

DRAFT**RESOLUTION 20xx-xxx**

RESOLUTION 1) FINDING THE BPC ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTIONS 15301, 15302, 15303 AND 15304, 2) APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2024-20 TO MONTANO PIPELINE, INC. IN THE AMOUNT OF \$229,000.00 FOR THE CST STAGING LOT IMPROVEMENTS AT 1550 W PALM ST., SAN DIEGO, CA PROJECT, AS AUTHORIZED BY THE BPC IN THE FY 2025 OTHER CAPITAL PROJECTS APPROPRIATION

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, cruise terminal operations require a permanent truck staging area to comply with U.S. Coast Guard screening requirements, which are mandatory for conducting cruise homeport operations; and

WHEREAS, the existing lot at 1550 W Palm St., San Diego, CA, previously utilized by a former tenant, is currently unsuitable for accommodating the 53-foot trucks essential for cruise operations; and

WHEREAS, the proposed modifications will transform the existing lot into a functional truck staging area that meets all security and operational requirements; and

WHEREAS, these improvements are necessary to maintain compliance with U.S. Coast Guard regulations and ensure continued homeport operations at the cruise terminal; and

WHEREAS, the plans and specifications define the contract work, which includes but is not limited to the following:

- Base Bid Schedule A: General construction and other activities such as selective demolition (removal of the existing security booth, landscaped areas, and trash enclosure), pavement repairs, installation of an ADA-compliant

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ramp, restriping to delineate truck drive aisles and worker parking, and installation of two gates sized to accommodate 53-foot trucks.

- Additive Bid Schedule B & C: Provide for the furnishing of one (1) 4' x 6' and one (1) 6' x 8' modular security booth to support screening operations.; and

WHEREAS, staff recommends that the BPC approve the plans and specifications and authorize the award of the construction contract to Montano Pipeline, Inc. in the amount of \$229,000.00 for the CST Staging Lot Improvements at 1550 W. Palm St., San Diego, CA Project; and

WHEREAS, the proposed BPC action, including without limitation a resolution approving plans and specifications and awarding Contract No. 2024-20 to Montano Pipeline, Inc. in the amount of \$229,000.00 for the CST Staging Lot Improvements at 1550 W Palm St., San Diego, CA Project, is categorically exempt pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) and Sections 3.a., 3.b., 3.c., and 3.d. of the District's Guidelines for Compliance with CEQA because the project would consist of improvements to an existing vehicle storage lot to accommodate cruise terminal truck staging and screening that would involve a negligible expansion of use beyond that previously existing and would not result in a significant cumulative impact due to the continuation of the existing use, would consist of the reconstruction of an existing facility that would have substantially the same purpose and capacity, would consist of construction and location of new, small structures, and would result in no permanent effects on the environment; 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 action complies with Section 87.(a)(1) of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation; and

WHEREAS, 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; and

WHEREAS, the proposed BPC action is considered excluded development pursuant to Sections 8.a. (Existing Facilities), 8.b. (Replacement or Reconstruction), 8.c. (New Construction or Conversion of Small Structures) and

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8.d. (Minor Alterations to Land) of the District's Coastal Development Permit Regulations because the project would involve improvements to an existing vehicle storage lot to accommodate cruise terminal truck staging and screening that would involve a negligible expansion of use beyond that previously existing and would not result in a significant cumulative impact due to the continuation of the existing use, would consist of the reconstruction of an existing facility that would have substantially the same purpose and capacity, would consist of construction and location of new, small structures, and would result in no permanent effects on the environment; and

WHEREAS, if the BPC approves the action, District staff would notify California Coastal Commission (CCC) staff in accordance with Coastal Act Section 30717; and

WHEREAS, the approval would become effective after the 10th working day after notification to CCC staff, unless an appeal is filed with the CCC within that time frame.

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 Project, including without limitation a resolution approving plans and specifications and awarding Contract No. 2024-20 to Montano Pipeline, Inc. in the amount of \$229,000.00 for the CST Staging Lot Improvements at 1550 W Palm St., San Diego, CA Project, as authorized by the BPC in the FY 2025 Other Capital Projects Appropriation is categorically exempt pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) and Sections 3.a., 3.b., 3.c., and 3.d. of the District's Guidelines for Compliance with CEQA.

3. Based on the entire record available to the BPC and the findings set forth in this Resolution, the plans and specifications are approved and the Executive Director or their designated representative is hereby authorized and directed to enter into Contract No. 2024-20 with Montano Pipeline, Inc. in the amount of \$229,000.00 for the CST Staging Lot Improvements at 1550 W Palm St., San Diego, CA Project.

APPROVED AS TO FORM AND LEGALITY:

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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 June 2025, by the following vote: