

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

**RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF NATIONAL CITY TO CONTRIBUTE \$2,000,000 TOTAL IN GRANT MATCHING FUNDS, CONSISTING OF \$600,000 FROM THE MARITIME INDUSTRIAL IMPACT FUND (MIIF) FOR THE PORTION OF BAYSHORE BIKEWAY OFF OF TIDELANDS AND \$1,400,000 FROM THE GRANT MATCHING RESERVES FOR THE PORTION ON TIDELANDS; THE FY 2027 REMAINING PAYMENT OF \$700,000 WILL BE BUDGETED AND FUNDED IN FY 2027 SUBJECT TO BOARD APPROVAL**

**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; and

**WHEREAS**, the City of National City (City) is proposing to construct Segment 5 of the Bayshore Bikeway in National City (hereinafter referred to as the “National City segment”), which will provide a critical connection and gap closure for the approximately 24-mile Bayshore Bikeway that links the District’s five member cities and provides access to the waterfront; and

**WHEREAS**, in early 2025, the City was awarded \$5,681,000 by the San Diego Association of Governments (SANDAG), as part of the regional Active Transportation Program Cycle 7 funding, to construct the National City segment of the Bayshore Bikeway, with a \$2,000,000 grant match from the District; and

**WHEREAS**, the \$2,000,000 District contribution is proposed to consist of \$1,400,000 from the District’s Grant Matching Reserves for the portion of the National City segment of the Bayshore Bikeway on Tidelands, and \$600,000 from the District’s Maritime Industrial Impact Fund (MIIF) for the portion that is located off Tidelands; and

**WHEREAS**, the terms and conditions for the District to provide the \$2,000,000 grant match to the City for the City’s construction of the National City Bayshore Bikeway segment are provided in the proposed Memorandum of Understanding (MOU); and

**WHEREAS**, as stated in the MOU, the District’s \$2,000,000 contribution is to be made in three separate payments – an initial \$600,000 as the first payment,

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a \$700,000 payment approximately six months after the first payment, and a second \$700,000 payment approximately six months after the second payment; and

**WHEREAS**, the first payment is estimated to occur in Fall 2025 (in FY26), the second payment is estimated to occur in Spring 2026 (in FY26), and the third payment is estimated to occur in Summer/Fall 2026 (in FY27); and

**WHEREAS**, the \$600,000 contribution from MIIF was approved by the Board of Port Commissioners (BPC) in the BPC's June 6, 2025 FY26 budget approval; and

**WHEREAS**, the remaining \$1,400,000 contribution (made up of two separate \$700,000 payments) is earmarked in the District's Grant Matching Reserves; and

**WHEREAS**, for the first \$700,000 payment, a budget amendment is required to increase the District's FY26 Financial Assistance/Grants/Contributions Non-Personnel Expense (NPE) budget by \$700,000 to be funded from the Grant Matching Reserves; and

**WHEREAS**, the second, and final, \$700,000 payment will be budgeted and funded in FY27 subject to BPC Approval; and

**WHEREAS**, the proposed BPC action to authorize grant matching funds for the construction of the National City segment, was adequately analyzed in the Final Environmental Impact Report (FEIR) for the National City Bayfront Projects & Plan Amendments (UPD# EIR-2018-232; SCH #2018121054, Clerk Document No. 74430) prepared and certified by the District on November 16, 2022 (Resolution No. 2022-137); and

**WHEREAS**, the proposed project is not a separate project for CEQA purposes but is a subsequent discretionary approval related to a previously approved project. (CEQA Guidelines § 15378(c); *Van de Kamps Coalition v. Board of Trustees of Los Angeles Comm. College Dist.* (2012) 206 Cal.App.4th 1036.) and therefore, no further CEQA review is required; and

**WHEREAS**, the proposed BPC action complies with Section 87 of the Port Act which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses; and

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

**WHEREAS**, District staff recommends that the Board of Port Commissioners adopt a resolution authorizing the MOU between the District and City of National City.

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

1. The BPC finds the facts recited above are true and further finds that this Board 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 actions, including without limitation a resolution authorizing the District to enter into a Memorandum of Understanding with City of National City for the District to contribute \$2,000,000 total in grant matching funds, consisting of \$600,000 from the Maritime Industrial Impact Fund (MIIF) for the construction of the portion of Bayshore Bikeway that is off of tidelands and \$1,400,000 from the grant matching reserves for the portion of Bayshore Bikeway that is on tidelands, 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 FEIR, (b) identifies significant impacts more severe than those analyzed in the 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, or (d) shows mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment.

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 (District) to enter into a Memorandum of Understanding with the City of National City for the District to contribute \$2,000,000 total in grant matching funds, consisting of \$600,000 from the Maritime Industrial Impact Fund (MIIF) for the construction of the portion of the National City segment that is off of tidelands and \$1,400,000 from the grant matching reserves for the portion of the National City segment that is on tidelands.

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 15th day of July 2025, by the following vote: