



Legislation Text

File #: 2021-0033, **Version:** 1

DATE: February 11, 2021

SUBJECT:

RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE SAN DIEGO FOUNDATION TO ADVANCE A COLLABORATIVE PARTNERSHIP TO EXPLORE OPPORTUNITIES FOR PROGRAM ALIGNMENT AND INVESTMENT TO SUPPORT COASTAL ACCESS; CLIMATE INITIATIVES AND COASTAL RESILIENCY; ENVIRONMENTAL CONSERVATION AND STEWARDSHIP; ENVIRONMENTAL JUSTICE; AND A THRIVING, SUSTAINABLE WATERFRONT

EXECUTIVE SUMMARY:

The District and the San Diego Foundation (Foundation) have been working collaboratively for years on various projects including climate change research initiatives such as the “San Diego, 2050 is Calling” report; the Coronado Bridge Lighting Campaign; the creation of Ruocco Park; and the Port with No Boards Scholarship Fund. Additionally, the Foundation has been an active participant on the District’s Environmental Advisory Committee since its inception in 2006.

To continue this partnership, staff requests authorization for the President/Chief Executive Officer (CEO) or their designee to enter into a memorandum of understanding (MOU) with the Foundation (Attachment A). This MOU would advance a collaborative partnership to explore opportunities for program alignment and investment to support coastal access; climate initiatives and coastal resiliency; environmental conservation and stewardship; environmental justice; and a thriving, sustainable waterfront.

RECOMMENDATION:

Adopt a resolution authorizing the President/CEO or their designee to enter into a “Memorandum of Understanding” with the San Diego Foundation to advance a collaborative partnership to explore opportunities for program alignment and investment to support coastal access; climate initiatives and coastal resiliency; environmental conservation and stewardship; environmental justice; and a thriving, sustainable waterfront.

FISCAL IMPACT:

This agenda item has no fiscal impact for FY 2021. Any future costs would be formalized through independent agreement(s). Any fiscal commitments will be subject to Board approval in future fiscal year budgets.

COMPASS STRATEGIC GOALS:

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

- A Port that the public understands and trusts.
- 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 financially sustainable Port that drives job creation and regional economic vitality.
- Not applicable.

DISCUSSION:

A History of Collaboration Between the District and the San Diego Foundation

The District and the San Diego Foundation (Foundation) have been working collaboratively for years on many different projects including the creation of Ruocco Park; Bay Bridge Lighting; a climate initiative called “San Diego, 2050 is Calling”; and Port with No Borders Scholarship fund. The history of these initiatives detailed below.

On November 10, 2008, the District entered into a Donation Agreement for the Development of Ruocco Park with The Foundation (District Document No. 54151). The Donation Agreement provides that the Foundation will donate \$3,500,000 for the enhanced design, construction and maintenance of Ruocco Park for 66-years. On May 6, 2014, by Resolution No. 2010-163, the Board authorized the issuance of a non-appealable CDP (CDP-2010-05) for the Ruocco Park Project to construct and operate a park, including for use during special events.

On November 13, 2012, by Resolution No. 2012-169, the Board advanced the implementation of a public art lighting project to illuminate the San Diego- Coronado Bay Bridge. By Resolution No. 2012-169, the Board approved \$25,000 in District start-up funds that were deposited into the San Diego- Coronado Bridge Lighting Project Fund as a non-endowment fund at the Foundation in 2013.

The District also participated in the Foundation’s Climate Initiative. This included participation in the preparation of the report entitled “San Diego, 2050 is Calling. Facing the Future: How Science Can Help Prepare San Diego Regional Leaders for Climate Change.” The Climate Initiative spurs innovation and collaboration by supporting research and projects that benefit local governments to address climate change. Commissioner Castellanos and District staff served as advisors to this Climate Initiative.

The Port with No Boards Scholarship Fund was also established at the Foundation to support student educational goals. Lastly, the Foundation has been an active participant on the Districts Environmental Advisory Committee since its inception in 2006.

Memorandum of Understanding

District and Foundation staff been exploring potential additional collaborative efforts. The Foundation routinely collaborates with donors, government and businesses to create new strategies and find solutions for the region’s most pressing issues. The results of these discussions is the proposed

MOU (Attachment A).

This MOU is focused on potential further collaborations between the District and Foundation to advance science-based climate initiatives to develop local policies and programs to reduce local risks from climate change, including the creation of wetlands such as a mitigation bank at Pond 20, as well as the Foundation's "Opening the Outdoors" program, where the two Parties have alignment in providing access to parks and providing hands on environmental education. The District and Foundation may also collaborate to assess, manage and adapt to current and future coastal, environmental, social and economic opportunities and challenges.

Recommendation

Staff recommends the Board adopt a resolution authorizing the President/CEO or their designee to enter into a "Memorandum of Understanding" with the San Diego Foundation to advance a collaborative partnership to explore opportunities for program alignment and investment to support coastal access; climate initiatives and coastal resiliency; environmental conservation and stewardship; environmental justice; and a thriving, sustainable waterfront.

General Counsel's Comments:

The Office of the General Counsel reviewed this agenda and approved the proposed Memorandum of Understanding as to form and legality.

Environmental Review:

The proposed Board action, a resolution authorizing the President/CEO or their designee to enter into a MOU with the San Diego Foundation, does not constitute an "approval" or a "project" under the definitions 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 Board's direction 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 MOU and Board direction in no way limit the exercise of this discretion. Therefore, no further CEQA review is required.

The proposed Board action complies with Section 87 of the Port Act, which allows for the establishment and maintenance of those lands for open space, ecological preservation, and habitat restoration. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Project is consistent with the Public Trust Doctrine.

Finally, 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 they would 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 at this time. 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 Board's direction in no way limit 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: Memorandum of Understanding