

**DRAFT****RESOLUTION 20xx-xxx****RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A “MEMORANDUM OF UNDERSTANDING REGARDING MAJOR REGIONAL PROJECTS” WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS, SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY, AND CITY OF SAN DIEGO**

**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 1; and

**WHEREAS**, Section 87 of the Port Act, allows for the establishment, improvement, and conduct of airport and heliport or aviation facilities, buildings, utilities, structures, and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation; and

**WHEREAS**, Section 87 also allows for the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of [air commerce and air navigation] uses; and

**WHEREAS**, in July 2018, the San Diego International Airport Authority (Airport Authority) released for public review a Draft EIR for the San Diego International Airport (Airport) Development Plan (ADP) Project which included replacement of Terminal 1 (T1), 400,000 square feet of commercial development, a multi-use pedestrian and bicycle path from North Harbor Drive, a dedicated in-bound roadway, internal circulation improvements, a 7,500 parking space parking garage, new Airport administration offices, Terminal 2 (T2) modifications overnight aircraft parking and staging, and an increase of 10 gates; and

**WHEREAS**, upon receiving public comments on that Draft EIR, the Airport Authority prepared and released for a 45-day review period, a Recirculated Draft Environmental Impact Report (RDEIR) on September 19, 2019 which included a new reduced project CEQA alternative - Alternative 4, T-1 Replacement and Transportation Improvements;

**WHEREAS**, Alternative 4, T-1 Replacement and Transportation Improvements excluded the 400,000 square feet of commercial development and the T2 modifications, reduced the proposed parking stalls to 5,500, and increased the number of new gates to 11; and

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**WHEREAS**, Alternative 4 also set aside a right-of-way for an outbound roadway for eastbound traffic on Airport property, included a dedicated shuttle service between the Old Town Transit Center and the Airport, had the potential to establish a rapid bus line to and from the Airport, and included a transit-ready set aside area to accommodate future transit to and from the Airport; and

**WHEREAS**, the RDEIR also included Mitigation Measure MM-TR-LRP-2, which addressed future transit and mobility to the Airport; and

**WHEREAS**, in January 2020, the Airport Authority published its Final EIR for the ADP Project, which, among other items, included revisions to Mitigation Measure MM-TR-LRP-2 as addressed in the District's comment letter; and

**WHEREAS**, on January 9, 2020, the Airport Authority Board certified the Final EIR, made CEQA findings, adopted a Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program (MMRP), and adopted Alternative 4 – T1 Replacement and Transportation Improvement; and

**WHEREAS**, the Airport Authority announced a ten-year airline operating and lease agreement (AOLA) that includes \$515 million in funding for mobility projects on and around the Airport during the term of the AOLA; and

**WHEREAS**, the District, Airport Authority, San Diego Association of Governments (SANDAG), and City of San Diego (City) collaboratively developed a draft "Memorandum of Understanding Regarding Major Regional Projects" (MOU); and

**WHEREAS**, the funding mechanism included in AOLA, is enshrined in the MOU and includes the following elements:

- An estimated \$165 million for an Inbound Roadway Project;
- Up to \$75 million for Off-Airport public transportation projects, without restriction;
- Up to \$125 million in funding for Off-Airport transportation projects with at least \$200 million in legally binding commitments from third-parties;
- Up to an additional \$150 million for Off-Airport public transportation projects during the term of the AOLA, but only if additional non-Airport Authority funding of at least \$150 million (at least \$350 million in aggregate) has been secured through legally binding commitments from third-parties; and

**WHEREAS**, the MOU further addresses the Airport Authority's use of best efforts to fund and obtain Federal Aviation Authority (FAA) approval of funding of certain mitigation measures identified in the Final EIR for the ADP T1 redevelopment project (collectively, ADP Project), including without limitation, a mitigation measure that addresses a potential outbound roadway if and when

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needed, a framework for obtaining FAA approval of future funding for transit to the Airport and future collaboration among the agencies; and

**WHEREAS**, the key terms of the MOU include:

- Airport Authority will work with the other agencies to identify and contribute AOLA funding for environmentally-entitled projects subject to FAA approval of the funding for off-Airport improvements;
- The Airport Authority will use best efforts to obtain FAA approval for funding certain mitigation measures in the Final EIR and MMRP, including Mitigation Measure MM-TR-LRP-2;
- The Airport Authority, City and Port will work with SANDAG collaboratively on potential future transit project(s) to the Airport and surrounding areas, identify potential funding mechanisms, and where feasible, make available areas for transit improvements subject to existing obligations;
- The parties will continue to collaborate and give feedback and work in good faith to resolve issues for other regional projects;
- Under certain circumstances, SANDAG, the City and District covenant not to bring a California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) challenging the ADP Project; and

**WHEREAS**, any and all funding is subject to the prior approval of environmental analyses in accordance with the CEQA and NEPA; and

**WHEREAS**, staff recommends that the Board of Port Commissioners (BPC) adopt a resolution authorizing the District to enter into the MOU.

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

The Executive Director or her designated representative is hereby authorized to enter into a “Memorandum of Understanding Regarding Major Regional Projects” with the San Diego Association of Governments, San Diego County Regional Airport Authority, and the City of San Diego.

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 11<sup>th</sup> day of February 2020, by the following vote: