

RESOLUTION NUMBER R- 304165

DATE OF FINAL PASSAGE OCT 09 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO OPPOSING THE PORT OF SAN DIEGO
MARINE FREIGHT PRESERVATION AND
BAYFRONT REDEVELOPMENT INITIATIVE.

WHEREAS, the San Diego Unified Port District [Port District] is a trustee agency that, on behalf of the people of the State of California, holds and manages state tidelands and submerged lands and certain improvements thereon within San Diego Bay, including the Tenth Avenue Marine Terminal, the National City Marine Terminal and the Cruise Ship Terminal; and

WHEREAS, the Tenth Avenue Marine Terminal is a 96-acre facility that hosts over 500 tenants, including ocean carriers, shippers, energy companies and the Department of Defense. According to the Port District, in the past four years, total bulk tonnage handled at the Tenth Avenue Marine Terminal has increased from approximately 157,000 metric tons to approximately 744,000 metric tons annually; and

WHEREAS, on or about February 25, 2008, San Diego Community Solutions, LLC, the proponent of The Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative [the Initiative], submitted a "Notice of Intent to Circulate Initiative Petition" and the Initiative later qualified for the ballot; and

WHEREAS, the Initiative proposes to amend the Unified Port of San Diego Port Master Plan [Master Plan] to add a "Multi-Use Maritime District" as a distinct industrial land use to permit redevelopment of the Tenth Avenue Marine Terminal and surrounding area with new public recreational, cultural and visitor-serving commercial uses; and

WHEREAS, the Initiative and subsequent redevelopment could allow construction of a deck for utilization of 96 acres of air rights above the marine terminal and the adjacent grounds; and

WHEREAS, the proponent has stated that, if the Initiative is passed by voters, redevelopment potentially could include an aquarium, a cruise ship terminal, parks, an amphitheater or arena (for large meetings, concerts and sports events), hotels, restaurants, and/or specialty shopping areas; and

WHEREAS, under the terms of the Initiative, within sixty days of the effective date of the Initiative, the Board of Port Commissioners would be required to enter into an Exclusive Negotiating Agreement with a private development entity to negotiate terms of redevelopment of the Tenth Avenue Marine Terminal; and

WHEREAS, the Port District asserts that the Initiative improperly divests the Port Board of Commissioners of its exclusive authority to amend the Master Plan; and

WHEREAS, Port District officials have asserted that uses proposed by the Initiative are incompatible with marine industrial and federal defense-related uses currently at the Tenth Avenue Marine Terminal, and that introduction of non-marine industrial uses threatens to shut down that facility as a vital marine industrial center; and

WHEREAS, no public funds shall be used in the campaign for or against the measure;
NOW, THEREFORE,

BE IT RESOLVED, that the San Diego City Council opposes The Port of San Diego
Marine Freight Preservation and Bayfront Redevelopment Initiative

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Sharon B. Spivak
Sharon B. Spivak
Deputy City Attorney

SBS:als
09/16/08
Or.Dept:Rules Committee
R-2009-324

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~OCT 06 2008~~

ELIZABETH S. MALAND
City Clerk

By Aela Richardson
Deputy City Clerk

Approved. 10-9-08
(date)

Jerry Sanders
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

RESOLUTION NUMBER R-304167

DATE OF FINAL PASSAGE OCTOBER 6, 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND UPHOLDING THE DECISION BY THE PLANNING COMMISSION TO APPROVE HANAIEI HOTEL PROJECT NO. 114212, UPHOLDING THE ENVIRONMENTAL DETERMINATION, AND ADOPTING THE MMRP WITH ADDITIONAL MITIGATION FOR THE PLACEMENT OF THE RIVER TRAIL AND RUNOFF WATER TREATMENT.

WHEREAS, Hanalei Hotel, LLC, a California limited liability corporation, Owner, submitted an application to the City of San Diego for a site development permit and planned development permit to construct an approximate 10,000 square-foot addition over the existing parking area of the Hanalei Hotel located at 2270 Hotel Circle North within the Mission Valley Community Plan area [Project]; and

WHEREAS, on May 28, 2008, after receiving the staff report and testimony from the public, the Project was approved by the Hearing Officer; and

WHEREAS, on July 24, 2008, the Hearing Officer decision was appealed to the Planning Commission; and

WHEREAS, on July 24, 2008, the Planning Commission of the City of San Diego considered Site Development Permit No 449629, Planned Development Permit No. 559063, and Mitigated Negative Declaration [MND] No. 114212, and pursuant to Resolution No. 4434-PC, voted to deny the appeal and approve the Project; and

WHEREAS, in accordance with Public Resources Code section 21151, Randy Berkman, the River Valley Preservation Project, Lynn Mulholland, the Mission Valley Community Council, James A. Peugh, the San Diego Audubon Society, Ellen Shively, and the Sierra Club

appealed the Planning Commission decision to approve MND No. 114212 to the Council of the City of San Diego; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on October 6, 2008; and

WHEREAS, the City Council considered the issues discussed in MND No. 114212;

NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that MND No. 114212 on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the state Guidelines thereto (California Code of Regulations section 15000 et seq.), that the certification reflects the independent judgment of the City of San Diego as Lead Agency, and that the information contained in the MND, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Hanalei Hotel Project.

BE IT FURTHER RESOLVED, that the Mitigation, Monitoring, and Reporting Program is amended to include a mitigation measure that requires the river trail to be located fully outside of the floodway.

BE IT FURTHER RESOLVED, that the Mitigation, Monitoring, and Reporting Program is amended to include a mitigation measure that requires the maximum extent practicable, but not less than 75%, of run-off from the Project site to be treated prior to discharge into the San Diego River.

BE IT FURTHER RESOLVED, that the City Council finds that Project revisions now mitigate to below a level of significance those potentially significant effects on the environment

previously identified in the Initial Study; therefore, MND No. 114212, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation, Monitoring, and Reporting Program, or alterations to implement the changes to the Project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is sustained, and the appeal of Randy Berkman, the River Valley Preservation Project, Lynn Mulholland, the Mission Valley Community Council, James A. Peugh, the San Diego Audubon Society, Ellen Shively, and the Sierra Club is denied.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 

Nina M. Fain
Deputy City Attorney

NMF:mm
11/04/08
Or.Dept:DSD
R-2009-592
MMS#7014