

DRAFT**RESOLUTION 20xx-xxx**

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2024-26 TO MONTANO PIPELINE INC. IN THE AMOUNT OF \$222,000 FOR THE SAND REPLENISHMENT AT KELLOGG BEACH FY 2025 PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY 2025 MAJOR MAINTENANCE PROGRAM AND OBLIGATED AS A RESULT OF GRANT FUNDING RECEIVED PURSUANT TO THE PASSAGE OF ASSEMBLY BILL 3101

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 1, (Port Act); and

WHEREAS, the proposed action complies with Sections 21 of the Port Act, which authorizes the Board of Port Commissioners (BPC) to pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, the shoreline in the La Playa area of Point Loma has experienced a long history of coastal, sand, and sediment projects going back prior to 1980; and

WHEREAS, in order to control excessive shoreline erosion and preserve the existing public beach commonly referred to as “Kellogg Beach,” the California Department of Boating and Waterways funded half of the cost, not to exceed \$75,000, to construct a 350-foot rock groin diagonally to the shoreline, along with the placement of sand and rock off the foot of Kellogg Street; and

WHEREAS, this grant funding was authorized by the passage of Assembly Bill 3103 (AB3103) in September 1978; and

WHEREAS, as a condition of receiving the funding, AB3103 requires the District to “assume responsibility thereafter for the operation and maintenance of Kellogg Beach, including future sand replenishment;” and

WHEREAS, in 1980, the District constructed a rock groin off the foot of Kellogg Street in order to control shoreline erosion and to widen the existing beach in the area; and

20xx-xxx

WHEREAS, the groin was designed and constructed with the expectation that, although shoreline erosion would be significantly reduced, periodic sand replenishment would be required to maintain the beach; and

WHEREAS, this project consists of filling the eroded area of Kellogg Beach directly north of the rock groin with approximately 2,200 cubic yards of imported sand; and

WHEREAS, the area of work is situated in an approximate one-half block area between Kellogg Street and Lawrence Street; and

WHEREAS, this Sand Replenishment at Kellogg Beach project: WBS No. ME-0036-01 is included in the FY 2025 Major Maintenance Program allocation; and

WHEREAS, approval of this agenda item will authorize the expenditure of \$244,000, which is within the overall project budget of \$500,000; and

WHEREAS, the Contract Documents, including plans SI-2024-02 and Specifications 2024-26, were issued for advertisement on March 12, 20215; and

WHEREAS, on April 10, 2025, six (6) bids were received ranging from \$222,000 to \$398,000; and

WHEREAS, based on a review of the bids and in accordance with the California Public Contract Code Section 10180, District staff determined the lowest responsive and responsible bid was determined to be submitted by Montano Pipeline Inc. in the amount of \$222,000; and

WHEREAS, staff recommends the BPC adopt a resolution approving plans and specifications and awarding Contract No. 2024-26 to Montano Pipeline Inc. in the amount of \$222,000 for the construction of the Sand Replenishment at Kellogg Beach FY 2025 Project, as authorized by the BPC in the FY 2025 Major Maintenance Program and obligated as a result of grant funding received pursuant to the passage of Assembly Bill 3101 in September 1978; and

WHEREAS, the proposed BPC action, including without limitation approving plans and specifications and awarding contract No. 2024-26 to Montano Pipeline Inc. in the amount of \$222,000 for the Sand Replenishment at Kellogg Beach FY 2025 Project, was adequately analyzed pursuant to the California Environmental Quality Act (CEQA) in the Final Environmental Impact Report (FEIR) for the La Playa Beach Restoration, Shelter Island (UPD#78102-EIR; Clerk Document No. 12179) prepared and certified by the District on September 11, 1979 (Resolution No. 79-226); and

20xx-xxx

WHEREAS, the proposed project is not a separate project for CEQA purposes but is a subsequent discretionary approval related to a previously approved project pursuant to CEQA Guidelines Section 15378(c); and

WHEREAS, pursuant to CEQA Guidelines Sections 15162 and 15163 and based on the review of the entire record, including without limitation the FEIR, the District finds and recommends that the proposed project does not require further environmental review as 1) no substantial changes are proposed to the project and no substantial changes have occurred that require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in severity of previously identified significant effects; and 2) no new information of substantial importance has come to light that (a) shows the project will have one or more significant effects not discussed in the previous FEIR, (b) identifies significant impacts more severe than those analyzed in the previous FEIR, (c) shows that mitigation measures or alternatives are now feasible that were identified as infeasible and those mitigation measures or alternatives would reduce significant impacts, and (d) shows mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment; and

WHEREAS, because none of these factors have been triggered, pursuant to CEQA Guidelines Section 15162(b), the District has determined that no further analysis or environmental documentation is necessary. Accordingly, the proposed Board action is merely a step-in furtherance of the original project for which environmental review was performed and no supplemental or subsequent CEQA has been triggered, and no further environmental review is required; and

WHEREAS, the proposed BPC action complies with Sections 21, 35, and 87 of the Port Act, which allow the Board to pass resolutions, to do all acts necessary and convenient for the exercise of its powers, and for the use of Tidelands for the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses, including, but not limited to, snack bars, cafes, restaurants, motels, launching ramps, and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways, and landscaped areas; and

WHEREAS, the proposed BPC action is consistent with the Port Act and, accordingly, the Public Trust Doctrine; and

WHEREAS, the proposed BPC action is considered excluded development pursuant to Sections 8.a (Existing Facilities) and 8.d(3) (Minor

20xx-xxx

Alterations to Land) of the District's Coastal Development Permit Regulations because the proposed project would consist of sand replenishment and would involve no expansion of use beyond that previously existing and would not involve the removal of mature, scenic trees; and

WHEREAS, a "Coastal Act Categorical Determination of Exclusion" was previously issued for the Project on March 1, 2005; therefore, issuance of a Coastal Development Permit or subsequent Exclusion is not required for the proposed Board action.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners (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. Based on the entire record available to the BPC and the findings set forth in this Resolution, the BPC finds that the action, including without limitation a resolution approving plans and specifications and awarding a contract to Montano Pipeline Inc., does not require further environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15163.

3. 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 and directed on behalf of the San Diego Unified Port District to enter into Contract No. 2024-26 with Montano Pipeline Inc. in the amount of \$222,000 for the Sand Replenishment at Kellogg Beach FY 2025 Project.

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 6th day of May 2025, by the following vote: