

DRAFT

RESOLUTION 2020-xxx

**RESOLUTION AUTHORIZING ISSUANCE OF A
NON-APPEALABLE COASTAL DEVELOPMENT
PERMIT TO THE DISTRICT FOR THE SILVERGATE
TUNNEL ABANDONMENT 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, the proposed action would allow the abandonment in place of formerly operating cooling tunnels at the BAE Systems Maritime Solutions San Diego (BAE Systems) shipyard located at 2205 Belt Street within the city of San Diego and within District jurisdiction (see Project Location Map, Exhibit 1 of Attachment B to the corresponding agenda item on file with the Office of the District Clerk); and

WHEREAS, the tunnels were previously used to provide seawater intake and discharge for the former Silvergate Power Plant and are no longer operational; and

WHEREAS, funding for engineering analyses was previously approved by the Board of Port Commissioners (BPC) on September 13, 2022 (Ordinance No. 3060); and

WHEREAS, engineering design is in the process of being finalized and construction documents will be advertised for public bid consistent with BPC Policy 110; and

WHEREAS, any construction contract would require subsequent BPC approval at a future BPC meeting; and

WHEREAS, the Project constitutes development under Section 30106 of the California Coastal Act as it will result in the partial demolition and abandonment in place of structures and placement of solid material; and

WHEREAS, Chapter 8 of the Coastal Act regulates port development within the California coastal zone; and

WHEREAS, Section 30715 of Chapter 8 specifies the sole categories of development that may be appealed to the Coastal Commission; and

20xx-xxx

WHEREAS, abandonment of underground tunnels is not listed as appealable in Section 30715 and accordingly, the Coastal Act authorization required from the District is a Non-Appealable CDP; and

WHEREAS, a non-appealable Draft Coastal Development Permit (Attachment B to the corresponding agenda on file with the Office of the District Clerk) has been prepared for the Silvergate Tunnel Abandonment Project in accordance with the District's Coastal Development Permit Regulations; and

WHEREAS, the proposed Project, as conditioned, is consistent with the certified Port Master Plan (PMP) and Chapter 3 and Chapter 8 of the Coastal Act; and

WHEREAS, the proposed Project is located in the Belt Street Industrial Subarea of Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 14 of the certified PMP; and

WHEREAS, the land and water use designations are Marine Related and Specialized Berthing, respectively; and

WHEREAS, the proposed Project would abandon former cooling tunnels in place; and

WHEREAS, no new uses are proposed, and thus, the Project is also consistent with the existing certified land and water use designations and therefore, the Project conforms to the certified PMP; and

WHEREAS, the proposed BPC action complies with Section 87 of the Port Act, which allows for all commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities; and

WHEREAS, the Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine and consequently, the proposed BPC action is consistent with the Public Trust Doctrine; and

WHEREAS, the proposed BPC action conforms with the Coastal Act process; and

WHEREAS, if the BPC authorizes the issuance of a non-appealable CDP for the proposed Project, the Coastal Act review would be complete and the CDP would be issued as soon as possible after the BPC action, in accordance with the District's Coastal Development Permit Regulations; and

WHEREAS, funds required for the construction contract award, subject to BPC approval at a future BPC date, are budgeted for in the Engineering-

20xx-xxx

Construction FY 2026 Equipment Outlay and Other Capital Projects appropriation;
and

WHEREAS, Project funding is supported by a settlement payment received from San Diego Gas & Electric (SDG&E) in July 2022 (Clerk Document No. 74333), which resolved District litigation pertaining to the tunnels; and

WHEREAS, staff recommends the BPC authorize the issuance of a non-appealable CDP for the proposed Project.

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 Executive Director or their designated representative is hereby authorized to issue a non-appealable Coastal Development Permit for the Silvergate Tunnel Abandonment Project in accordance with the District's Coastal Development Permit Regulations.

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 9th day of December 2025, by the following vote: