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RESOLUTION 20xx-xxx

RESOLUTION AUTHORIZING ISSUANCE TO THE DISTRICT OF AMENDMENT NO. 1 TO THE NON-APPEALABLE COASTAL DEVELOPMENT PERMIT NO. 2010-001 FOR THE B STREET SHORE POWER PROJECT

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, Section 21 of the Port Act authorizes the Board of Port Commissioners (BPC) to pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, on January 5, 2010, the BPC authorized the issuance of a non-appealable Coastal Development Permit (CDP) CDP-2010-001 to the District for the B Street Shore Power Project (Resolution No. 2010-08; Clerk Document No. 55970); and

WHEREAS, the B Street Shore Power Project allowed for three berths to be equipped with shore power equipment (north and south of B Street Pier and north of Broadway Pier); however, only two berths can provide shore power concurrently, because the south berth at B Street Cruise Ship Terminal (CST) and north berth at Broadway CST are connected to the same electrical substation; and

WHEREAS, in 2020, the California Air Resources Board (CARB) updated the At-Berth Regulation which requires all shore power capable cruise ships calling into San Diego to connect to shore power by January 1, 2023; and

WHEREAS, to continue to align with CARB's stringent At-Berth Regulation and create flexibility for both starboard and port-side shore power connections on vessels, the District proposes the installation of an alternate shore power receptacle at the southern berth of B Street CST (proposed Project); and

WHEREAS, more specifically, the proposed Project includes the installation of one (1) shore power ground switch; approximately 80 linear feet of under-deck conduit; and, shore power outlet equipment as well as pulling conductors through approximately 750 linear feet of previously constructed duct bank along the south berth and the newly built under-deck conduit; and

WHEREAS, the proposed material Amendment No. 1 to non-appealable CDP-2010-001 is necessary to implement the proposed Project, which would enhance the original shore power infrastructure authorized and constructed as part of CDP-2010-001; and

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WHEREAS, the proposed amendment to CDP-2010-001 would also update the “Standard Provisions” and “Special Provisions” to reflect current permit language and regulations; and

WHEREAS, in accordance with Section 14.d. of the District CDP Regulations, the Development Services Director determined that an amendment to CDP-2010-001 is necessary and that the proposed amendment would be a material change due to the nature and extent of the proposed changes; and

WHEREAS, the District CDP Regulations require material amendments to be considered by the BPC, along with the consideration of consistency with the Port Master Plan (PMP); and

WHEREAS, the proposed material Amendment No. 1 to CDP-2010-001 includes: (i) the installation of one (1) shore power ground switch; approximately 80 linear feet of under-deck conduit; and, shore power outlet equipment as well as pulling conductors through approximately 750 linear feet of previously constructed duct bank along the south berth and the newly built under-deck conduit; and (ii) updating the “Standard Provisions” and “Special Provisions” to reflect current permit language and regulations; and

WHEREAS, the proposed Project is located in the Civic Zone Subarea of Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified PMP; and

WHEREAS, the existing shore power system is consistent with the land use designations of Marine Terminal, Commercial Recreation, Park/Plaza, and Promenade; and

WHEREAS, no other uses are proposed, and existing uses such as the promenade will continue; and

WHEREAS, the proposed Project is consistent with the certified land use designations and the certified PMP; and

WHEREAS, the District recommends the addition of a new shore power connection point at the B Street Cruise Ship Terminal's southern berth (Additional South Berth Shore Power Connection Point at the B Street Cruise Ship Terminal (CST) Project (proposed Project)); and

WHEREAS, staff recommends the BPC authorize issuance to the District of Amendment No. 1 to the non-appealable CDP No. 2010-001 for the B Street Shore Power Project; and

WHEREAS, a copy of the draft amendment to CDP-2010-001 is provided

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as Attachment C to the corresponding agenda sheet.

NOW, THEREFORE, BE IT RESOLVED by the BPC of the San Diego Unified Port District, as follows:

1. The BPC finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. The proposed material Amendment No. 1 to CDP-2010-001 includes: (i) the installation of one (1) shore power ground switch; approximately 80 linear feet of under-deck conduit; and, shore power outlet equipment as well as pulling conductors through approximately 750 linear feet of previously constructed duct bank along the south berth and the newly built under-deck conduit; and (ii) updating the "Standard Provisions" and "Special Provisions" to reflect current permit language.

3. The current BPC action, including without limitation authorizing the issuance of Amendment No. 1 to a previously approved non-appealable Coastal Development Permit (CDP-2010-001) for the B Street Shore Power Project, is fully consistent with California Coastal Act Chapter 8 and Sections 30604(c), 30210-30224, and the public access and recreation policies referenced therein. The proposed Project is located in the Civic Zone Subarea of Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified PMP. The land use designations are Marine Terminal, Commercial Recreation, Park/Plaza, and Promenade. The proposed Project will improve the existing shore power system by allowing vessels with starboard connections to access shore power at the southern berth at B Street Pier CST. The existing shore power system is consistent with the land use designation, no other uses are proposed, and existing uses such as the promenade will continue. Therefore, the proposed Project is consistent with the certified land use designations and the certified PMP.

4. The BPC finds that Amendment No. 1 to non-appealable CDP and associated proposed Project complies with Section 87 of the Port Act which allows for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed BPC action is consistent with the Public Trust Doctrine.

5. Based on the entire record available to the BPC and the findings set forth in this Resolution, the Executive Director or their designated representative is hereby authorized to amend non-appealable CDP-2010-001 to allow for the installation of an alternate shore power receptacle at the southern berth of B Street Cruise Ship Terminal.

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APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10th day of September 2024, by the following vote: