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Date	Ver.	Action By	Action	Result
11/1/2018	1	Board of Port Commissioners		

DATE: November 1, 2018

SUBJECT:

PRESENTATION AND DIRECTION TO STAFF ON THE PORT MASTER PLAN UPDATE - DRAFT GOALS AND POLICY CONCEPTS FOR THE ENVIRONMENTAL JUSTICE ELEMENT

EXECUTIVE SUMMARY:

Since 2013, the District has been evolving and improving a process, which we have come to know as Integrated Planning. In short, Integrated Planning is a multi-faceted and comprehensive approach for managing and planning the uses of the District in a balanced way. Although Integrated Planning is an approach and philosophy that will permeate numerous plans and processes at the District, one critical and current focus area is an update to the District’s Port Master Plan. The first comprehensive revision in the District’s history, the Port Master Plan Update (PMPU) is a comprehensive, integrated, baywide approach that will modernize our method for land and water planning and serve as a guide for future uses and development of District tidelands. The PMPU will connect the tidelands through a series of networks and Planning Districts. It will control the allowable land and water uses, including the type and characteristics of development, recreation, and environmental conservation throughout the District’s jurisdiction.

Through the course of 2017 and 2018, the Board conducted a series of workshops focusing on goals, policy concepts and draft land and water use maps for the baywide elements and the ten Planning Districts. During those workshops, several policy topics were noted for needing additional discussion and feedback to assist the team with completing the Discussion Draft of the PMPU.

For this item, staff is seeking Board feedback on draft goals and policy concepts on the topic of environmental justice. Staff will follow the discussion structure utilized during the prior PMPU Board

workshops and a facilitator agenda is included as Attachment A. In addition, staff's preliminary draft presentation is included as Attachment B to provide the Board and the public time to review the discussion materials in advance.

RECOMMENDATION:

Receive staff's presentation and provide direction to staff on the Port Master Plan Update regarding draft goals and policy concepts for the Environmental Justice Element.

FISCAL IMPACT:

Funds for work associated with the Port Master Plan Update effort are budgeted in the Planning Department's FY 2019 budget within the Professional Services expense account (#620100). Funds required for future fiscal years will be budgeted for in the appropriate fiscal year and cost account subject to Board approval upon adoption of each fiscal year's budget.

COMPASS STRATEGIC GOALS:

This agenda item supports the Strategic Goals adopted by the Board. The Integrated Planning efforts, including the PMPU, will bring the District's current practices into conformance with best management practices with considerations of sustainable fiscal growth for the District while proactively enhancing assets on tidelands and benefits to the public.

This agenda item supports the following Strategic Goals.

- A Port that the public understands and trusts.
- A thriving and modern maritime seaport.
- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port with a comprehensive vision for Port land and water uses integrated to regional plans.
- A Port that is a safe place to visit, work and play.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

PMPU Background

Holistic Planning Through Public Engagement

The PMPU process is in the third phase of a five-phase work plan. The five-phased work plan began with laying the foundation of the PMPU with acceptance of the Integrated Planning Vision Statement and Guiding Principles in the first phase, followed by acceptance of the Integrated Planning Framework in the second phase (collectively referred to as the "Integrated Planning Vision"). The phased work plan has allowed the PMPU team to continue to build a comprehensive update to the Port Master Plan from the ground up in a transparent and inclusive way that has included a balance of Board, stakeholder and public engagement throughout the planning process.

The summary below shows the five major phases of the work plan:

- **Vision Process: Guiding Principles (*Completed*)**. The initial phase included a high-level assessment of District-wide assets and extensive public engagement resulting in a foundational Vision Statement and Guiding Principles for the entire Integrated Planning framework.
- **Framework Report (*Completed*)**. The Vision Process was further refined through consideration of a core set of comprehensive ideas, memorialized in a Framework Report, that is informing the development of the Draft PMPU document.
- **Draft the Port Master Plan Update**. The current phase involves direction from the Board for drafting of the “Draft PMPU” document, which will ultimately be comprised of goals, policies and maps.
 - Baywide Elements and Planning District Goals (*Completed*)
 - Policy Concepts and Land and Water Use Maps (*Completed*)
 - Additional Policy Discussion Topics (*In Progress*)
 - Public review of PMPU Discussion Draft (*Anticipated early 2019*)
- **California Environmental Quality Act (CEQA) Environmental Review (*In Progress*)**. Creation of the draft PMPU will be followed by conducting the requisite “CEQA Environmental Review.” Preliminary environmental review work has begun.
- **California Coastal Commission Certification**. If the Board certifies the Programmatic Environmental Impact Report (PEIR) and adopts the PMPU, it will be processed for “California Coastal Commission Certification,” with minor approvals thereafter, including the Board’s approval of the PMPU as certified by the California Coastal Commission (Coastal Commission) and lastly, the Coastal Commission’s approval of the final PMPU after the Board’s approval of the PMPU as certified by the Coastal Commission.

All of these steps have or will require public input, stakeholder outreach, and agency coordination throughout.

Recap on the Draft PMPU Contents

As a refresher, the draft PMPU is currently proposed to include six topical sections, or elements, that provide baywide guidance related to Land and Water Use, Mobility, Coastal Access and Recreation, Natural Resources, Resiliency and Safety, and Economic Development. Within each element, there are goals and policies being drafted consistent with the proposed draft table of contents endorsed by the Board at the July 22, 2015 Integrated Planning Study Session. The elements will also contain and address cross-connecting themes like environmental justice, climate change, and the Green Necklace. However, as detailed later, staff would like to revisit where and how environmental justice is addressed in the draft PMPU based on questions and issues raised during the PMPU workshops and State Land Commission’s and California Coastal Commission’s recent focus on environmental justice. The PMPU team has utilized the robust public feedback obtained during the Integrated Planning process as the basis for drafting the goals and policy language to be contained within the draft PMPU elements.

The PMPU is also proposed to contain ten Planning Districts, and application of the baywide goals and policies established by the six baywide elements will vary Planning District by Planning District, as appropriate. Each of the ten Planning Districts will contain more geographic-specific goals,

policies, and land and water use maps intended to: 1) implement applicable baywide policies; 2) create development requirements tailored to the unique characteristics of each Planning District; and 3) implement the land and water use designations within those geographic areas. The draft policies for each Planning District will build on the corresponding goals and will be more granular in nature than the baywide element policies. The draft policies, both baywide- and Planning District-level will be available for the Board and public's review during the Discussion Draft PMPU review period.

2017 PMPU Board Workshops

PMPU Baywide Elements and Planning District Goals: The first in a series of Board workshops on the draft PMPU was held on March 9, 2017. Workshop No. 1 focused on the proposed organizational structure of the updated Port Master Plan, the proposed consolidated land and water use designations, and the draft goals for the Land and Water Use Element.

Board Workshop No. 2 was held on April 27, 2017, and concentrated on draft goals for the Mobility Element, draft goals for the Economic Development Element, and draft goals and draft land and water use maps for the ten Planning Districts.

On May 25, 2017, during Workshop No. 3 draft goals for the Resiliency and Safety Element, draft goals for the Natural Resources Element, and draft goals for the Coastal Access and Recreation Element, were discussed. Staff also presented preliminary draft PMPU baywide recreation open space acreage allocations.

Staff received considerable feedback from the public, stakeholders, and Board during these workshops, which is being taken into account as the drafting of the PMPU continues. Notably, completion of these three workshops resulted in clear direction to staff on all the draft PMPU goals, which set the stage and context for the current policy discussions. Furthermore, as often mentioned during these workshops, drafting of PMPU materials discussed is iterative and the document will continue to be revised as staff receives public, stakeholder, and Board feedback.

PMPU Policy Concepts and Land and Water Use Maps: Based on the Integrated Planning Vision, including the Guiding Principles and Framework Report, and the draft PMPU Goals for the baywide elements and Planning Districts, staff presented draft policy concepts to illustrate strategies and priorities, as well as open space and development character, that may take the form of draft policy language to be contained within the PMPU.

Policy concepts for each of the baywide elements were presented to the Board at Workshops Nos. 4 and 5, on August 8, 2017 and November 14, 2017, respectively. In August, the Mobility, Economic Development, Resiliency and Safety, and Natural Resources elements were presented and discussed. The Land and Water Use and Coastal Access and Recreation elements were presented in November. Work on each baywide element and associated policy concepts have been used to inform preparation of policy concepts and maps for the Planning District components of the draft PMPU.

On November 14, 2017, the Board held a workshop focusing on the Coronado Bayfront, Silver Strand, Imperial Beach Oceanfront and South Bay Planning Districts. The National City Bayfront and Working Waterfront Planning Districts, as well as the Chula Vista Bayfront, Harbor Island and Shelter Island Planning Districts, were discussed during workshops held on December 5, 2017 (Workshop No. 6) and December 12, 2017 (Workshop No. 7), respectively. Additionally, on March 28, 2018, Workshop No. 8 was held focusing on the Embarcadero Planning District. During those workshops, the Board heard feedback from the public and stakeholders regarding issues specific to each of

these areas and provided guidance to staff for drafting of the PMPU policies and land and water use maps.

PMPU Policy Discussion Topics for 2018

Through the course of the PMPU workshops focusing on baywide and planning district policy concepts, several policy topics were noted as needing additional discussion and feedback to assist the team with completing the Discussion Draft of the PMPU. The first of these discussions was held at the July 17, 2018 Board meeting (Workshop No. 9), during which staff received direction with respect to the PMPU regarding small format informational and wayfinding signage, including digital integration and paid advertising.

As staff refined the work plan for upcoming PMPU workshops, it was determined that many policy topics previously anticipated for Board discussion were no longer necessary. Staff will be able to proceed with completing the associated policies on these topics in the Discussion Draft of the PMPU because either sufficient Board direction has been received or policy guidance from other state agencies has prescribed the approach staff will take.

For Workshop No. 10, staff is seeking policy feedback and direction on the topic of environmental justice.

Environmental Justice and Integrated Planning

Environmental justice is defined by many state and federal agencies as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” As a priority topic, the importance of environmental justice has been discussed from the outset of the Integrated Planning process.

During the initial phase of Integrated Planning, a series of workshops were held to establish the Integrated Planning Vision, including the vision statement and guiding principles, that have served as a foundation for subsequent phases of the process and in the drafting of the PMPU. Specifically, two workshops were dedicated to the language for incorporating environmental justice into one of the eleven guiding principles. The resulting principle endorsed by the Board in August 2014 states:

Promote clean air, healthy communities, and environmental justice

Seek to achieve environmental justice which shall be defined as: working to reduce the cumulative health burdens on neighboring communities and ensure fair treatment of people of all races, cultures and incomes in developing, adopting, implementing and enforcing environmental laws, regulations and policies.

Based on the Integrated Planning Vision, environmental justice has been acknowledged as a cross-connecting theme that must be addressed throughout the entirety of the draft PMPU document.

During the PMPU workshop held on December 5, 2017, questions and issues raised on the topic of environmental justice pointed to the need for a more focused discussion. As outlined in staff's preliminary presentation (Attachment B), during the workshop staff will present and request feedback on draft goals and policy concepts relevant to this topic. As a cross-connecting theme, many of the draft environmental justice policy concepts are also contained within other PMPU elements (e.g., Coastal Access and Recreation, Resiliency and Safety, and Economic Development). However,

based on feedback received during past workshops, staff is proposing a seventh PMPU element - Environmental Justice - that would compile these policies in a stand-alone chapter of the document, as well as include goals and additional policies specific to this topic. The Environmental Justice Element would also serve to help frame the District's goals and policies in an integrated way and serve as a complementary foundation for current and future companion policies and actions, as outlined in the section below.

Environmental Justice at the District

There are several existing policies, as well as projects and programs being implemented, that demonstrate the District's current efforts to apply environmental justice principles in and adjacent District Tidelands. The policies listed below are included as Attachments C, D and E for your reference.

- Transition Zone Policy (BPC Policy No. 725, June 2008)
- Maritime Industrial Impact Fund (BPC Policy No. 773; June 2015)
- Pond 20 Economic Development Fund (BPC Policy No. 774; December 2015)

Environmental justice related requirements were also incorporated into agreements and approval actions associated with the Chula Vista Bayfront Master Plan^{1, 2, 3} and the Tenth Avenue Marine Terminal Redevelopment Plan^{4, 5}. In addition, programs addressing storm water pollution prevention and educational outreach, as well as the Green Business Network that includes businesses on District Tidelands near disadvantaged communities, are a current emphasis of District operations and will continue to be implemented to help satisfy requirements under the District's municipal stormwater permit and as environmental champions.

Draft Environmental Justice Policies Proposed by California State Agencies

The proposed PMPU approach aligns with efforts currently underway by other agencies, notably the California Coastal Commission (Coastal Commission) and the California State Lands Commission (State Lands). This year, both agencies released draft environmental justice policies that outline how they will consider environmental justice in future decisions and in their respective organizational cultures. Each relies on the State of California's definition of environmental justice as referenced in Government Code section 65040.12: "The fair treatment of people of all races, cultures, and incomes, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."

As part of their respective processes, both agencies have convened roundtables throughout the state to obtain feedback from stakeholders, including environmental justice groups and organizations, community representatives, California Native Tribes, and members of the public. Port staff have been actively engaged in the process for both agencies, including participation in round table discussions and providing public comments during public hearings on the draft policies. Both agencies anticipate finalizing their policies at the end of 2018.

Coastal Commission Draft Environmental Justice Policy Statement: In 2016, the California Legislature approved Assembly Bill No. 2616 (AB 2616), which required the Coastal Commission to include one member appointed by the Governor that resides in and works directly with disproportionately burdened communities in the state. AB 2616 also authorized the agencies issuing Coastal Development Permits (CDP), or the Coastal Commission on appeal, to consider environmental justice when taking actions on CDPs. As a result, the Coastal Act was amended to include the following sections:

Section 30301(f) *Of the representatives appointed by the Governor pursuant to subdivision (d) or (e), one of the representatives shall reside in, and work directly with, communities in the state that are disproportionately burdened by, and vulnerable to, high levels of pollution and issues of environmental justice, including, but not limited to, communities with diverse racial and ethnic populations and communities with low-income populations. The Governor shall appoint a representative qualified pursuant to this subdivision to a vacant position from the appointments available pursuant to either subdivision (d) or (e) no later than the fourth appointment available after January 1, 2017.*

Section 30604(h) *When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.*

The Coastal Commission's draft Environmental Justice Policy Statement is included in Attachment F, along with a staff report that details background on environmental justice, relevant California legislation, the history of the Coastal Act and its relationship with environmental justice, and the stakeholder engagement that Coastal Commission staff conducted in support of drafting this policy statement. The draft Environmental Justice Policy Statement is intended to ensure low-cost coastal access and recreational opportunities for all, and to recognize that the Coastal Commission's mission would be best advanced through participation and leadership in Coastal Commission decisions and actions from people from "diverse backgrounds, cultures, races, color, religions, national origins, ethnic groups, ages, disability status, sexual orientation, and gender identity."

To support implementation of their Environmental Justice Policy Statement, the Coastal Commission has also drafted a Statement of Principles, which includes: Respecting Tribal Concerns, Meaningful Engagement, Coastal Access, Access to Process, Accountability and Transparency, Climate Change, and Habitat and Public Health. Coastal Commission staff utilized feedback from the environmental justice roundtables to inform the formation of their policy statement, and will also use this feedback to make programmatic recommendations to their Strategic Plan Update and the Agency Racial Equity Action Plan, or other actions that could be implemented immediately.

State Lands Commission Draft Environmental Justice Policy: The State Lands Commission's draft Environmental Justice Policy, along with the supporting staff report, is included in Attachment G. Their draft policy includes an Environmental Justice Vision and Objectives, and also includes an Implementation Outline with goals and strategies for achievement. In the draft Environmental Justice Policy's introduction, the State Lands Commission explains that its primary responsibility is to apply the Public Trust Doctrine to California lands, which is rooted in the principle that the public has a right to use and enjoy public lands and resources for commercial and recreational purposes, and that the State Lands Commission is "entrusted to protect, preserve, and manage the lands and natural resources under its jurisdiction in the best interests of all Californians."

Further, the State Lands Commission recognizes that environmental justice issues intersect with much of its work, including access to public lands and resources, climate change resiliency and sea level rise preparedness and adaptation, the oversight of granted Public Trust lands including those underlying most major ports, and waterfront development. The State Lands Commission also emphasizes the importance of the unique perspectives from and meaningful engagement with California's Tribes and tribal communities to acknowledge the environmental injustices these groups

have endured in the past, and to use the State Lands Commission draft Environmental Justice Policy and State Lands Commission Tribal Consultation Policy to amplify tribal voices in fulfilling their mission.

The State Lands Commission draft Environmental Justice Policy's Vision and Objectives and Implementation Outline include goals and actions that the State Lands Commission can take to better address environmental justice issues and concerns with the agency's work and decision-making, as well as tools and resources to enhance internal staff awareness and organizational behavior to be more inclusive and thoughtful as an agency as a whole. The Environmental Justice Vision and Objectives include: Promote Equity, Inform the Public and Tribes, Increase and Encourage Equitable Public Access, Increase Commission Awareness, Analyze Impacts/Identify Benefits, Honor the Importance of Tribes' Ancestral Homelands, Build Trust and Form Relationships, Support Cleaner Industry, Increase Public Participation, Reduce Impacts/Increase Benefits, and Accountability; the Implementation Outline closely follows the Vision and Objectives.

Next Steps

December 18th - Special Board Meeting / Workshop: An additional PMPU workshop is scheduled for December 18, 2018 to follow up on feedback provided by the Board, stakeholders and public at the March 28, 2018 PMPU workshop regarding commercial fishing-related policies, as well as policy concepts for the Embarcadero Planning District.

During this workshop, staff intends to present refined policies addressing allowable secondary uses and their ratios within the Commercial Fishing land and berthing designations, along with refinements to the draft Central Embarcadero overlay policies that apply to the Tuna Harbor basin.

In addition, staff is working with an urban planning consultant with expertise in the public realm to prepare a comprehensive review of all past and current concepts for the Embarcadero area. This review will also incorporate the mobility concepts to be included in the District's North Harbor Drive Mobility and Access Study, currently underway. Consideration of both the public space and mobility concepts together is intended to provide a holistic view of the public realm within the Embarcadero and will help staff form a recommendation to present the Board for an additional land and water use map configuration for the North Embarcadero sub-district to include in the PMPU Discussion Draft and subsequent PEIR.

Public Review of PMPU Discussion Draft: After the conclusion of the Additional Policy Discussions with the Board, staff will complete the Discussion Draft PMPU. In keeping with the transparent and proactive approach to planning consistently taken throughout the Integrated Planning process, the Discussion Draft PMPU will be made available for a 45-day review period to provide the Board and the public an opportunity to review the entire draft PMPU document, including the introduction, element goals and policies, and Planning Districts, in a holistic manner. Note that written comments received on the Discussion Draft will be transmitted to the Board and reviewed by the PMPU team. These public comments and Board feedback may result in revisions to the Draft PMPU, which will form the project description for the PMPU Draft PEIR.

PMPU PEIR Project Description: After the completion of the Discussion Draft public review period, staff plans to provide an overview presentation on the updated Draft PMPU based on public review comments and Board input to date. Staff will also request the Board's direction to use the Draft PMPU as the project description for the PEIR to be prepared for the PMPU pursuant CEQA.

CEQA and Coastal Commission Processing: As a part of the environmental review process, it is anticipated the Draft PEIR will be circulated for public review in the second half of 2019 with the Board's targeted consideration of the certification of the Final PEIR and approval of the PMPU in spring of 2020. Processing of the PMPU with the California Coastal Commission is expected to take place through the remainder of 2020.

As these anticipated milestones are dependent upon the direction received by the Board and the volume and complexity of comments received, the timeline may require adjustment as the PMPU process progresses.

Upcoming Public Engagement Events: District staff is planning a Public Open House event to occur in association with the release of the PMPU Discussion Draft. Attachment H, the PMPU Public Engagement Timeline and Drafting Process, depicts the anticipated milestones for the completion of the PMPU.

On-going Stakeholder and Agency Involvement: Throughout the planning process, the PMPU team has held, and will continue to hold, targeted stakeholder and agency meetings to gain feedback on the District's balanced approach to planning and policy development. The PMPU team has met on regular intervals to discuss the draft PMPU with internal District subject matter experts and staff from several local and regional agencies, including adjacent jurisdictions. Staff will continue proactive engagement with the Board, stakeholders, and the public as a way to advance a well-informed plan and to keep the PMPU on track; although, planning processes are not always predictable. As such, staff will keep the Board informed of any new or unanticipated issues as they arise, along with necessary updates or adjustments to the work plan.

General Counsel's Comments:

The General Counsel's Office has reviewed the agenda sheet and attachments as presented to it and approves them as to form and legality.

Environmental Review:

This item provides a presentation on draft goals and policy concepts related to the environmental justice element of the draft PMPU. This presentation is informational in nature and is intended to give staff initial and preliminary feedback on the topic being presented. The item and any Board feedback do not constitute an "approval" or a "project" under the definitions set forth in CEQA Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. While the Board may request certain policy concepts, uses and other project components be included, alternatives studied or other direction, such direction to staff will not bind the District to a definite course of action prior to CEQA review. Additionally, Board endorsement of the policy concepts presented does not constitute a binding commitment to approve the PMPU or its contents prior to consideration of the PEIR. These components may be altered through the public engagement process, future Board feedback, and the CEQA process. Full CEQA analysis will be completed prior to the District's commitment to the PMPU of components thereof, in whole or in part. Moreover, the Board reserves its discretion to adopt any and all feasible mitigation measures, alternatives to the PMPU, including a no project alternative, a statement of overriding consideration, if applicable, and approve or disapprove the PMPU. Those decisions may be exercised in the sole and absolute discretion of the Board. Based on the totality of the circumstances and the entire record, the Board's

direction and action do not commit the District to a definite course of action prior to CEQA review being conducted. Therefore, no further CEQA review is required.

In addition, this informational report allows for the District to implement its obligations under the Port Act and/or other laws. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, this informational report is consistent with the Public Trust Doctrine.

Finally, this informational report to the Board does not allow for “development,” as defined in Section 30106 of the Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit (CDP) Regulations because it will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a CDP or exclusion is not required. However, the District’s projects require processing under the District’s CDP Regulations. If a project is formulated as a result of the informational report, the Board will consider approval of the project and any improvements associated after the appropriate documentation under District’s CDP Regulations has been completed and authorized by the Board, if necessary. The Board’s direction in no way limits the exercise of the District’s discretion under the District’s CDP Regulations.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

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Attachments:

- Attachment A: Facilitator Agenda
- Attachment B: Preliminary Draft Staff Presentation for November 1, 2018 Board Meeting, Agenda File No. 2018-0494
- Attachment C: Transition Zone Policy, BPC Policy No. 725, June 2008
- Attachment D: Maritime Industrial Impact Fund, BPC Policy No. 773; June 2015
- Attachment E: Pond 20 Economic Development Fund, BPC Policy No. 774; December 2015
- Attachment F: California Coastal Commission Draft Environmental Justice Policy Statement and Staff Report, dated September 12, 2018
- Attachment G: California State Lands Commission Draft Environmental Justice Policy and Staff Report, dated October 18, 2018
- Attachment H: Port Master Plan Update Public Engagement Timeline and Drafting Process

¹ SDUPD BPC Meeting dated February 2, 2010, Agenda Item No. 26: Resolution Approving Land Exchange with Pacifica Companies for the Chula Vista Bayfront Master Plan; Resolution No. 2010-28.

² SDUPD BPC Meeting dated May 4, 2010, Agenda Item No. 26: Resolution Authorizing District to Enter into Chula Vista Bayfront

Master Plan Settlement Agreement; Resolution No. 2010-76.

³ SDUPD BPC Meeting dated May 18, 2018, Agenda Item No. 3: Public Hearing and Resolution Certifying the Final Environmental Impact Report, Adopting Findings of Fact and Statement of Overriding Considerations, Adopting Mitigation Monitoring and Reporting Program, and directing filing of the Notice of Determination; Resolution No. 2010-78.

⁴ SDUPD BPC Meeting dated December 13, 2016, Agenda Item No. 20A: Public Hearing and Resolution Certifying the Final Environmental Impact Report, Adopting Findings of Fact and Statement of Overriding Considerations, Adopting Mitigation Monitoring and Reporting Program, and directing filing of the Notice of Determination; Resolution No. 2016-199.

⁵ SDUPD BPC Meeting dated December 13, 2016, Agenda Item No. 20B: Resolution Adopting the Sustainable Terminal Capacity scenario and the "Tenth Avenue Marine Terminal Redevelopment Plan," prepared by Vickerman & Associates, LLC (December 2014), as amended by District staff (November 2016); Resolution No. 2016-200.