

## RESOLUTION 2017-107

### RESOLUTION AUTHORIZING THE ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO TDY INDUSTRIES, LLC, TO IMPLEMENT A REMEDIAL ACTION WITHIN THE LAUREL HAWTHORN EMBAYMENT EAST OF 2710 NORTH HARBOR DRIVE PURSUANT TO CLEANUP AND ABATEMENT ORDER NO. R9-2015-0018

**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 1 (Port Act); and

**WHEREAS**, the Laurel Hawthorn Embayment Project (proposed project) is required pursuant to Cleanup and Abatement Order R9-2015-0018, issued by the San Diego Regional Water Quality Control Board (RWQCB) to TDY Industries, LLC, TDY Holdings, LLC, and Teledyne Ryan Aeronautical Company, (collectively, TDY) to cleanup and abate the effects of waste discharged from the former TDY facility at 2701 North Harbor Drive to the Laurel Hawthorn Embayment; and

**WHEREAS**, TDY, as the project proponent, proposes the remediation of polluted sediment in the Laurel Hawthorn Embayment of the San Diego Bay in the City of San Diego; and

**WHEREAS**, pursuant to the Remedial Action Plan submitted by TDY, TDY proposes the dredging of contaminated sediment, placement of a carbon-amended sand layer, extension of the stormwater conveyance system (SWCS), riprap stabilization, and sediment and benthic invertebrate sampling for a period of one year following completion of the remedial activities within San Diego Bay adjacent to and just east of the U.S. Coast Guard Station located at 2710 North Harbor Drive in San Diego; and

**WHEREAS**, TDY also proposes the placement of an enhanced monitored natural recovery (EMNR) carbon-amended sand layer over an approximately one-acre area adjacent to the SWCS outfall; and

**WHEREAS**, a portion of the proposed project is located within the District's jurisdiction and a portion is located within the California Coastal Commission's (CCC) jurisdiction; and

**WHEREAS**, the portion of the waterside remediation located within the District's jurisdiction includes approximately 0.8 acre of the of the overall one-acre EMNR carbon-amended sand layer area and sediment and benthic invertebrate sampling for a period of one year following completion of the remedial activities; and

**WHEREAS**, the equipment staging and dredge handling activities associated with TDY's proposed project would occur at 2145 East Belt Street in the City of San Diego and is also within the District's jurisdiction; and

**WHEREAS**, a non-appealable Coastal Development Permit (CDP) and Right of Entry License Agreement (ROELA) from the District are required for the portions of the project located within the District's jurisdiction; and

**WHEREAS**, the remaining waterside remediation activities are located within the jurisdiction of the CCC; and

**WHEREAS**, on August 11, 2016, the CCC approved a CDP for the components of the proposed project located outside of the District's jurisdiction (Application No. 6-16-0390); and

**WHEREAS**, the portion of the proposed project within the District's jurisdiction complies with all District policies and requirements; and

**WHEREAS**, the District is the trustee of said tidelands where part of the proposed project is located; and

**WHEREAS**, the components of the proposed project located within the CDP jurisdiction of the District are situated within the Crescent Zone subarea of Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 12 of the certified Port Master Plan (PMP) and within the Belt Street Industrial subarea of Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 14 of the certified PMP; and

**WHEREAS**, the portions of the proposed project located within the CDP jurisdiction of the District conform to the certified PMP because the proposed project involves the remediation of contaminated sediment, as well as related equipment staging and dredge handling activities, consistent with the existing certified land and water use designations of Open Bay, Boat Navigation Corridor, Marine Related Industrial, and Specialized Berthing; and

**WHEREAS**, the proposed project would not change the uses of the sites nor would it interrupt or expand the existing conforming uses of the sites; and

**WHEREAS**, the proposed project is located between the sea (as defined in the California Coastal Act) and the first inland continuous public road paralleling the sea and the proposed project is fully consistent with Public Resources Code Sections 30604(c), 30210-30224, and all applicable California Coastal Act policies; and

**WHEREAS**, the proposed project would not affect or otherwise interfere with public access or recreational opportunities, including boat navigation; and

**WHEREAS**, the proposed project conforms to the planned land and water use designations and Precise Plan text and is thus consistent with the certified PMP; and

**WHEREAS**, in accordance with the California Coastal Act and the District's CDP Regulations, the proposed project is considered "Non-Appealable" because it does not qualify as an "Excluded," "Appealable," or "Emergency" development; and

**WHEREAS**, a copy of the draft non-appealable CDP is provided as Attachment D to the corresponding agenda sheet; and

**WHEREAS**, special conditions are incorporated into the CDP to ensure compliance with the applicable mitigation measures, as required by the MMRP included in the MND prepared for the proposed project; and

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

**WHEREAS**, the BPC has concluded that the portion of the proposed project within the District's jurisdiction conforms to the certified PMP; and

**WHEREAS**, the BPC considered the non-appealable CDP and held a noticed public hearing on the CDP on July 11, 2017; and

**WHEREAS**, all applicable mitigation measures will be implemented for the proposed project and are included as special conditions of the CDP for the proposed project; and

**WHEREAS**, staff recommends the BPC authorize issuance of a non-appealable CDP for the proposed project.

**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. In general, the proposed project within the District's jurisdiction consists of:

a. Approximately 0.8 acre of the of the overall one-acre EMNR carbon-amended sand layer area and sediment and benthic invertebrate sampling for a period of one year following completion of the remedial activities; and

b. Landside and waterside equipment staging and dredge handling activities associated with TDY's proposed project at 2145 East Belt Street in the City of San Diego.

3. The components of the proposed project located within the CDP jurisdiction of the District are situated within the Crescent Zone subarea of Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 12 of the certified Port Master Plan (PMP) and within the Belt Street Industrial subarea of Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 14 of the certified PMP.

4. The proposed project is located between the sea (as defined in the California Coastal Act) and the first inland continuous public road paralleling the sea and the portion of the proposed project is fully consistent with Public Resources Code Sections 30604(c), 30210-30224, and all applicable California Coastal Act policies.

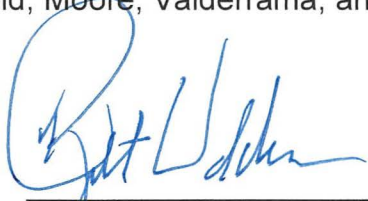
5. The portion of the proposed project within the District's jurisdiction is consistent with and conforms to the certified PMP, and, accordingly, the Executive Director or her designated representative is hereby authorized and directed to issue a CDP for said proposed project. Said CDP shall require compliance with the conditions listed under the Special Conditions section of the CDP.

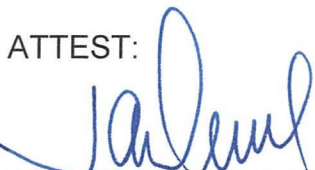
APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

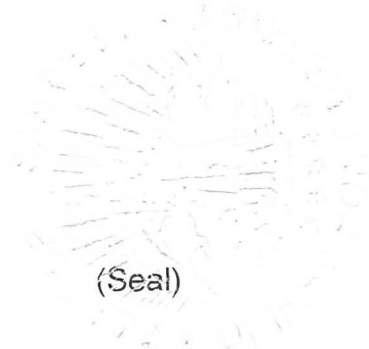
  
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By: ~~Assistant/Deputy~~

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.

  
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Robert Valderrama, Chair  
Board of Port Commissioners

ATTEST:  
  
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Timothy A. Deuel  
District Clerk



(Seal)