

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION APPROVING THE “NATIONAL CITY
BALANCED PLAN” PORT MASTER PLAN
AMENDMENT, AND DIRECTING THE FILING WITH
THE CALIFORNIA COASTAL COMMISSION FOR
CERTIFICATION**

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 District, City of National City (City), Pasha Automotive Services (Pasha) and by GB Capital Holdings, LLC (GB Capital), are the project proponents and applicants; and

WHEREAS, on September 23, 2015, the Board of Port Commissioners (BPC) directed staff to study land use changes in the National City Marina District (Marina District) that would optimize recreational, maritime and commercial uses which resulted in a public planning process commonly known as the “National City Marina District Balanced Land Use Plan” (Balanced Plan); and

WHEREAS, on April 14, 2016, the Balanced Plan was presented to the BPC and the BPC directed staff to commence preparation of an environmental impact report (EIR) under the California Environmental Quality Act (CEQA) and process a Port Master Plan Amendment (PMPA) for: (i) land use changes associated with the Balanced Plan; (ii) Pasha’s Tidelands Avenue Closure Project; and (iii) permanent alignment of Bayshore Bikeway in National City; and

WHEREAS, on October 13, 2016, the BPC directed staff to add three more components to the EIR, which are separate from the Balanced Plan: (i) a recreational vehicle park and eventual hotel development proposed by GB Capital; (ii) a connector rail project proposed by Pasha; and (iii) a hotel and retail development on property owned by the City, off of District tidelands (City Program); and

WHEREAS, these project components stated in the above recitals are collectively referred to as the “project” or “proposed project”; and

WHEREAS, the proposed project consists of the following main components: (i) changes to land and water use designations in the District’s Port Master Plan (Balanced Plan Component); (ii) construction and operation of a recreational vehicle (RV) park, modular cabins, dry boat storage, up to four hotels, and an expanded marina primarily within the District’s jurisdiction (GB

20xx-xxx

Capital Component); (iii) construction and operation of a rail connector track and storage track within the District's jurisdiction (Pasha Rail Improvement Component); (iv) closure of Tidelands Avenue between Bay Marina Drive and 32nd Street as well as West 28th Street between Tidelands Avenue and Quay Avenue within the District's and City's jurisdictions and redesignation of the area from Street to Marine-Related Industrial in the District's Port Master Plan (Pasha Road Closures Component); (v) construction and operation of Segment 5 of the Bayshore Bikeway within the District's and City's jurisdictions (Bayshore Bikeway Component); and (vi) construction and operation of hotel, restaurant, retail, and/or a combination of tourist-/visitor-serving commercial development north of Bay Marina Drive within the City's jurisdiction (City Program – Development Component); and

WHEREAS, the Port Master Plan provides the official planning policies, consistent with a general statewide purpose, for the physical development of the tidelands and submerged lands conveyed and granted in trust to the District; and

WHEREAS, the project components that are under the District's existing planning jurisdiction are within the National City Bayfront, Planning District 5, of the existing Port Master Plan and this planning district is an established developed area with designated Marine-Related Industrial, Marine Terminal, Commercial Recreation, Recreational Boat Berthing, Park/Plaza, Promenade, Street, and other land and water uses; and

WHEREAS, implementation of the project components within the District's jurisdiction would require an amendment to the District's existing Port Master Plan to redesignate land uses and clarify jurisdictional land use boundaries on the precise plan map, as well as update the corresponding acreage table and described planned projects in the planning district text and project list; and

WHEREAS, the Port Master Plan maps, text, and tables are proposed to be revised to reflect the land and water use designations and planned projects in the District's jurisdiction, so as to accommodate a variety of proposed landside uses such as additional park space, habitat buffers, overnight accommodations (RV park, modular cabins, hotels), dry boat storage, connector and storage rail tracks, commercial recreation, and maritime operations; and in-water uses such as new moorings and floating docks, and the addition of a pier platform to place/remove dry boat storage boats in/from the water; and

WHEREAS, the land use changes would also convert the roadways associated with the Pasha Road Closures Component (i.e., Tidelands Avenue between Bay Marina Drive and 32nd Street, and 28th Street between Quay Avenue and Tidelands Avenue) from a "Street" land use designation to a "Marine Related Industrial" land use designation; and

WHEREAS, the proposed streets for closure that are within District property are not principally for circulation for marine terminal and related

20xx-xxx

operations, and the overnight accommodations and recreational marina development and hence, are listed as appealable in the draft PMPA (California Coastal Act (Coastal Act) Section 30715(a)(3)); and

WHEREAS, the existing Launching Ramp and Marina subareas are proposed to be combined and expanded into a new subarea called the “Marina District” and this subarea is the area generally north and west of Pier 32 Marina, including Pepper Park, the boat launch ramp, and the Pier 32 Marina; and

WHEREAS, the draft PMPA proposes to incorporate two Port District-owned uplands properties into the Port Master Plan, which total approximately 11.46 acres and are included in the proposed Balanced Plan; and

