

DRAFT

RESOLUTION 20xx-xxx

**RESOLUTION AUTHORIZING AMENDMENT NO. 1
TO THE FIVE-PARTY AGREEMENT BETWEEN
THE DISTRICT, CITY OF NATIONAL CITY, PASHA
AUTOMOTIVE SERVICES, GB CAPITAL, AND ICF
JONES & STOKES FOR NATIONAL CITY
BAYFRONT PROJECTS ENVIRONMENTAL
REVIEW CONSULTING SERVICES TO INCREASE
THE AGREEMENT AMOUNT BY \$72,000
INCREASING THE AGGREGATE TOTAL OF THE
AGREEMENT FROM \$603,000 TO \$675,000 AND
MODIFYING THE DEFINED COST-SHARING
PERCENTAGES**

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 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

WHEREAS, on September 23, 2015, the Board of Port Commissioners (BPC) directed District staff to study land use changes in the National City Marina District (Marina District) and the permanent alignment of Segment 5 of the Bayshore Bikeway in National City (Bayshore Bikeway); and

WHEREAS, on April 14, 2016, District staff presented a preliminary land use plan, which is now commonly known as the “National City Marina District Balanced Land Use Plan” (Balanced Plan); and

WHEREAS, on April 14, 2016, the BPC directed District staff to proceed with processing an environmental impact report (EIR), in accordance with the California Environmental Quality Act (CEQA), for the land use changes associated with the Balanced Plan, Pasha Automotive Services’ (Pasha) Tidelands Avenue Closure Project, and the rerouting of Segment 5 of the Bayshore Bikeway (collectively, Balanced Plan EIR); and

WHEREAS, on October 13, 2016, the BPC directed District staff to incorporate three more projects into the Balanced Plan EIR: (1) a recreational vehicle park and eventual hotel development proposed by GB Capital Holdings,

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LLC (GB Capital); (2) a connector rail project proposed by Pasha; and (3) a hotel and retail development on property owned by the City of National City (City), off of District tidelands (City Program); and

WHEREAS, on February 7, 2017, the Board adopted Resolution No. 2017-018, which authorized a five-party agreement (Agreement) between the District, City, Pasha, GB Capital, and ICF Jones and Stokes (ICF) to prepare the EIR. The Agreement was for a total amount of \$603,000 and a term of 24 months; and

WHEREAS, the Agreement allocates costs among the District, City, Pasha, and GB Capital whereby District and City are each responsible for 29% of the total EIR cost, and GB Capital and Pasha are each responsible for 21% of the total EIR cost; and

WHEREAS, the City's 29% cost allocation for the Agreement is to be paid with funds from the District's 2014-2018 CIP for the National City Planning and Entitlement efforts; and

WHEREAS, in July 2017, the City requested that the City Program be revised to include two roadway modification scenarios (City Program Revisions) involving Bay Marina Drive: (1) narrowing Bay Marina Drive to two lanes (currently four lanes) west of Marina Way, and (2) full closure of Bay Marina Drive west of Marina Way; and

WHEREAS, these City Program Revisions require additional work not anticipated in the original scope of work of the Agreement and thus, require an amendment to the Agreement; and

WHEREAS, as the City Program Revisions are requested by the City and agreed to by the District, District staff recommends the additional \$72,000 associated be borne equally by the City and District and the City's share be paid by the District through the 2014-2018 CIP for the National City Planning and Entitlement efforts; and

WHEREAS, District staff proposes that costs associated with the City Program Revisions result in an increase to the District's and City's individual cost allocations for the EIR to 31% each and this would in turn reduce the GB Capital and Pasha percentages to 19% each; and

WHEREAS, District staff is recommending that the BPC authorize the Executive Director to enter into that certain "Amendment to Agreement", attached as Attachment B to Agenda Item No. 2017-0434.

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

That the Executive Director and/or her designated representative is hereby authorized on behalf of the District to enter into Amendment to Agreement by and between San Diego Unified Port District, the City of National City, Pasha Automotive Services, GB Capital Holdings, and ICF Jones & Stokes, Inc. for National City Bayfront Projects Environmental Review Consulting Services to increase the cost of the consultant services by \$72,000, increasing the aggregate total amount of the agreement from \$603,000 to \$675,000, and to modify the defined cost-sharing percentages.

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 October 2017, by the following vote: