



Legislation Text

File #: 2021-0180, **Version:** 1

DATE: August 9, 2022

SUBJECT:

BAYSHORE BIKEWAY SEGMENTS 2 AND 3:

- A. ORDINANCE GRANTING A SIXTY-SIX (66) YEAR EASEMENT FOR THE OPERATION AND MAINTENANCE OF A SEGMENT OF THE BAYSHORE BIKEWAY TO THE CITY OF SAN DIEGO FOR APPROXIMATELY 1,737 SQUARE FEET OF LAND LOCATED WEST OF AND ADJACENT TO NORTH HARBOR DRIVE IN THE CITY OF SAN DIEGO.**
- B. ORDINANCE GRANTING A SIXTY-SIX (66) YEAR EASEMENT FOR THE OPERATION AND MAINTENANCE OF A SEGMENT OF THE BAYSHORE BIKEWAY TO THE CITY OF SAN DIEGO FOR APPROXIMATELY 466 SQUARE FEET OF LAND LOCATED EAST OF AND ADJACENT TO HARBOR DRIVE IN THE CITY OF SAN DIEGO.**

EXECUTIVE SUMMARY:

The Bayshore Bikeway is a planned 24-mile bike path around San Diego Bay, providing a vital and scenic connection to major bayfront employers as well as to tourist and recreational destinations. Approximately 18 miles of bike paths have been built to date. The San Diego Association of Governments (SANDAG) is developing additional improvements to the Bayshore Bikeway based on the Bayshore Bikeway Plan, which was adopted by SANDAG in 2006 to identify opportunities to improve the bikeway primarily along the east side of the San Diego Bay. The objective is to develop a continuous Class I bike path that would allow bike riders to ride all the way around San Diego Bay on a dedicated path separated from city streets.

As part of project, SANDAG will perform the design, environmental review, right-of-way acquisition, and construction of the Bayshore Bikeway in coordination with San Diego Unified Port District (District), and in accordance with the Cooperative Agreement between SANDAG and the City of San Diego (City) (see Attachment B - Cooperative Agreement). The City agrees to operate, maintain, repair, and replace and inspect the Bayshore Bikeway from and after completion of the construction that pertains to approximately 1,737 square feet and approximately 466 square feet that is located on District-owned property and is covered by the easements for which staff seeks Board of Port Commissioner (Board) approval.

Therefore, staff recommends the Board grant two Easement and Maintenance Agreements to the City, for the operation, maintenance, repair, and replacement of a bicycle lane, sidewalk, curb return, and storm drain inlet for the Barrio Logan segment of the Bayshore Bikeway along Harbor Drive between Schley Street and 28th Street and between Park Blvd and Switzer Street. The easements also include indemnification of the District for claims resulting from the use of the Bayshore Bikeway.

RECOMMENDATION:

- A. Adopt an Ordinance Granting a Sixty-Six (66) Year Easement for the Operation and Maintenance of a segment of the Bayshore Bikeway to the City of San Diego for approximately 1,737 Square Feet of Land Located West of and adjacent to North Harbor Drive in The City of San Diego; and
- B. Adopt an Ordinance Granting a Sixty-Six (66) Year Easement for the Operation and Maintenance of a segment of the Bayshore Bikeway to the City of San Diego for approximately 466 Square Feet of Land Located East of and Adjacent to Harbor Drive in the City of San Diego.

FISCAL IMPACT:

This Board action has no fiscal impact.

COMPASS STRATEGIC GOALS:

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

- 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.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

Construction of the Barrio Logan segment of the Bayshore Bikeway will be a Class 1 bike path constructed almost exclusively within the City of San Diego public right-of-way. The proposed alignment for this segment extends along the western side of Harbor Drive from Park Blvd to Cesar Chavez Parkway, crosses to the eastern side of Harbor Drive, and continues to 32nd Street. The Easement and Maintenance Agreements pertain to two District owned areas that are approximately 1,737 square feet of land located between Park Blvd and Switzer Street and approximately 466 square feet of land located along Harbor Drive between Schley Street and 28th Street (see Attachment A - Location Map). Both District areas are needed to complete the Barrio Logan segment.

SANDAG is funding and constructing the improvements for this segment of the Bayshore Bikeway, which will include approximately 2.5 miles of a shared-use Class 1 bicycle and pedestrian path and related roadway modifications necessary to accommodate the bikeway, including signage, relocation of existing utilities and storm drains, repaving, street lighting, and other similar improvements. Upon the completion of the relevant portions of the Bikeway, the Easement and Maintenance Agreements will grant the City two (2) 66-year easements (see Attachment C and D - Easements) to operate, maintain, repair, and replace a bicycle lane, sidewalk, curb return, and storm drain inlet.

SANDAG offered the District a total lump sum amount of One Hundred Sixty-Four Thousand Six Hundred Dollars (\$164,600) as consideration for the Easements. The District waived this

consideration in the spirit of partnership and support for the Bayshore Bikeway.

In light of the foregoing, Staff recommends the Board grant the two (2) Easement and Maintenance Agreements to the City of San Diego for the operation, maintenance, repair, and replacement of a bicycle lane, sidewalk, curb return, and storm drain inlet for the Barrio Logan segment of the Bayshore Bikeway along Harbor Drive between Schley Street and 28th Street and between Park Blvd and Switzer Street.

General Counsel's Comments:

The Office of the General Counsel has reviewed this agenda sheet and the attachments as presented to it and approves the same as to form and legality.

Environmental Review:

The proposed Board actions, including without limitation, granting two sixty-six (66) year easements for the operation and maintenance of segments 2 and 3 of the Bayshore Bikeway to the City of San Diego, are categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction) and/or 15304 (Minor Alterations to Land) because the project would consist of the construction of bicycle infrastructure improvements that would involve no expansion of use beyond that previously existing, would not result in a significant cumulative impact due to the continuation of the existing use, would be located essentially on the same site as the structure replaced, would have substantially the same purpose and capacity as the structure replaced, would result in no permanent effects on the environment, and would not involve the removal of mature, scenic trees. In accordance with CEQA the City of San Diego, as Lead Agency, analyzed the proposed project and prepared an Environmental Determination. The City of San Diego previously determined the project to be exempt from CEQA on August 8, 2019 (Project No. 619732), and the District previously determined the project to be exempt from CEQA on September 11, 2019 (Project No. 2019-087). Pursuant to CEQA Guidelines Section 15381, the District is a Responsible Agency because the project is being carried out by the City on District Tidelands. Pursuant to Section 15378(c) of the CEQA Guidelines, the term "project" refers to the activity being approved, which may be subject to several discretionary approvals of governmental agencies and does not mean each separate governmental approval. Accordingly, the proposed Board actions are subsequent discretionary approvals of a previously approved project. No further action under CEQA is required.

The proposed Board actions comply with Sections 21, 35, and 87, which allow the Board to pass ordinances and resolutions; and to do all acts necessary and convenient for the exercise of its powers; and 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 actions are consistent with the Public Trust Doctrine.

The proposed Board actions are considered excluded development pursuant to Sections 8.a. (Existing Facilities), 8.b. (Replacement or Reconstruction), and 8.d. (Minor Alterations to Land) of the

District's Coastal Development Permit Regulations because the project would consist of the construction of bicycle infrastructure improvements that would involve negligible or no expansion of use beyond that previously existing, would be located essentially on the same site as the structure replaced, would have substantially the same purpose and capacity as the structure replaced, and would not involve the removal of mature, scenic trees. A categorical determination of exclusion and notice of approval was previously issued for this project on September 11, 2019 and became effective 10 working days after notification to California Coastal Commission staff, since no appeals were received (Project No. 2019-087). Therefore, issuance of a Coastal Development Permit or subsequent exclusion is not required for the proposed Board actions.

Equal Opportunity Program:

This agenda sheet has no direct impact on District workforce or contract reporting at this time.

PREPARED BY:

Andrea Ormerod
Program Manager, Real Estate

Attachment(s):

Attachment A: Location Map

Attachment B: Cooperative Agreement (between SANDAG and City of San Diego)

Attachment C: Easement for the Operation and Maintenance of The Bayshore Bikeway
(approx.1,737 Square Feet)

Attachment D: Easement for the Operation and Maintenance of The Bayshore Bikeway (approx.
466 Square Feet)