WHEREAS, these upland properties are part of the District’s 1994 acquisition of approximately 22.6 acres of upland property in the City of National City (City) and are located north of the Sweetwater Channel and east of the historic mean high tide line (MHTL), and included the area of Pier 32 Marina that is located east of the MHTL; and

WHEREAS, in 1997, the City’s Community Development Commission (CDC) and the District entered into a Memorandum of Understanding (MOU) that specified that the District would undertake a PMPA for the upland area of the future Pier 32 Marina, and the CDC would conduct a Master Plan of the area between Interstate 5 and the historic District tidelands, which included the Project’s Uplands Properties; and

WHEREAS, in 1996 the marina site was incorporated into the Port Master Plan, and in 1998, the Uplands Properties were incorporated into the City’s Harbor District Specific Area Plan (Harbor District Plan) that is part of the City’s Local Coastal Program and were designated with a “Tourist Commercial” land use designation; and

WHEREAS, the “Tourist Commercial” land use designation allows for uses similar to the Port Master Plan’s “Commercial Recreation” land use designation; and

WHEREAS, the MOU, including its subsequent amendments, between the City’s CDC and the District expired in 2005; and

WHEREAS, the draft PMPA would appropriately incorporate the District-owned uplands properties into the Port Master Plan and apply a Marine Related Industrial, Commercial Recreation, or Street land use designation to it, depending on the corresponding area of the Balanced Plan; and

WHEREAS, if the PMPA is adopted by the BPC and certified by the California Coastal Commission (CCC), the PMPA would allow the District to

20xx-xxx

issue Coastal Development Permits related to the proposed project; and

WHEREAS, the City is preparing amendments to City planning documents (e.g., Local Coastal Program, General Plan, Harbor District Specific Area Plan) to remove the District-owned uplands properties from those planning documents; and

WHEREAS, District staff anticipates that the draft PMPA and the amendments to the City planning documents will need to be processed concurrently with the CCC; and

WHEREAS, the Port Master Plan was prepared, adopted and certified pursuant to the Port District Act, the Coastal Act and other applicable laws; and

WHEREAS, in compliance with Section 30712 of the Coastal Act, the District issued a Notice of Completion and Public Hearing of the draft PMPA on September 9, 2022 in the San Diego Daily Transcript newspaper, as well as by mail and email to members of the public, organizations, and governmental agencies to provide notice of the competition of the draft PMPA and 30-day advance notice of public hearing before the BPC to consider the draft PMPA for adoption; and

WHEREAS, pursuant to Coastal Act, a public hearing on the draft PMPA was conducted at the BPC meeting on October 11, 2022; and

WHEREAS, if the draft PMPA is approved by the BPC, staff will transmit the draft PMPA application to the CCC for consideration at a future CCC meeting; and

WHEREAS, a Final EIR pursuant to the CEQA, State CEQA Guidelines, and District CEQA Guidelines and procedures relative to proposed PMPA has been prepared and certified and its contents considered; and

WHEREAS, staff recommends the BPC adopt a resolution approving the PMPA and direct staff to file the draft PMPA with the CCC for certification.

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

- That the BPC finds that the Port Master Plan Amendment pertaining to the National City Balanced Plan Project (PMPA), on file in the Office of the District Clerk as Document No. _____, was fully analyzed and is approved.
- That the Executive Director or his designated representative is hereby authorized and directed to transmit this PMPA and all relevant

20xx-xxx

information to the California Coastal Commission (CCC) for its review and certification pursuant to Public Resources Code Section 30714.

- That the Executive Director or his designated representative is hereby authorized to amend the PMPA application prior to the CCC's certification; provided, however, that the PMPA, as certified by the California Coastal Commission, shall be presented to the BPC for its final approval at a subsequent date.
- That consistent with Public Resources Code Sections 30714 and 30716, and California Code of Regulations Title 14, Section 13632(e), the PMPA shall not be effective until: (a) the CCC certifies the PMPA; (b) the BPC adopts the PMPA as certified by the CCC; and (c) the CCC has received notice of such BPC action and accepts the same as consistent with its certification.

BE IT FURTHER RESOLVED, that as a condition of the PMPA's approval, City of National City (City), Pasha Automotive Services (Pasha), and GB Capital Holdings (GB Capital) shall indemnify and hold the District harmless against all third-party legal challenges, claims, lawsuits, proceedings, and the like, including reimbursement of all District attorneys' fees, costs and other expenses incurred by the District, related to the District's approval of the Proposed Project and/or PMPA. Said indemnity and hold harmless condition is independent of any agreements by and among City, Pasha, GB Capital Holdings and the District.

BE IT FURTHER RESOLVED that the BPC also hereby finds that the BPC's action complies with Section 87 as it allows for parks, boating activities and maritime uses of the Port Act. 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 11th day of October 2022, by the following vote: