

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION ADOPTING THE TRUST
LANDS USE PLAN MITIGATED NEGATIVE
DECLARATION/ INITIAL STUDY AND
DIRECTING THE FILING OF A NOTICE OF
DETERMINATION**

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, on January 1, 2020, Senate Bill (SB) 507 was enacted, which granted in trust certain submerged lands and tidelands in and around San Diego Bay (Bay) to San Diego Unified Port District (District) management from the California State Lands Commission (CSLC). The newly granted area is predominantly water area within the Bay, including approximately 7,900 acres of submerged lands and approximately 100 acres of tidelands (land area); and

WHEREAS, one requirement of the legislation is for the District to prepare a Trust Lands Use Plan (TLUP) for the newly granted area (TLUP Area). Per SB 507, the TLUP should describe any proposed development, preservation, or other use of this area. Based on the legislation and further confirmation from CSLC staff, the TLUP has been prepared as a Port Master Plan Amendment (PMPA), pursuant to Section 30711 of the California Coastal Act (Coastal Act), as a PMPA will include the required contents of the TLUP. Once certified by the California Coastal Commission (CCC), the TLUP PMPA will provide the District with coastal permitting authority over the granted area. The TLUP only addresses the newly granted area and does not address the submerged lands and tidelands included in the District's jurisdiction prior to 2020; and

WHEREAS, the District, as the lead agency under the California Environmental Quality Act (CEQA), prepared an Initial Study Checklist and Mitigated Negative Declaration (collectively, MND) for the TLUP which discussed potentially significant effects of the TLUP on the environment and identified mitigation measures that would avoid or minimize these effects to a less-than-significant level. The Draft MND and Revised Draft TLUP were available for an approximately 30-day public review period, which concluded at 5:00 p.m. on Thursday, March 27, 2025. Staff received six comment letters on the Draft MND and Revised Draft TLUP; and

WHEREAS, the comments received did not raise any new significant environmental issues not already analyzed in the Draft MND, and therefore,

20xx-xxx

pursuant to Section 15073.5 of the CEQA Guidelines, recirculation of the Draft MND was not required. The comment letters and responses to all written comments received during public review are included in the Final MND (Attachment B); and

WHEREAS, staff prepared a Final MND which was made available to the public on the District's website on November 24, 2025, approximately two weeks prior to the Board of Port Commissioners (Board) meeting on December 9, 2025, and copies of the Final MND were provided to libraries in each of the District's five member cities; and

WHEREAS, staff prepared the Final Draft TLUP, which includes revisions based on the comments received during the 30-day public review period; and

WHEREAS, pursuant to the Coastal Act, a public hearing on the Final Draft TLUP is required prior to Board approval. A Notice of Completion of the Final Draft TLUP and proposed public hearing have been published and distributed consistent with applicable Coastal Act requirements. If approved by two-thirds vote of the Board, pursuant to Section 19 of the San Diego Unified Port District Port Act, the Final Draft TLUP will be submitted to CCC staff for processing for certification pursuant to the Coastal Act; and

WHEREAS, staff recommends that the Board conduct a public hearing and adopt a resolution to adopt the Final MND and the Mitigation Monitoring and Reporting Program (MMRP) (see Section 5 of Attachment B), and direct filing of the Notice of Determination with the County Clerk and State Clearinghouse. Staff further recommends that the Board adopt a resolution approving the Final Draft TLUP and direct the filing of same with the CCC for certification.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District (BPC), 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. The BPC finds and determines that the applicable provisions of CEQA, the CEQA Guidelines, and the District Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.

3. The BPC hereby adopts the Final MND and the Mitigation Monitoring and Reporting Program (MMRP) (see Section 5 of Attachment B), and directs filing of the Notice of Determination with the County Clerk and State Clearinghouse.

4. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075, the Clerk of the BPC shall cause a Notice of Determination to be

20xx-xxx

filed with the Clerk of the County of San Diego and the State Office of Land Use and Climate Innovation. Unless the proposed project is declared exempt herein and a Certificate of Filing Fee Exemption is on file, the proposed project is not operative, vested or final until the filing fees required pursuant to Fish and Game Code section 711.4 are paid to the Clerk of the County of San Diego.

5. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15074(c), the location and custodian of the documents and other materials, which constitute the record of proceedings on which this Resolution is based, is the District Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

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 2025, by the following vote: