

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION BY A 4/5 VOTE AUTHORIZING
CONTINUED ACTION FOR THE EMERGENCY
REPAIR OF DAMAGED FENDER PILES AT B-
STREET PIER**

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, on October 14, 2025, the BPC approved a resolution (District Resolution 2025-106) ratifying the emergency action taken by the Executive Director and authorized continued action for the emergency repair of damaged fender pile clusters at the B-Street Cruise Ship Terminal Pier (B-St Pier); and

WHEREAS, this included the procurement of engineering professional services for construction support and the procurement of a contractor to complete the necessary repair work; and

WHEREAS, staff have identified five (5) severely damaged fender pile clusters along the south berth of the B-St Pier; and

WHEREAS, these fender piles have been deteriorating over the past several cruise seasons, and a 2023 inspection and condition assessment report found them to be in fair condition; and

WHEREAS, following the conclusion of the 2024–2025 cruise season, during which approximately seventy-five (75) cruise ships berthed at B-St Pier, including twenty (20) at the south berth, the condition of the fender clusters has further deteriorated; and

WHEREAS, staff report provides the BPC with an update on the emergency action and requests authorization to continue the emergency contracting in accordance with Public Contract Code Section 22050 and District Resolution No. 2000-03; and

WHEREAS, the Executive Director authorized staff to proceed on emergency contracting on September 30, 2025, notified the BPC at the October 14, 2025, BPC meeting of the intent to proceed under emergency contracting

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procedures, and now requests a resolution authorizing continued action for the emergency repair of damaged fender piles at B-St Pier; and

WHEREAS, the authorization waives the requirement for formal bidding in accordance with the California Public Contract Code Section; and

WHEREAS, a contract with Pacific Dredge & Construction was executed on November 5, 2025, to perform immediate repairs on the five (5) fender pile clusters; and

WHEREAS, construction began in early November and is expected to continue through early January 2026; and

WHEREAS, a four-fifths (4/5) vote of the BPC is required to approve continued emergency contracting to complete the necessary repairs; and

WHEREAS, the project was previously determined to be exempt from the California Environmental Quality Act (CEQA) on October 14, 2025, pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction) and 15304 (Minor Alterations to Land) and Sections 3.a., 3.b. and 3.d. of the District's Guidelines for Compliance with CEQA, and the District 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 is a subsequent discretionary approval of a previously approved project, and no further action under CEQA is required; 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, a Coastal Act categorical determination of exclusion and notice of approval was previously issued for this project on October 14, 2025, and became effective 10 (ten) working days after notification to California Coastal Commission staff, as no appeals were received; and

WHEREAS, the project is considered excluded development pursuant to Sections 8.a. (Existing Facilities), 8.b. (Replacement or Reconstruction) and 8.d.

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(Minor Alterations to Land) of the District's Coastal Development Permit Regulations because the project would consist of repair and replacement of fender piles and associated equipment that would involve no expansion of use beyond that previously existing, would be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, and would not involve the removal of mature, scenic trees.

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 this action is a subsequent discretionary approval of a previously approved project, and no further action pursuant to CEQA or the Coastal Act is required.

3. Based on the entire record available to the BPC, the findings set forth in this Resolution, and a 4/5 vote of the BPC, the Executive Director or their designated representative is hereby authorized and directed on behalf of the San Diego Unified Port District to continue contracting with Pacific Dredge & Construction for emergency repair of damaged fender piles at B-Street Pier in San Diego.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy General Counsel

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 9th day of December following vote: