



## Legislation Details (With Text)

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**Title:** RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT, THE SAN DIEGO ASSOCIATION OF GOVERNMENTS AND CALIFORNIA DEPARTMENT OF TRANSPORTATION REGARDING COOPERATIVE WORK ON IMPROVING ACCESSIBILITY, SUSTAINABILITY, AND ECONOMIC VITALITY TO THE PORT OF SAN DIEGO'S WORKING WATERFRONT WITHOUT COMPROMISING THE HEALTH OF LOCAL COMMUNITIES

### Sponsors:

### Indexes:

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**Attachments:** 1. 19. 2020-0288 Attachment A, 2. 19. 2020-0288 Attachment B, 3. 19. 2020-0288 Draft Resolution

| Date      | Ver. | Action By                   | Action  | Result |
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| 10/9/2020 | 1    | Board of Port Commissioners | adopted | Pass   |
| 10/6/2020 | 1    | Board of Port Commissioners |         |        |

**DATE:** October 6, 2020

### SUBJECT:

**RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT, THE SAN DIEGO ASSOCIATION OF GOVERNMENTS AND CALIFORNIA DEPARTMENT OF TRANSPORTATION REGARDING COOPERATIVE WORK ON IMPROVING ACCESSIBILITY, SUSTAINABILITY, AND ECONOMIC VITALITY TO THE PORT OF SAN DIEGO'S WORKING WATERFRONT WITHOUT COMPROMISING THE HEALTH OF LOCAL COMMUNITIES**

### EXECUTIVE SUMMARY:

At the December 10, 2019 meeting of the Board of Port Commissioners (Board), District staff presented the findings of the Harbor Drive Multimodal Corridor Study (Study). At that meeting, the Board directed staff to continue working with pertinent stakeholders and seek funding opportunities for the concepts identified in the Study, including a corridor-wide concept referred to as Harbor Drive 2.0 (Attachment A, Appendix H). Following the December 2019 meeting, staff from the San Diego Unified Port District (District), the San Diego Association of Governments (SANDAG), and the California Department of Transportation (CalTrans) drafted a "Memorandum of Understanding Regarding Cooperative Work on Improving Accessibility, Sustainability, and Economic Vitality to the Port Tideland Without Compromising the Health of Local Communities" (MOU). The MOU describes how the stakeholders with jurisdiction over Harbor Drive will work together to further Harbor Drive 2.0 and other projects along the corridor. These efforts include project identification, environmental

review, and funding opportunities.

### **RECOMMENDATION:**

Adopt a resolution authorizing the District to enter into a “Memorandum of Understanding Regarding Cooperative Work on Improving Accessibility, Sustainability, and Economic Vitality to the Port Tideland Without Compromising the Health of Local Communities” with the San Diego Association of Governments and the California Department of Transportation.

### **FISCAL IMPACT:**

This agenda item has no fiscal impact for FY 2021. Cost sharing is subject to negotiation under the terms of the MOU and would be formalized through an independent agreement(s). Any fiscal commitments will be subject to Board approval of next year’s fiscal year budget.

Funds required for future fiscal years will be budgeted for in the appropriate year subject to Board approval upon adoption of each fiscal year’s budget.

### **COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goal(s).

- A thriving and modern maritime seaport.
- A vibrant waterfront destination where residents and visitors converge.
- 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.

### **DISCUSSION:**

At the December 10, 2019 meeting of the Board of Port Commissioners (Board), District staff presented the findings of the Harbor Drive Multimodal Corridor Study (Study). At that meeting, the Board directed staff to continue working with pertinent stakeholders and seek funding opportunities for the concepts identified in the Study, including a corridor-wide concept referred to as Harbor Drive 2.0 (Attachment A). Following the December 2019 meeting, staff from the San Diego Unified Port District (District), the San Diego Association of Governments (SANDAG), and the California Department of Transportation (CalTrans) developed a draft “Memorandum of Understanding Regarding Cooperative Work on Improving Accessibility, Sustainability, and Economic Vitality to the Port Tideland Without Compromising the Health of Local Communities” (MOU). The MOU describes how the stakeholders with jurisdiction over Harbor Drive will work together to further Harbor Drive 2.0 and other projects along the corridor. These efforts include project identification, environmental review, and funding opportunities.

### **Background**

In 2013, the District initiated the Integrated Planning effort as a multi-faceted and comprehensive approach for managing and planning the uses of District tidelands in a balanced way. The Integrated Planning Vision includes the Assessment Report, Vision Statement and Guiding Principles that were accepted by the Board in August 2014, and the Framework Report that was accepted by the Board in

November 2015. These reports are collectively referred to as the Integrated Planning Vision. The Integrated Planning Vision has served as the foundation for the drafting of the Port Master Plan Update and identified some high-priority concepts worthy of additional study.

One of the concepts presented in early Integrated Planning sessions was the “Haul Road,” which was envisioned as an improved connection between the District’s two marine cargo terminals that would allow for more efficient goods movement, as well as enhanced pedestrian, bicycle and transit connections along this portion of Harbor Drive. The potential benefits to the Working Waterfront, the region and multiple constituencies warranted additional study and consideration of this concept as a high priority. As such, the Board authorized staff to work with a consultant team from WSP, Inc. to advance the “Harbor Drive Multimodal Corridor Study” (Study) in November 2017.

The Study developed three preliminary design concepts, which include a design for the Harbor Drive 2.0 concept that would provide the District and/or stakeholder agencies with the basis of a project description to begin environmental review. Some of the important features of the Harbor Drive 2.0 concept plan are enhancements that create a connected flexible freight and transit haul road providing enhanced connectivity between NCMT, TAMT and regional freeways, while also providing the capability for potential use by multiple transportation modes such as freight trucks, transit buses and employee shuttles. Moreover, while providing more efficient movement of freight, HD 2.0 also incentivizes freight trucks to avoid entering neighborhoods like Barrio Logan and National City, enhancing the quality of life for neighborhood residents and improving public safety.

The Study findings were presented to the Board at the December 10, 2019 Board of Port Commissioners (Board) meeting. After the presentation, the Board directed staff to continue participating in regional efforts to improve Harbor Drive, including the advancement of corridor-wide concept called Harbor Drive 2.0 (Attachment A, Appendix H). Staff from the District, SANDAG, and CalTrans drafted the proposed MOU as a mechanism to continue those efforts.

If approved, staff is proposing to use the joint agency MOU as the vehicle to advance a joint-agency effort to complete environmental review for Harbor Drive 2.0. Project funding and implementation is dependent on the completion and approval of a project-level environmental document. Staff intends to pursue funding sources using a collaborative approach in future years.

## MOU

Staff from SANDAG, CalTrans, and the District met to discuss next steps to implement Harbor Drive 2.0. The result of those discussions is the proposed MOU, attached as Attachment B. The key terms of the proposed MOU include:

- *Concept/Project*: The parties will work together to identify a Harbor Drive 2.0 concept and to further refine and solidify the design of the Harbor Drive 2.0 concept to be the subject of environmental review;
- *Environmental Review Lead Agency*: The parties will identify and designate an agency responsible for taking the lead with required environmental work;
- *Funding*: The parties will negotiate cost sharing responsibilities among the parties, and identify funding mechanisms such as grant funding opportunities;
- *Regional Focus*: The parties agree to integrate the policy considerations set forth in SANDAG’s South Bay to Sorrento Comprehensive Multimodal Corridor Plan (CMCP) and to pursue the objectives of the Harbor Drive 2.0 concept and other priority projects identified in

the CMCP.

### **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:**

The proposed resolution authorizing a memorandum of understanding with San Diego Association of Governments and California Department of Transportation does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the District adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of the proposed Board action that requires the District or the Board's discretionary approval resulting in a physical change to the environment will be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a "no project alternative" or adopting a Statement of Overriding Consideration, if required. The proposed Board action in no way limits the exercise of this discretion. Therefore, no further CEQA review is required.

The proposed Board action complies with Sections 21, 35, and 87 of the Port Act, which allow the Board to pass resolutions and to do all acts necessary and convenient for the exercise of its powers, and which authorizes the use of tidelands 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 any of the uses set forth in this section. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

The proposed Board action does not allow for "development," as defined in Section 30106 of the California 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 Coastal Development Permit or exclusion is not required. However, development within the District requires processing under the District's CDP Regulations. Future development, as defined in Section 30106 of the Coastal Act, will remain subject to its own independent review pursuant to the District's certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. The proposed Board action in no way limits the exercise of the District's discretion under the District's CDP Regulations. Therefore, issuance of a CDP or exclusion is not required at this time.

### **Equal Opportunity Program:**

Not applicable.

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**Attachment(s):**

Attachment A: Appendix H: Harbor Drive 2.0

Attachment B: Interagency MOU