



**CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL**

Project: Improvements to Public Circulation West of North Harbor Drive by IQHQ-RaDD I, LLC
Location: North Harbor Drive, San Diego, CA 92132
Parcel No.: Various
Project No.: 018-019-3331F
Applicant: Justine Nielsen, SVP of Development, IQHQ-RaDD I, LLC, 674 Via De La Valle, Suite 206, Solana Beach, CA 92075
Date Approved: Mar 21, 2023

PROJECT DESCRIPTION

The proposed project would involve public circulation improvements to two (2) areas west of North Harbor Drive by IQHQ-RaDD I, LLC (Applicant) in the city of San Diego, California. Work to specifically complete the proposed project would involve various landscaping and roadway improvements within the following two areas: (1) Area at G Street Intersection, which extends west of North Harbor Drive within approximately the first 120 feet from the North Harbor Drive Street curb (Portion of G Street IQHQ Waterfront Place); and (2) Area at F Street Sidewalk, which involves the turf area west of North Harbor Drive across from F Street intersection.

Proposed Improvements at G Street Intersection

- Removal of portions of existing concrete walks
- Removal of stamped concrete walk
- Removal of portions of existing curb and gutter
- Removal of portions of existing asphalt pavement and structural section
- Removal of existing curb ramps and replacement of new curb ramps
- Removal of existing plantings on both sides and in the median of G Street
- Removal of existing street trees and replacement with 24" box sized trees
- Removal of one existing continental cross walk striping, reducing the two existing cross walks to one
- Removal and replacement of existing street markings, including directional arrows if applicable
- Removal of existing median curb returns
- Removal of existing streetlights
- Removal and replacement of existing bollards
- Addition of new reconfigured concrete sidewalk augments
- Addition of new traffic signal poles and handholes
- Addition of new asphalt pavement patch ups, as required
- Addition of new structural section adjacent to new curbs
- Addition of new curb and gutter at locations of removed curb ramps
- Addition of new median in fill concrete curbs to match the existing
- Addition of new soil and five (5) species of plantings and associated irrigation line modifications, including, but not limited to the following species: Callistemon viminalis 'Little John', Acacia 'Cousin Itt', Coprosma 'Taupata Gold', and Salvia 'Hot lips'
- Reconnect and repair the existing electrical work, as required
- Removal and replacement of existing signs, if applicable, to include STOP signs, Pedestrian Crossing signs, regulatory signs, etc.

Proposed Improvements at F Street Sidewalk

- Removal of portion of existing turf
- Removal of portion of existing curb and gutter along North Harbor Drive and addition of new curb ramp
- Removal of one (1) existing tree and replacement with either one (1) 48" box tree and three (3) 36" box trees, or three (3) 36" box trees and three (3) 24" box trees
- Addition of new low concrete curb, gutter, and curb ramp to meet the cross walk from F Street

- Addition of a new 10-foot-wide concrete walk on base, meandering between the existing trees for an approximate distance of 65-feet (ft) to perpendicularly connect with the existing Embarcadero concrete promenade walkway
- Grading work, as required
- Installation of new irrigation lines and repair of existing irrigation lines, as required
- Replacement of removed or damaged turf to match the existing conditions, as required
- Removal and replacement of existing Embarcadero concrete promenade walkway panels for fine grading adjustments
- Removal and replacement of existing signs, if applicable, to include STOP signs, Pedestrian Crossing signs, regulatory signs, etc.
- Removal and replacement of existing street markings, including directional arrows if applicable

Construction of the proposed project is anticipated to occur in approximately Spring of 2023 and would take approximately seven (7) months to complete, with ongoing modifications as needed. When possible, construction is to occur during early hours, approximately 12 a.m. to 6 a.m., and be limited to weekdays as to minimize impacts to traffic circulation. Work is not anticipated to occur on weekends or holidays. At no time shall the entrance to the Tuna Harbor parking lot or Fish Market Restaurant or Navy Pier/U.S.S. Midway Museum be blocked for entry/exit, and the Applicant will coordinate with nearby Tenants (via District Real Estate Department) and the fishermen (via District Maritime Department) at G Street Mole to allow access at all times during construction. Any temporary closures to the sidewalk or public promenade would require a pedestrian rerouting plan and signage plan which is to be submitted to the District for review. The Applicant is to ensure that one lane remains open at all times throughout construction, and there would be no full closure of the road as a result of this project. Additionally, the Applicant is to coordinate with the Parks & Recreation Department to ensure that special events taking place near the project area are unaffected by construction and Harbor Drive would be accessible on the dates provided by staff. Tree and plant species proposed for replanting shall be drought-tolerant (or irrigated via reclaimed water), either native or non-invasive plant species, and would reflect the palette of trees and shrubs which already exist elsewhere on Tidelands.

