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RESOLUTION 20xx-xxx

RESOLUTION ADOPTING THE SECOND ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE TENTH AVENUE MARINE TERMINAL REDEVELOPMENT PLAN AND DEMOLITION AND INITIAL RAIL COMPONENT PROJECT FOR IMPLEMENTATION OF A RENEWABLE MICROGRID IN ACCORDANCE WITH MITIGATION MEASURE – GREENHOUSE GAS NO. 6 AND TO DIRECT THE FILING OF A NOTICE OF DETERMINATION

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, Section 30.5(e) of the Port Act states any property acquired by the District shall become an asset of the public trust and be subject to Section 87; and

WHEREAS, Section 87(a)(1) of the Port Act specifically provides that the tide and submerged lands of the District may be used for the construction, reconstruction, repair, maintenance and operation of wharves, docks, piers and all other works, buildings, facilities, utilities and structures necessary or convenient for the promotion and accommodation of commerce and navigation; and

WHEREAS, the District proposed the Tenth Avenue Marine Terminal Redevelopment Plan and Demolition and Initial Rail Component Project (TAMT Redevelopment Plan) located at 850 Water Street in San Diego, California, 92101, along San Diego Bay, south of downtown San Diego, east of the San Diego Convention Center and Hilton Bayfront Hotel, and west adjacent to the San Diego community of Barrio Logan; and

WHEREAS, the TAMT Redevelopment Plan consists of (a) a plan for landside only redevelopment of the existing Tenth Avenue Marine Terminal (TAMT), which would replace the existing 2008 Maritime Business Plan to provide greater flexibility to meet current and future market conditions at the project site by undertaking a variety of infrastructure improvements over the long term to accommodate an increase in the TAMT's capability and capacity for handling dry bulk, liquid bulk, refrigerated container, and multi-purpose general cargo, and (b) implementation of the Demolition and Initial Rail Component as the first phase of the plan, which would demolish obsolete transit sheds to create an open lay-

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down area to link cargo from vessels to a multi-modal regional transportation system, renovate and upgrade the aging rail infrastructure, install subsurface conduit and other electrical improvements, upgrade the project site's existing storm water system, and install a new building with an electrical gear room, additional restroom facilities, a technology support room and outdoor storage space, and a 3,600 square foot modular office with restroom facilities near the central gate facility; and

WHEREAS, on December 13, 2016, pursuant to 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"), the District adopted Resolution 2016-199, which certified Final Environmental Impact Report (SCH #2015-031045/UPD #EIR-2015-39) (Final EIR) and adopted Findings of Fact, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program (MMRP) for the Sustainable Capacity Alternative of the TAMT Redevelopment Plan; and

WHEREAS, on December 13, 2016, the District also adopted Resolution 2016-200, which approved the Sustainable Capacity Scenario and the "Tenth Avenue Redevelopment Plan" prepared by Vickerman & Associates, LLC and as amended by staff; and

WHEREAS, on December 13, 2016, the District also adopted Resolution 2016-201, which authorized issuance of non-appealable Coastal Development Permit No. 2016-09 for the TAMT Redevelopment Plan, that included demolition of transit sheds 1 and 2, completion of initial rail improvements, and the completion of other site improvements; and

WHEREAS, on July 11, 2017, the District adopted Resolution 2017-100, which approved the First Addendum to the Final EIR concerning an increase in on-site, above-grade improvements for Phase I of the Demolition and Initial Rail Component Project; and

WHEREAS, on July 11, 2017, the District also adopted Resolution 2017-101, which authorized an amendment to the non-appealable Coastal Development Permit No. 2016-09 for the Demolition and Initial Rail Component Project; and

WHEREAS, the Final EIR and the MMRP for the TAMT Redevelopment Plan includes Mitigation Measure – Greenhouse Gas # 6 (MM-GHG-6), which requires the implementation of renewable energy projects or the purchase of greenhouse gas (GHG) offsets from a California Air Resources Board approved registry or a locally approved equivalent program for future operations associated with the TAMT Redevelopment Plan, that will achieve an annual reduction in GHG emissions of 18,206 MTCO_{2e} by 2035; and

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WHEREAS, the District proposes to satisfy a portion of the requirements of MM-GHG-6 by installing a renewable microgrid on the TAMT that includes the installation and subsequent use of solar panels on the roof of Warehouse B or Warehouse C, an energy storage system, energy efficiency improvements, and electrical infrastructure upgrades (Renewable Microgrid), which at this time is expected to result in a reduction of 361 MTCO₂e annually and to fulfill a portion of the TAMT's Redevelopment Plan's Final EIR requirement for the 2035 buildout year; and

WHEREAS, pursuant to CEQA and its implementing regulations, the District has reviewed the Final EIR and determined that it has continuing informational value with respect to the implementation of MM-GHG-6 and the installation of the Renewable Microgrid; and

WHEREAS, pursuant to CEQA Guidelines Section 15168(c), the District examined the Renewable Microgrid in light of the Final EIR to determine whether an additional environmental document must be prepared and found that pursuant to CEQA Guidelines Section 15162, no new effects could occur and no new mitigation measures would be required, and the Renewable Microgrid is within the scope of the project covered by the Final EIR and no new environmental document is required; and

WHEREAS, pursuant to CEQA Guidelines Section 15164, the District has prepared a Second Addendum to the Final EIR because only minor changes or additions are necessary for the Final EIR to apply to the Renewable Microgrid, and none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR, or in CEQA Guidelines Section 15163 calling for preparation of a supplemental EIR, have occurred; and

WHEREAS, the District has filed the Second Addendum and the Final EIR with the Office of the District Clerk (District Clerk) and pursuant to CEQA, the District previously prepared a Mitigation Monitoring and Reporting Program also filed with the Clerk; and

WHEREAS, the Clerk has caused notice to be duly given of Board action in this matter in accordance with law, as evidenced by the affidavit of publication and affidavit of mailing on file with the Clerk; and

WHEREAS, all materials with regard to the Revised Project were made available to the Board of Port Commissioners (Board) for its review and consideration of the Revised Project including, but not limited to, the following:

1. The Second Addendum and appendices, if any, dated March 2018;
2. The Final EIR and appendices, dated November 2016;

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3. The Agenda Sheet, dated April 10, 2018;
4. The Findings of Fact and Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program, dated December 2016 and appended to Resolution 2016-199 as Exhibit "A" and Exhibit "B," respectively; and
5. All documents and records filed in this proceeding by interested parties.

WHEREAS, a duly noticed public meeting was held on April 10, 2018, before the Board, at which the Board reviewed and considered all information and materials made available to the Board regarding the Renewable Microgrid, and gave direction to District staff regarding the Renewable Microgrid; and

WHEREAS, having reviewed and considered all information and materials made available to the Board, including but not limited to the Second Addendum and the Final EIR, the staff reports and all the complete record of the proceedings with respect to the Renewable Microgrid, the Board took the actions hereinafter set forth:

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

1. The Board finds the facts recited above are true and further finds that this Board has jurisdiction to consider, approve and adopt the subject of this Resolution.
2. The Board finds and determines that the applicable provisions of CEQA, the CEQA Guidelines and the District Guidelines have been duly observed in the consideration of this matter and all of the previous proceedings related thereto.
3. The Board finds and determines, on the basis of the whole record before the Board, that:
 - a. The Final EIR is complete and adequate in scope and is of continuing informational value with respect to the Renewable Microgrid;
 - b. Some minor changes or additions to the Final EIR are necessary and the preparation of a Second Addendum to the Final EIR pursuant to CEQA Guidelines Section 15164 for the Revised Project is adequate and appropriate;

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- c. None of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred;
- d. None of the conditions described in CEQA Guidelines Section 15163 calling for preparation of a supplemental EIR, have occurred;
- e. No additional environmental review is required because the Renewable Microgrid implements a portion of MM-GHG-6 and is within the scope of the Final EIR and will not result in any new or more severe significant impacts or require mitigation measures not previously identified in the Final EIR;
- f. The Board has fully reviewed and considered the information in the Second Addendum and the Final EIR prior to making a decision to approve the Renewable Microgrid;
- g. The Second 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;
- h. The Renewable Microgrid implements a portion of MM-GHG-6 identified in the Final EIR and the Mitigation Monitoring and Reporting Program (MMRP) and no additional mitigation measures or alternatives are required; and
- i. The Second Addendum and the Final EIR reflect the District's independent judgment and analysis.

4. The Second Addendum to the Final EIR is hereby adopted in relation to the subject of this Resolution.

5. The Renewable Microgrid is approved as mitigation for certain significant environmental effects identified in the Final EIR and, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the Board hereby makes and adopts the findings with respect to each such significant environmental effect as set forth in the Findings of Fact, appended to Resolution 2016-199 as Exhibit "A" and made a part hereof by this reference, and declares that it considered the evidence described in connection with each such finding.

6. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the Board hereby adopts and approves the Mitigation Monitoring and Reporting Program, which is appended to Resolution

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2016-199 as Exhibit "B" and is made a part hereof by this reference, with respect to the significant environmental effects of the TAMT Redevelopment Plan identified in the Final EIR, and hereby makes and adopts the provisions of the Mitigation Monitoring and Reporting Program applicable to the Renewable Microgrid as conditions of approval for the Renewable Microgrid.

7. 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.

8. 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 10th day of April, 2018, by the following vote: