

**San Diego Unified Port District**

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

Project: Replacement and Reconstruction of Pavement and Concrete on Existing Roadways and Parking Areas  
Location(s): B Street Pier, 1140 N. Harbor Drive, San Diego, CA 92101  
Convention Way, San Diego, CA 92101  
Embarcadero Marina Park North, 400 Kettner Blvd, San Diego, CA 92101  
Embarcadero Marina Park South, 200 Marina Park Way, San Diego, CA 92101  
Harbor Island Drive, Harbor Island, San Diego, CA  
Kettner Boulevard, San Diego, CA 92101  
North Embarcadero, San Diego, CA 92101  
N. Harbor Drive, San Diego, CA 92101  
Pacific Highway, San Diego, CA 92101  
Park Boulevard, San Diego, CA 92101  
Parcel No.(s): Various  
Project No.: 2017-155  
Applicant: Perfecto De Ocampo, Assistant Engineer, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101  
Date Approved: September 28, 2017

Project Description

The proposed project involves the replacement and reconstruction of pavement and concrete on existing roadways and parking areas at various locations in San Diego, California. The proposed project would repair spalling, cracking, and deterioration of asphalt and concrete slab, consequently extending their useful life. Any restriping would remain the same as existing striping configurations, and would not allow for either an increase or decrease in parking spaces. Specific work to complete the proposed project includes the following:

- B St Pier
  - Parking Area: 2,100 square feet (sq ft) - Concrete Repair
- Convention Way
  - Street: 138,105 sq ft - Scrub Seal with Slurry Seal
- Embarcadero Marina Park North
  - Parking Area: 26,910 sq ft - Seal Coat (crack sealing)
- Embarcadero Marina Park South
  - Parking Area: 44,900 sq ft - Slurry Seal (crack sealing) with mill and overlay
- Harbor Island
  - Street: 123,855 sq ft - Scrub Seal with Slurry Seal
  - Street: 21,905 sq ft - Slurry Seal (crack sealing) and Asphalt repair
- Kettner Boulevard
  - Street: 26,825 sq ft - Slurry Seal (crack sealing)
- North Embarcadero Wharf
  - Parking Area: 42,290 sq ft - Seal Coat
- N. Harbor Drive
  - Street: 109,445 sq ft - Scrub Seal with Slurry Seal and Asphalt repair
- Pacific Highway
  - Street: 43,740 sq ft - Slurry Seal (crack sealing)

It is anticipated that the duration of the project would be approximately four months. 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 construction equipment, such as a mini excavator. Finally, the applicant would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris recycling, 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.

### **CEQA DETERMINATION**

Based upon the above description, the project would involve replacement and reconstruction of pavement and concrete on existing roadways and parking areas determined to be Categorical Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and/or 15302 (Replacement or Reconstruction) and Sections 3.a (1) and (8), and/or 3.b (2) of the District's *Guidelines for Compliance with CEQA* because the project would involve the replacement and reconstruction of pavement and concrete on existing roadways and parking areas that would involve no expansion of use beyond that previously existing, would not involve the removal of a scenic resource, would be located on the same site, and have substantially the same purpose and capacity as the structure being replaced. Sections 3.a (1) and (7), and/or 3.b 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.

The Categorical Exemptions listed above are appropriate for the proposed project because it would involve the replacement and reconstruction of pavement and concrete on existing roadways and parking areas that would involve no expansion of use beyond that previously existing, would not involve the removal of a scenic resource, would be located on the same site, and have substantially the same purpose and capacity as the structure being replaced. Furthermore, the project would not result in any significant cumulative impacts due to the continuation of the existing use.

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.

The proposed project complies with Section 87 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 Section 87. 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 site is located in Planning District 2, Harbor Island/Lindbergh Field, which is delineated on Precise Plan Map Figure 9 and Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan. The Port Master Plan land use designations within the limits of the proposed project are Commercial Recreation, Industrial Business Park, Park/Plaza, Promenade, and Street. The proposed project conforms to the certified Port Master Plan because it would

involve the replacement and reconstruction of pavement and concrete on existing roadways and parking areas consistent with the existing certified land use designations. The proposed project would not change the use of the sites nor would it interrupt or expand the existing conforming use of the sites.

**CATEGORICAL DETERMINATION**

The above project proposes replacement and reconstruction of pavement and concrete on existing roadways and parking areas that would involve no expansion of use beyond that previously existing, would be located on the same site, and will have substantially the same purpose and capacity as the structure being replaced. The proposed project is consistent with the existing certified land use designation and is Categorically Excluded under Section 8.a (3) and/or 8.b 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.

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.

RANDA CONIGLIO  
President/CEO

Determination by:  
Cameron McLeod  
Assistant Planner  
Development Services

Signature: C.M. McLeod.  
Date: 9/28/2017

Deputy General Counsel

Signature: W.S. McLeod  
Date: 9-27-17