

**DRAFT****RESOLUTION 20xx-xxx**

**RESOLUTION (1) FINDING THE FOLLOWING BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINE SECTION 15302; AND (2) AUTHORIZING THE ISSUANCE OF AMENDMENT NO. 1 TO NON-APPEALABLE COASTAL DEVELOPMENT PERMIT CDP-2005-04 FOR THE PLACEMENT OF A 820-TON TRAVELIFT AT MARINE GROUP BOAT WORKS, LLC**

**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**, 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**, Marine Group Boat Works, LLC (MGBW) has a lease with the District to operate a full-service boat and super-yacht facility that specializes in the repair and fabrication of personal, commercial and small craft government vessels, located at 997 G Street within the City of Chula Vista (Existing Lease); and

**WHEREAS**, the Existing Lease commenced on February 1, 1985 and terminates on January 31, 2030 wherein MGBW has an option to extend the term for an additional 11 years to January 31, 2041, provided certain condition precedents are satisfied prior to MGBW exercising the option; and

**WHEREAS**, in 2005, the District issued a non-appealable Coastal Development Permit (CDP) (CDP-2005-04) to MGBW to, among other items, place and operate a 660-ton travelift on site; and

**WHEREAS**, in February 2025, it came to the attention of District staff that the 660-ton travelift has been removed and replaced with an 820-ton travelift; and

**WHEREAS**, the placement of the 820-travelift onsite is “development” under the California Coastal Act requiring an amendment to MGBW’s existing CDP or a new CDP; and

**WHEREAS**, it also is a default under the Existing Lease’s requirement to comply with laws, including the Coastal Act, and to obtain District approval prior to installing or removing machines such as the travelift; and

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**WHEREAS**, in order to cure the Coastal Act violation and the default, an amendment to the CDP is required to allow the placement and operation of the 820-ton travelift with conditions for certain use restrictions and that the travelift cannot be used for more than 660-ton displacements; and

**WHEREAS**, the special conditions in the CDP amendment require that the 820-ton travelift will be used as if the 660-ton travelift was on-site and the use restrictions ensure that no intensification of use will occur; and

**WHEREAS**, additional special conditions are incorporated to the CDP to: 1) allow for District staff to conduct unannounced site inspections; 2) require MGBW to submit quarterly logs with detail accounting of vessels serviced by the 820-ton travelift; 3) ensure the operation is in compliance with the City of Chula Vista Noise Ordinance and Multiple Species Conservation Program, as well as the Chula Vista Bayfront Natural Resources Management Plan; 4) no light spillage over the MGBW leasehold boundary; and 5) any violation of the “use restrictions” will be subject to a \$100,000 penalty for each violation and the District may require Permittee to cease operations pending enforcement of the Permit; and

**WHEREAS**, the 820-ton travelift measures approximately 13 feet taller in height when compared to the previously approved 660-ton travelift; the increased height is nearly negligible when viewed from a distance because the view of the travelift would be obscured by the existing buildings and vessels parked in the travel lift; and

**WHEREAS**, the travelift is not a solid or stationary object that would permanently obstruct views from the surrounding areas; therefore, no visual impacts will occur and with the conditions in the CDP, no environmental or coastal resource impacts will occur; and

**WHEREAS**, in accordance with Section 14.d of the District’s CDP Regulations, the Development Services Director determined that an amendment to CDP-2005-04 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’s CDP Regulations require material amendments be considered by the Board of Port Commissioners (BPC), along with the consideration of consistency with the PMP; and

**WHEREAS**, the proposed BPC actions, including without limitation authorizing the issuance of Amendment No. 1 to CDP-2005-04, consenting to the assignment and assumption of the leasehold interest from MGBW to MGGH, and an ordinance granting an amended and restated lease to MGGH to update the lease to current terms, are Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302 (Replacement or

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Reconstruction) and Section 3.b.(2) of the District's Guidelines for compliance with CEQA because the project would consist of the removal of the existing 660-ton travelift, and placement of the a 820-ton travelift which would have substantially the same purpose and capacity as the 660-ton travelift as it would be programmed to adhere to the 660-ton carrying capacity and use restrictions are required to be implemented; therefore, the 820-ton travelift will not result in expansion of use beyond existing condition; and

**WHEREAS**, the 820-ton travelift would not result in adverse visual impact to the surrounding areas as it is not a solid structure and or stationary object that would permanently obstruct views; and

**WHEREAS**, the view of the travelift will be obscured by the existing buildings and vessels onsite; and

**WHEREAS**, the District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2); and

**WHEREAS**, the proposed BPC actions comply with Section 21,35, and 87 of the Port Act, which allow the BPC to pass resolutions and to do all acts necessary and convenient for the exercise of its powers and the construction, reconstruction, repair, maintenance and operation of buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation; and

**WHEREAS**, the proposed BPC actions are consistent with the Port Act and, accordingly, the Public Trust Doctrine; and

**WHEREAS**, the placement and operation of the new travelift would support the existing water-dependent use and the PMP designates MGBW's landside area for the following land uses: Commercial-Recreation, Habitat Replacement, and Promenade; and

**WHEREAS**, the PMP recognizes that MGBW is a non-conforming use under the current designated land uses, and "*may continue to operate until the site is redeveloped to a conforming Commercial Recreation use; prior to redevelopment, additional boat repair capacity will be identified*"; and

**WHEREAS**, the 820-ton travelift is limited to the previously approved maximum vessel carrying capacity of 660 tons; as a result, the placement of the 820-ton travelift is consistent with the certified PMP; and

**WHEREAS**, the placement of the new travelift is consistent with the California Coastal Act Sections 30604(c), 30251, 30253, and 30255; and

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**WHEREAS**, staff recommends the BPC (1) adopt a resolution finding the BPC action exempt under the CEQA including but not limited to, CEQA Guidelines section 15302; and (2) authorize the issuance of Amendment 1 to the Non-Appealable CDP-2005-004.

**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 issuance of Amendment No. 1 to CDP-2005-04, consenting to the assignment and assumption of the leasehold interest from MGBW to MGGH, and an ordinance granting an amended and restated lease to MGGH to update the lease to current terms, are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302 (Replacement or Reconstruction) of and Section 3.b.(2) of the District's Guidelines for compliance with CEQA because the project would consist of the removal of the existing 660-ton travelift and the placement of a 820-ton travelift (with a maximum vessel carrying capacity of 660 tons and implementation of use restrictions) . The 820-ton travelift would be programmed to adhere to the 660-ton carrying capacity, therefore, will not result in expansion of use beyond existing condition. Furthermore, the 820-ton travelift would not result in adverse visual impact to the surrounding areas as it is not a solid structure and or stationary object that would permanently obstruct views. Moreover, the view of the travelift will be obscured by the existing buildings and vessels onsite.
3. The BPC finds that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).
4. The BPC finds that the proposed actions comply with Section 21,35, and 87 of the Port Act, which allow the BPC to pass resolutions and to do all acts necessary and convenient for the exercise of its powers and the construction, reconstruction, repair, maintenance and operation of buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation.
5. 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.

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6. 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 issue Amendment 1 to CDP-2005-004 for the placement and operation of the 820-ton travelift with a maximum vessel carrying capacity of 660 tons and associated boat basin improvements (South Bay Boatyard Improvements Project). Said Amendment No. 1 to Non-Appealable CDP shall require compliance with all the conditions set forth in Amendment No. 1 to Non-Appealable CDP; provided, however, as a condition of this approval, Marine Group Boat Works LLC shall indemnify and hold the San Diego Unified Port District harmless against all third-party legal challenges, claims, lawsuits, proceedings, and the like, including reimbursement of all District attorneys' fees, costs and other expenses incurred by the District, related to the District's approval of Amendment No. 1 to Non-Appealable CDP and any actions undertaken pursuant to Amendment No. 1 to Non-Appealable CDP. Said indemnity and hold harmless condition is independent of any agreements by and between Marine Group Boat Works, LLC.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 24th day of April 2025, by the following vote: