

San Diego Unified Port District
CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: Roadway Pavement Replacement and Reconstruction at Existing Roadways and Storm Drain System Installation at Tenth Avenue Marine Terminal
Location(s): Tenth Avenue Marine Terminal Berths 10-7 and 10-8, San Diego, CA 92101
ParcelNo.(s): Various
ProjectNo.: 2017-006a
Applicant: Perfecto De Ocampo, Assistant Engineer, Engineering and Construction, 3165 Pacific Highway, San Diego, CA 92109
Date Approved: January 11, 2017 Revised: October 30, 2017

Project Description:

The proposed project involves the replacement and reconstruction of existing roadways and storm drain system installation at Tenth Avenue Marine Terminal in the City of San Diego. The project proposes work to be done exclusively on berths 10-7 and 10-8 of the marine terminal. Work to complete the proposed project would include the following:

- Removal and disposal of approximately 35,000 square feet (ft) of existing asphalt pavement;
- Removal of existing base;
- Excavation of approximately 5000 cubic ft of soil;
- Installation of approximately 500 linear ft of trench drain;
- Installation of approximately 165 linear ft of storm drain;
- Re-compaction of base; and,
- Placement of hot-mix asphalt and/or concrete pavement.

Construction of the proposed project is anticipated to begin in December 2017 and extend through March 2018, for a total construction period of approximately four months. Due to its limited scope, construction of the proposed project would generate a minor amount of vehicle trips; thus, impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. Furthermore, the project applicant would be responsible for complying with all applicable federal, state, and local laws regulating stormwater, and construction demolition debris recycling.

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.

CEQA DETERMINATION

Based upon the above description, the project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures), and/or 15304 (Minor Alterations to Land) and Sections 3.a. (1), 3.a. (8), 3.b. (2), 3.c. (3), and/or 3.d. (7) of the District's *Guidelines for Compliance with CEQA* because the project involves the replacement and reconstruction of existing roadways and storm drain system installation. Sections 3.a. (1), 3.a. (7), 3.b. (2), 3.c. (3), and/or 3.d. (7) of the District's CEQA Guidelines are as follows:

- 3.a. Existing Facilities (SG § 15301) (Class 1): Includes operation, repair, maintenance, or minor alteration of existing public and private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

- (1) Repair, maintenance or minor alteration of existing mooring facilities, floats, piers, piles, wharves, bulkhead, revetment, buoys, or similar structures; marine terminal facilities; airport facilities; and commercial industrial, or recreational facilities.
- (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.

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. This exemption includes, but is not limited to:

- (2) Replacement or reconstruction of marine terminal facilities, and marine-oriented commercial, industrial, and public and commercial recreational facilities, including buildings, piers, piles, wharves, marine ways; railroads; airport facilities, runways, taxiways, aprons, and ancillary structures to those facilities; electrical and mechanical systems and equipment; where the new structure will be on essentially the same site as the structure replaced and will have substantially the same purpose and capacity as the structure 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:

- (7) Minor trenching and backfilling where the surface is restored.

The Categorical Exemptions listed above are appropriate for the proposed project because it is the replacement and reconstruction of existing roadways and stormwater system installation that would be located on the same site, would have substantially the same purpose and capacity as the structure being replaced, would involve the construction of limited new facilities, and would not involve the removal of mature, scenic trees. In addition, the proposed project would not involve the use of hazardous substances. Therefore, the proposed project would not have any 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 Guideline 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 limitation for this CEQA exemption shall apply if no Notice of Exemption is filed.

The proposed project complies with Section 87 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. 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.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The project is located in Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 13 of the certified Port Master Plan. The Port Master Plan land use designation within the limits of the proposed project is Marine Terminal. The project conforms to the certified Port Master Plan because it is the replacement and reconstruction of existing roadways and storm drain system installation consistent with the existing certified land use designation. The project would not change the uses of the site nor would it interrupt or expand the existing conforming uses of the site.

CATEGORICAL DETERMINATION

The above project proposes the replacement and reconstruction of existing roadways and storm drain system installation that would be located on the same site and have the same purpose and capacity as the structure replaced, would involve no change or expansion of use of the property beyond that previously existing, and would not involve the removal of mature, scenic trees. This project is consistent with the existing certified land use designation and is Categorically Excluded under Sections 8.a. (3), 8.b., 8.c., and/or 8.d. (6) of the District's Coastal Development Permit Regulations, as follows:

- 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:
 - (3) Streets, sidewalks, gutters, bicycle and pedestrian paths, and similar facilities.

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.

AND/OR

- 8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which not involve the removal of mature, scenic trees, including but not limited to:
 - (6) Minor trenching or backfilling where the surface is restored.

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.

RANDACONIGLIO
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Signature: Cameron McLeod
Date: 10/30/17

Deputy General Counsel

Signature: W.S. McLeod
Date: 10-27-17