

San Diego Unified Port District

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

Project: Amendment No. 3 to Agreement with Downstream Services, Inc. for As-Needed Storm Drain Cleaning and Maintenance Services
Location(s): San Diego, Coronado, National City, Chula Vista, and Imperial Beach California
Parcel No.(s): Various
Project No.: 2017-028
Applicant: Allison Vosskuhler, Program Manager, Environmental Protection, Planning and Green Port, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101
Date: March 16, 2018

Project Description

The proposed project involves a third amendment to an existing agreement between San Diego Unified Port District (District) and Downstream Services, Inc. (Downstream) to provide as-needed storm drain cleaning and maintenance services at various District locations. This third amendment to the existing agreement proposes to increase the maximum amount payable by \$100,000, from \$175,000 to \$275,000, and extend the length by one year. More specifically, services may include, but not be limited to, maintenance, repair, and/or replacement of structural controls to ensure that discharges of pollutants are minimized in accordance with best management practices (BMPs). Storm drain maintenance services may include the inspection and cleaning of storm drain lines, catch basins, and structural controls. The agreement began on August 1, 2014 and would terminate on June 30, 2019.

The following categorical determinations are based on the agenda sheet 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 Section 15301 (Existing Facilities) and Sections 3.a (7) and 3.a (12) of the District's *Guidelines for Compliance with CEQA* because it is an amendment to an agreement for storm drain services that would involve no expansion of use beyond that previously existing. Sections 3.a (7) and 3.a (12) of 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:

(7) Existing facilities used to provide electric power, natural gas, sewerage, or other public utility service; and

(12) Maintenance of existing landscaping, native growth, and water supply reservoirs.

The Categorical Exemption listed above is appropriate for the proposed project because it is an amendment to an agreement for storm drain services that would involve no expansion of use beyond that previously existing. 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 District has further determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

The proposed Board action complies with Section 87 of the Port Act, which allows for 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 Board action is consistent with the Public Trust Doctrine.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The project is located within multiple of the District's planning districts. The Port Master Plan land and water use designations within the limits of the proposed project may include, but are not limited to, Open Space, Park/Plaza, Harbor Services, Commercial Recreation, and/or Promenade. The project conforms to the certified Port Master Plan because it is an amendment to an agreement for storm drain services consistent with the existing certified land use designations. The project would not change the uses of the sites nor would it interrupt or expand the existing conforming uses of the sites.

CATEGORICAL DETERMINATION

The above project proposes an amendment to an agreement for storm drain services that would involve no expansion of use beyond that previously existing. This project is consistent with the existing certified land use designations and is Categorically Excluded under Sections 8.a (2) and 8.a (3) 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:
 - (2) Public and private utilities used to provide electric power, natural gas, sewer, or other utility services; and
 - (3) Streets, sidewalks, gutters, bicycle and pedestrian paths, and similar facilities.

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

RANDA CONIGLIO
President/CEO

Determination by:
Maggie Weber
Senior Planner
Planning Development

Signature: Maggie Weber
Date: 3-16-18

Deputy General Counsel

Signature: W.S. McM
Date: 3-15-18