016-199 and in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., and its implementing regulations, 14 California Code of Regulations Section 15000, et seq. (CEQA Guidelines), certified the Final Environmental Impact Report (Final EIR) for the "TAMT Redevelopment Plan and Demolition and Initial Rail Component Project" (SCH #2014-031046 and Clerk Document No. 65901) and adopted associated CEQA Findings, (2) pursuant to Resolution No. 2016-200, adopted the Sustainable Terminal Capacity (STC) scenario and the TAMT Redevelopment Plan as amended to reflect the STC scenario, and (3) pursuant to Resolution No. 2016-201, authorized issuance of a non-appealable Coastal Development Permit (CDP) for the Demolition and Initial Rail Component Project (Project or Demolition and Initial Rail Component Project); and

**WHEREAS**, at the time of certification of the Final EIR, the Project generally included demolishing Transit Shed #1, a 148,000 square-foot warehouse, and demolishing Transit Shed #2, a 194,000 square-foot warehouse, installing a rail lubricator in the eastern section of the terminal, constructing air-brake systems testing at three locations, modernizing dated infrastructure, constructing a 3,600 square-foot modular office facility and a 780 square-foot support structure (including an electrical gear room, restrooms, information technology room, outdoor storage area), installing new lighting and stormwater systems, as well as laying conduit to allow for future shore-power at the terminal; and

**WHEREAS**, construction of the Project has been bifurcated into two distinct phases to minimize disruptions to terminal operations with Phase I including demolition of Transit Shed #1, construction of the new stormwater systems, construction of the first support structure, installation of conduit and other subsurface utilities in the vicinity of Transit Shed #1, grading and repaving in the vicinity of Transit Shed #1, and construction of the modular office facility and Phase II of the Project including demolition of Transit Shed #2, construction of the second support structure, installation of conduit and other subsurface utilities in the vicinity of Transit Shed #2, grading and repaving in the vicinity of Transit Shed #2, and construction and installation of the compressed air system and rail lubrication system; and

**WHEREAS**, final engineering design for phase I of the Project was completed in May 2017, and has resulted in some minor changes to the Project; and

**WHEREAS**, the original Project planned for a 3,600 square-foot temporary modular office facility and as revised, the modular office would become permanent and would increase in size by 1,400 square-feet, resulting in a 5,000 square-foot facility; and

**WHEREAS**, the original Project planned for one 782 square-foot support structure that would be located where Transit Shed #1 is currently located (northern portion of terminal), which included an electrical gear room, restroom facility, and an information technology room (IT Room), as well as an attached 850 square-foot outdoor equipment storage area and as revised, the 850 square-foot outdoor storage area would be removed, and the support structure would be 1,800 square-feet (a 750 square-feet increase) of office area to accommodate existing Customs and Border Patrol (CBP) staff, a new 780 square-foot support structure that would be located where Transit Shed #2 is currently located (southern portion of terminal) with an electrical gear room, restroom facility, and an IT Room, and both facilities would include exterior electrical equipment, fire hydrants, and 90-foot tall light poles, as contemplated in the original Project; and

**WHEREAS**, the original Project planned to install one of two potential stormwater drainage systems, and as revised, the updated Project reconfigures the existing water and sewer systems to eliminate connections to Transit Sheds #1 and #2, constructs new connections to the two support structures and the new modular office building, installs BMP pass-through filtration systems in two areas to capture the 85th percentile stormwater event; and

**WHEREAS**, the original Project planned to install up to 2,500 linear-feet of conduit west of Warehouse B and C and east of existing Transit Shed #1 and Transit Shed #2 to provide for future electrification of the terminal, and as revised, the Project includes the precise design and location of the conduit and electric improvements with communication systems infrastructure; and

**WHEREAS**, the original Project planned for the installation of a rail lubricator and a compressed air system for testing train brakes on the existing tracks in three locations on the terminal and as revised, the updated Project has eliminated one of the airbrake system because it was determined this improvement is no longer needed in this area and a 50 square-foot equipment enclosure has been added to house the rail track lubrication system, which would include a small tank and pumping system and consist of some underground piping; and

**WHEREAS**, the original Project estimated excavating approximately 47,100 cubic-yards of soil, which would be transported offsite over a period of 50 working days (25 days for Transit Shed #1 and 25 days for Transit Shed #2) and as revised,

the updated Project would result in having to excavate and transport offsite 86,700 cubic-yards of soil, largely because the Project will need thicker asphalt to accommodate future loads; and

**WHEREAS**, the District has analyzed said proposed changes and alterations to the original Project as required by CEQA and, pursuant to CEQA Guidelines section 15164, has prepared an Addendum to the Final Environmental Impact Report for the TAMT Redevelopment Plan and Demolition and Initial Rail Component Project (Addendum) because some minor changes or additions are necessary and none of the conditions described in CEQA Guidelines section 15162 calling for preparation of a subsequent EIR or a supplemental EIR have occurred; and

**WHEREAS**, all materials with regard to the updated Project were made available to the BPC for its review and consideration including, but not limited to, the following:

1. The Final EIR, CEQA Findings, including the Statement of Overriding Consideration, and Mitigation Monitoring and Reporting Program (MMRP);
2. The Addendum;
3. The Staff Report and Agenda Sheet; and
4. All documents and records filed in this proceeding by the District and all interested parties; and

**WHEREAS**, having reviewed and considered all the materials made available to the BPC, including, but not limited to, the Addendum, the FEIR, the staff reports and all the evidence in the record of the proceedings with respect to the updated Project, the BPC took the actions hereinafter set forth.

**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 BPC finds and determines that the applicable provisions of CEQA, the CEQA Guidelines and the District Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.
3. The BPC finds and determines, on the basis of the whole record before the BPC, that:

- a. Some minor changes or additions to the Final EIR are necessary, but there is no substantial evidence that a new significant environmental effect or a substantial increase in the severity of a previously identified effect have occurred because of substantial changes to the Project or with respect to the circumstances under which the Project is undertaken;
- b. There is no substantial evidence that new information exists that shows that: (i) the updated Project will have one or more significant effects that were not discussed in the Final EIR; (ii) significant effects previously analyzed will be substantially more severe; (iii) mitigation measures or alternatives previously found infeasible are now feasible and would substantially reduce one or more significant effect of the updated Project, but the applicant declines to adopt the mitigation measures or alternatives; or (iv) mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR would substantially lessen one or more significant effects, but the applicant declines to adopt the mitigation measures or alternatives;
- c. The Addendum is complete and adequate in scope and has been completed in compliance with CEQA and the CEQA Guidelines and the District Guidelines for implementation thereof;
- d. Mitigation Measures identified in the Addendum, the Final EIR, and MMRP are applicable and no additional mitigation measures or alternatives are required;
- e. The Addendum and the Final EIR reflect the District's independent judgment and analysis.

5. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15094, the District Clerk shall cause a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research.

6. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the Office of the District Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

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 11<sup>th</sup> day of July 2017, by the following vote:

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

NAYS: None.

EXCUSED: None.

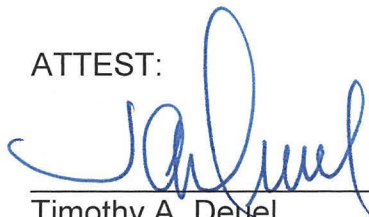
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair  
Board of Port Commissioners

ATTEST:

  
Timothy A. Deuel  
District Clerk

(Seal)