

RESOLUTION 2017-101

RESOLUTION AUTHORIZING AN AMENDMENT TO THE NON-APPEALABLE COASTAL DEVELOPMENT PERMIT NO. 2016-09 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) (CDP-2016-09); 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-foot 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 Project is located within the jurisdiction of the District and in California coastal zone and constitutes development pursuant to California Public Resource Code (Coastal Act) Section 30106 as it will involve the demolition and construction of structures; and

WHEREAS, a Coastal Act entitlement is required to implement the updated Project; and

WHEREAS, in accordance with Section 14.d of the District's CDP Regulations, the Director of the Planning and Green Port Department determined that an amendment to the Project's CDP was necessary and that the proposed amendment would be a material change due to the nature and extent of the proposed Project changes; and

WHEREAS, the District's CDP Regulations require material amendments to be considered by the Board, along with consideration of consistency with the Port Master Plan (PMP); and

WHEREAS, the BPC has concluded that the proposed amendment is material in nature; and

WHEREAS, the updated Project is located in Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 13 of the certified PMP and designated Marine Terminal Industrial and Marine Related Industrial in the PMP; and

WHEREAS, the updated Project conforms to the underlying land use designations and precise plan text, and would serve to facilitate implementation of the certified PMP; and

WHEREAS, an application has been prepared for an amendment to the non-appealable CDP to implement the updated Project; and

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

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

WHEREAS, the BPC considered the amendment to the non-appealable CDP at the July 11, 2017 BPC meeting; and

WHEREAS, the BPC has concluded that the amendment shall be granted; and

WHEREAS, in accordance with the California Environmental Quality Act (“CEQA”) statutes and guidelines, the updated Project was analyzed in the Addendum to the Final Environmental Impact Report for the TAMT Redevelopment Plan and Demolition and Initial Rail Component Project and pursuant to Resolution No. 2017-100, on July 11, 2017, the BPC adopted the Addendum and associated findings as particularly stated in said Resolution.

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 changes to the Project in general consist of the following and are reflected in the material amendment to the non-appealable CDP:

- a. 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
- b. 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
- c. 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

- d. 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
- e. 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
- f. 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

3. The updated Project is located in Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 13 of the certified Port Master Plan (PMP). The is updated Project site is designated Marine Terminal Industrial and Marine Related Industrial in the PMP and conform to the underlying land use designations and precise plan text, and would serve to facilitate implementation of the certified PMP.

4. The updated Project constitutes "development" under Section 30106 of the California Coastal Act as it will involve the demolition and construction of a structures and implementation of the updated Project requires an amendment to that certain Non-Appealable CDP (CDP-2016-09).

5. The updated Project and is fully consistent with the certified PMP and Chapter 8 of the California Coastal Act.

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 an amendment to the Non-Appealable Coastal Development Permit for the "Demolition and Initial Rail Component Project."

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 11th day of July 2017, by the following vote:

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

NAYS: None.

EXCUSED: None.

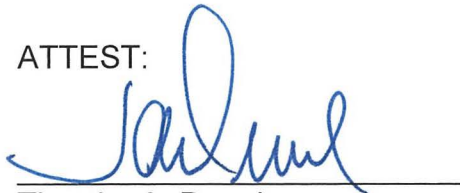
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair
Board of Port Commissioners

ATTEST:


Timothy A. Deuel
District Clerk

(Seal)