Due to its nature and limited scope, construction of the proposed project would generate a minor amount of vehicle trips and would require limited use of equipment. Therefore, impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. Furthermore, the Applicant would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris, hazards and hazardous materials, and stormwater.

The following categorical determinations are based on the project submittal and all project information known to the District as of the date of this determination.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities; SG §15302, Class 2/Section 3.b: Replacement or Reconstruction; SG §15303, Class 3/Section 3.c: New Construction or Conversion of Small Structures; and SG §15304, Class 4/Section 3.d: Minor Alterations to Land

- 3.a. Existing Facilities (SG § 15301) (Class 1): Includes operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:
- (7) Existing facilities used to provide electric power, natural gas, sewerage, or other public utility service.
 - (8) Existing highways, streets, sidewalks, bicycle and pedestrian trails, and similar facilities, except where the activity will involve removal of a scenic resource including a stand of trees, a rock outcropping, or an historic building.
 - (12) Maintenance of existing landscaping, native growth, and water supply reservoirs.

AND/OR

- 3.b. Replacement or Reconstruction (SG § 15302) (Class 2): Includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced.

AND/OR

- 3.c. New Construction or Conversion of Small Structures (SG § 15303) (Class 3): Includes construction of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another with minor modifications to the exterior of the structure. Examples of this exemption include:

- (3) Water, sewer, electrical, gas, telephone, and other utility structures or facilities.

AND/OR

- 3.d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including, but not limited to:

- (5) New gardening or landscaping.
(7) Minor trenching and backfilling where the surface is restored.

The portion of the proposed project within the District's jurisdiction is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Sections of the District's *Guidelines for Compliance with CEQA* as identified above. These are appropriate for the proposed project because it would consist of public circulation improvements that would involve a negligible expansion of use, would consist of the reconstruction of existing structures that would have substantially the same purpose and capacity, would consist of construction of new, small facilities, and would result in no permanent effects on the environment. 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).

Pursuant to CEQA Guidelines Section 15062, a 35-day statute of limitations for this CEQA exemption shall apply from the date a Notice of Exemption is posted with the San Diego County Clerk, or a 180-day statute of limitations for this CEQA exemption shall apply if no Notice of Exemption is filed.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

Planning District: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designations: Streets and Park/Plaza

The portion of the proposed project located within the Coastal Development Permit (CDP) and Coastal Act exclusion authority of the District conforms to the certified Port Master Plan because it would involve public circulation improvements near North Harbor Drive consistent with the existing certified land use designations. The proposed project would not change the use of the site nor would it interrupt or expand the existing conforming uses of the site.

CATEGORICAL DETERMINATION

Categorical Exclusions: Section 8.a: Existing Facilities; Section 8.b: Replacement or Reconstruction; Section 8.c: New Construction or Conversion of Small Structures; and Section 8.d: Minor Alterations to Land

- 8.a. Existing Facilities: The operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

- (2) Public and private utilities used to provide electric power, natural gas, sewer, or other utility services
(3) Streets, sidewalks, gutters, bicycle and pedestrian paths, and similar facilities

- (8) Maintenance and control of existing vegetation

AND/OR

8.b. Replacement or Reconstruction: Replacement or reconstruction of existing structures and facilities where the new structure will 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/OR

8.c. New Construction or Conversion of Small Structures: Construction and location of limited numbers of new, small facilities or structures and installation of small, new equipment and facilities, involving negligible or no change of existing use of the property, including but not limited to:

- (2) Water main, sewer, electrical, gas, or other utility extensions of reasonable length to serve such construction

AND/OR

8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, including but not limited to:

- (2) New gardening or landscaping
- (6) Minor trenching or backfilling where the surface is restored

The portion of the proposed project located within the CDP jurisdiction and Coastal Act exclusion authority of the District is determined to be Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above. These are appropriate for the proposed project because it would consist of public circulation improvements that would involve a negligible expansion of use beyond that previously existing, would be located essentially on the same site as the structures replaced, and would involve no change of existing use of the property.

Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

For the portion of the proposed project located outside of the District's CDP jurisdiction, additional approvals may be required from other agencies.

CALIFORNIA PUBLIC TRUST DOCTRINE

The proposed project complies with Section 87.(a)(4) of the Port Act, which allows for the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

JOE STUYVESANT
President/CEO

Determination by:
Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: Mar 21, 2023

Deputy/Assistant General Counsel

Signature: Rebecca Harrington
Date: Mar 21, 2023