

RESOLUTION 2017-137

RESOLUTION GRANTING CONCEPT APPROVAL, CONTINGENT ON FINAL ACCEPTANCE OF THE PORT MASTER PLAN AMENDMENT BY THE CALIFORNIA COASTAL COMMISSION, FOR THE CLOSURE, DEMOLITION AND CONSTRUCTION OF PORTIONS OF QUAY AVENUE, 28TH STREET, AND 32ND STREET IN THE CITY OF NATIONAL CITY

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, Pasha Automotive Services (Pasha), as the project applicant/proponent, has proposed the closure of Quay Avenue between Bay Marina Drive and 28th Street, 28th Street west of Quay Avenue, and 32nd Street west of Tidelands Avenue (Street Closures) and associated development including minor demolition, removal of the median, curbs, and gutter; relocation of a backflow valve; minor grading, repaving, and striping; relocation of the guard shack further east on 32nd Street, as well as operation of the area for marine terminal operations and related industrial operations (collectively, Project or National City Street Closures Project – Portions of Quay Avenue, 28th Street, and 32nd Street”); and

WHEREAS, the streets that are subject to the Street Closures are principally devoted for internal circulation within the District boundaries and do not service areas outside of District boundaries but rather, internally service the terminal and surrounding marine terminal area; and

WHEREAS, due to tenant consolidation and reconfiguration, the streets that are subject to the Street Closures are no longer necessary for circulation and the Project would result in approximately 5 acres of marine related industrial operations; and

WHEREAS, the Project requires a Port Master Plan Amendment (PMPA) to change the land use designation of the Project site from “Street” to “Marine Related Industrial”; and

WHEREAS, pursuant to California Public Resources Code Sections 30714 and 30716 and Title 14, Section 13632(e) of the California Code of Regulations, in order for the PMPA to be fully certified the following must occur (1) approval of the PMPA by the Board of Port Commissioners (BPC); (2) certification of the PMPA by the California Coastal Commission (CCC); (3) BPC adoption of the PMPA, as certified by the CCC; and (4) CCC acceptance of the

BPC's adoption of the PMPA as consistent with its certification; and

WHEREAS, on September 8, 2016, the BPC, as Lead Agency under the California Environmental Quality Act (CEQA): (1) certified a Final Environmental Impact Report (EIR) entitled "National City Marine Terminal Tank Farm Paving and Street Closures Project & [National City Street Closures] PMPA" EIR (UPD #EIR-2014-188; SCH #2014121046), adopted Findings of Fact and a Statement of Overriding Considerations, and adopted a Mitigation Monitoring Reporting Program (MMRP) for the Project, which among other things analyzed the Project and associated PMPA and Coastal Development Permit (CDP); (2) conducted a public hearing and approved the PMPA; and (3) directed District staff to file the PMPA with the CCC for certification; and

WHEREAS, District Staff subsequently filed the PMPA application with the CCC, and on August 9, 2017, the CCC held a public hearing and unanimously approved certification of the PMPA, as submitted, finding the PMPA to be consistent with Chapter 8 of the California Coastal Act; and

WHEREAS, on September 12, 2017, the BPC held a public hearing and adopt the PMPA, as certified by the CCC; and

WHEREAS, the only step left for the proposed PMPA to become effective is for the CCC to accept the BPC's September 12, 2017 adoption of the PMPA as consistent with its certification (CCC Acceptance); and

WHEREAS, pursuant to BPC Policy No. 357, plans for new tenant development must be presented to the BPC for approval if the project's estimated cost exceeds \$500,000, and the Project's estimated cost of improvements to the site is approximately \$2 million; and

WHEREAS, District staff recommends the BPC grant concept approval for the Project, contingent/conditioned on the CCC Acceptance.

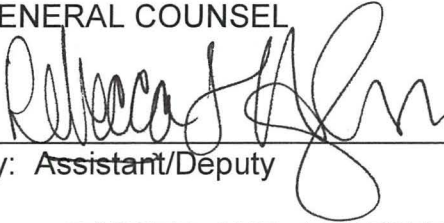
NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the BPC finds that the Project, as reflected in the concept plans, was fully analyzed and is within the scope of in the Final EIR and no additional CEQA review is required. Based on the entire record available to the BPC and the findings set forth in this Resolution, concept approval for the National City Street Closures Project – Portions of Quay Avenue, 28th Street, and 32nd Street" is hereby granted; provided, however, this concept approval shall not become effective until the CCC Acceptance action, as described herein, is completed.

BE IT FURTHER RESOLVED, the BPC also hereby finds that the Project would facilitate improvements necessary for the promotion and accommodation

of a maritime operation. The proposed BPC's action complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operations of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed BPC actions are consistent with the Public Trust Doctrine.

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 12th day of September 2017, by the following vote:

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

NAYS: None.

EXCUSED: Moore

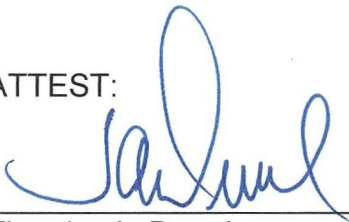
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk



(Seal)