

## San Diego Unified Port District

### CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: Replacement of Fence at North Embarcadero  
Location(s): 970 N. Harbor Drive, San Diego, CA, 92101  
Parcel No.(s): 506-004  
Project No.: 2018-002  
Applicant: Feda Yusufi, Assistant Engineer, Port of San Diego, 3165 Pacific Highway, San Diego, CA 92101  
Date Approved: January 11, 2018

#### Project Description:

The proposed project involves the replacement of two sections of fence in San Diego, California. The proposed project would replace the deteriorated wooden fences and their concrete footings with fences and footings of identical design and construction, improving appearance and longevity. Work to specifically complete the proposed project would include:

- Removal of two sections of existing wooden fence;
- Removal of existing concrete footings;
- Installation of replacement sections of wooden fence measuring approximately 4 feet high by 336 feet long consisting of 4-inch(in)-by-6-in posts and 2-in-by-6-in rails;
- Installation of replacement concrete footings; and
- Installation of temporary fencing around the construction site.

It is anticipated that construction of the proposed project would begin in January 2018 and have a total construction period of approximately one week. 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. Therefore, no impacts are anticipated. Furthermore, the applicant is responsible for complying with all applicable federal, state, and local laws regulating construction demolition debris, hazards and hazardous materials, noise, and stormwater.

The following categorical determinations are based on the applicant's 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 proposed project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and/or 15303 (New Construction or Conversion of Small Structures) and Sections 3.a. and/or 3.b. of the District's *Guidelines for Compliance with CEQA* because it is the replacement of existing fences that would involve no expansion of use beyond that previously existing and would have no permanent effects on the environment. Sections 3.a. and 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 or 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 is the replacement of existing fences that would involve no expansion of use beyond that previously existing, would be located on the same site, and would not involve a change in purpose or capacity. 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 those uses.. 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 proposed project is located in 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, Park/Plaza, and Promenade. The proposed project conforms to the certified Port Master Plan because it is the replacement of existing fences 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 replacement of existing fences that would involve no expansion of use beyond that previously existing. This proposed project is consistent with the existing certified land use designations and is Categoricaly Excluded under Sections 8.a. and 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: Cameron McLeod  
Date: 1/11/2018

Signature: W.S. McLeod  
Date: 1-10-18