

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS  
and  
NOTICE OF APPROVAL

Project: Replacement of Water Fountain Tiles at Cancer Survivors Park  
Location(s): 3600 N. Harbor Drive, San Diego, CA 92101  
Parcel No.(s): 007-001  
Project No.: 2017-167  
Applicant: Perfecto De Ocampo, Assistant Engineer, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101  
Date Approved: October 24, 2017

Project Description

The proposed project involves the replacement of the water fountain tiles at Cancer Survivors Park in San Diego, California. The proposed project would repair deterioration of existing ceramic tiles on an existing water fountain, consequently extending their useful life. The existing tiles would be replaced with glazed cobalt blue tiles. Specific work to complete the proposed project includes the following:

- Removal and replacement of the existing blue tiles; and
- Waterproofing of the newly installed tiles.

It is anticipated that construction would commence in late 2017 and would take approximately two months to complete. 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. 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 is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and/or 15302 (Replacement or Reconstruction) and Sections 3.a. and/or 3.b of the District's *Guidelines for Compliance with CEQA* because the project would involve the replacement of tiles on an existing water fountain that would involve no expansion of use beyond that previously existing, would be located on the same site, and have substantially the same purpose and capacity as the structure being replaced. Sections 3.a 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.

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 of tiles on an existing water fountain that would involve no expansion of use beyond that previously existing, 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. 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.

The proposed project complies with Section 87 of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances 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 of the certified Port Master Plan. The Port Master Plan land use designations within the limits of the proposed project are Park/Plaza and Promenade. The proposed project conforms to the certified Port Master Plan because it would involve the replacement of tiles on an existing water fountain 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 use of the site.

#### **CATEGORICAL DETERMINATION**

The above project proposes the replacement of tiles on an existing water fountain that would involve no expansion of use beyond that previously existing, would be located on the same site, and would have substantially the same purpose and capacity as the structure being replaced. The proposed project is consistent with the existing certified land use designations and is Categorically Excluded under Section 8.a 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.

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

Deputy General Counsel

Signature: CDM Lead  
Date: 10/24/2017

Signature: W.D. McLeod  
Date: 10-24-17