



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: April 8, 2008 REPORT NO: 08-057
ATTENTION: Council President and Members of the City Council
SUBJECT: Memorandum of Agreement with Airport Authority on Airport Master Plan Phase 1

REQUESTED ACTION:

1. Approve the Resolution authorizing the Mayor to sign the MOA with the Airport Authority.

STAFF RECOMMENDATION:

Approve

SUMMARY:

The resolution authorizes the Mayor to sign a Memorandum of Agreement with the Airport Authority to toll the statute of limitations on CEQA litigation to allow the Airport Authority, SANDAG and the City of San Diego the reasonable opportunity to resolve their differences without resorting to litigation. Over the next 12 months the three agencies will undergo an intensive planning process to try and address the CEQA concerns of the City and SANDAG. The costs of any studies as spelled out by the MOA will be paid for by Airport Authority. The MOA was approved 6-2 in Closed Session as an alternative to immediate CEQA litigation against the Airport Authority. Because the Council decided to refrain from going immediately to litigation, the City Attorney advised Council that the MOA must also be approved in open session per the Brown Act.

REPORT:

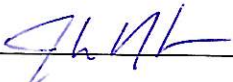
As required by the California Environmental Quality Act (CEQA), the Airport Authority prepared and on May 31, 2006, circulated for an initial 150-day public/agency review and comment period a Draft Environmental Impact Report (May 2006 DEIR) for the Draft AMP with an initial deadline for comment of October 18, 2006. The May 2006 DEIR limited analysis of potential environmental effects of the Draft Airport Master Plan (AMP) to those that might occur through the year 2015, but as a result of the public comments received, the Authority elected to broaden the scope of the DEIR to consider the potential

environmental effects of the Draft AMP that might occur through the year 2030 and ultimately extended the deadline to February 4, 2008.

The Draft AMP outlines proposed near-term airport improvements designed to allow the Airport to meet current passenger demand to 2015 through projects, which include a 10-gate build-out of Terminal 2 West, a dual-level roadway in front of Terminal 2, and various parking, roadway and airfield improvements. The Authority, the City, and SANDAG have not fully agreed upon the assumptions and approach to identifying, addressing and mitigating the significant environmental impacts of the Phase 1 AMP.

The City recognizes the Authority's desire to ensure the environmental review process for the Airport Master Plan is completed in a timely manner. The City, SANDAG and the Airport Authority also wish to avoid litigation amongst public agencies, however, the City and SANDAG believe it is their responsibility to retain the ability to file suit under CEQA should the Authority fail to perform the terms and conditions described in this MOA.

The proposed elements of the Phase 1 AMP focus on incremental improvements to the Airport, the parties all agree that the next phase of the AMP should have a broader scope and focus on development that addresses more fully integrating on-Airport improvements and more effectively linking air and surface transportation. Therefore SANDAG, the City, and the Authority desire to memorialize in this MOA a vision for studying the longer term development for the Airport, and a process by which the parties may work together cooperatively as the Authority continues its planning and environmental review processes for the longer term while still retaining their CEQA rights to file suit.



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