

**DRAFT****RESOLUTION 20xx-xxx****RESOLUTION GRANTING CONCEPT APPROVAL  
TO HIW ASSOCIATES, L.P. FOR HARBOR ISLAND  
WEST MARINA REDEVELOPMENT PROJECT**

**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**, as the Project applicant and Project proponent, HIW Associates, L.P. (HIW), operator of Harbor Island West Marina (HIWM), an existing marina facility located at 2040 Harbor Island Drive on Harbor Island West in San Diego, submitted an application for the proposed "Harbor Island West Marina Redevelopment Project" (Project); and

**WHEREAS**, pursuant to BPC Policy No. 357, plans for new tenant development must be presented to the Board for approval if the project is estimated to cost more than \$500,000; and

**WHEREAS**, development of the Project requires HIW to invest a minimum of \$45,000,000; and

**WHEREAS**, implementation of the Project requires the repair, maintenance, replacement and redevelopment of the existing land based and in-water facilities at the Project site including the existing marina buildings, restroom, parking lot and landscaping, and existing marina docks; and

**WHEREAS**, the Project will repair or replace aging infrastructure that is deteriorated and at the end of its serviceable life to accommodate a wider range of recreational vessel sizes, to provide more slip opportunities for a greater diversity of boaters including entry level boaters, and to ensure long-term operational viability of the marina; and

**WHEREAS**, as more particularly described in the corresponding Agenda Sheet, the Project consists of the following components: (1) demolition of all existing onsite building space and reconstruction of new building space; (2) demolition of the existing paved parking lot and construction of a new paved parking lot increasing the number of parking spaces by 29 for a total of 380 spaces with 12 spaces available to the general public; (3) removal of existing landscaping and installation of new draught tolerant, non-invasive landscaping with an area for bicycle parking; (4) reconstruction of an existing public viewing deck and construction of a new 12-foot-wide waterside public promenade; (5) reconstruction of swimming pool and jacuzzi; (6) demolition of 11 existing docks providing 620

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boat slips, and construction of 11 new docks providing 623 boat slips; and (7) modernization of on-site utilities and lighting; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA) and as supported by the entire record, the Project was analyzed in the Draft Mitigated Negative Declaration (MND) for the Project entitled “Harbor Island West Marina Redevelopment Project” (UPD #MND-2013-80, Clerk’s Document No. 76065); and

**WHEREAS**, the District considered the information contained in the Draft MND, the Mitigation and Monitoring and Reporting Program (MMRP) and the Final MND at the Board of Port Commissioners (BPC) meeting on November 14, 2023; and

**WHEREAS**, in November 2023, the BPC adopted Resolution 2023-~~XXX~~ adopting the Final MND, the findings of fact, and the MMRP, and authorizing staff to file a Notice of Determination; and

**WHEREAS**, the Project complies with Section 87(a)(1) of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation 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; and

**WHEREAS**, the Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine; and

**WHEREAS**, as part of fulfilling BPC Policy No. 608 (Tenant Percent for Art Program), the Project provides for a public art component which may include functional artwork along the new public promenade and/or a contribution to the District’s Public Art Fund and/or a designated contribution to the Coronado Bridge Lighting Project; and

**WHEREAS**, District staff recommends the BPC grant concept approval for the Project.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Port Commissioners of the San Diego Unified Port District (District) finds that the Final MND fully analyzed the Project in accordance with CEQA and that the Project is consistent with the Port Act and Public Trust Doctrine, and hereby grants concept approval to HIW Associates, L.P. (HIW) for the Harbor Island West Marina Redevelopment Project; provided, however, as a condition of approval, HIW shall indemnify and hold the District harmless against all third-party legal challenges, claims, lawsuits, proceedings and the like, including reimbursement of all attorneys’ fees, costs and expenses incurred by the District related to this concept

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approval. Said condition is independent of any agreement between the District and HIW.

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 14th day of November 2023, by the following vote: