



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

Project: City of San Diego Water Group 1030 Water Main Replacement at Shelter Island  
Location: Shelter Island Drive, San Diego, CA 92101  
Parcel No.: Various  
Project No.: 2018-108a  
Applicant: Natalle de Freitas, City Project Manager, City of San Diego, 525 B Street, Suite 750, San Diego, CA 92101  
Date Approved: October 15, 2019

**PROJECT DESCRIPTION**

The proposed project is the City of San Diego Water Group 1030 Water Main Replacement at Shelter Island and surrounding areas in San Diego, California, by the City of San Diego (Applicant). The proposed project would involve underground utilities improvements on Anchorage Land from Talbot Street to Shelter Island Drive; Canon Street from Shafter Street to Anchorage Lane; Shelter Island Drive from Anchorage Lane through all of Shelter Island.

Work to complete the project would include:

- Replacement of approximately 9,572 linear feet of 6", 8", 10" and 12" water main;
- Installation of 2,029 linear feet of 12" new parallel water main;
- Installation of water appurtenances and fire hydrants;
- Trench shoring and trench repair;
- Pavement resurfacing and striping;
- Installation of new curb ramps.

It is anticipated that construction of the proposed project will commence in fall 2019 and be completed spring 2020, for total construction duration of approximately 10 months. Construction will not take place between Memorial Day and Labor Day.

The proposed project would also include a Tidelands Use and Occupancy Permit (TUOP) to the Applicant for their use of approximately 2,140 square feet (sq ft) of public parking within District Tidelands along Shelter Island Drive, easterly adjacent to 2302 Shelter Island Drive in the City of San Diego. The area proposed for use under this TUOP is currently used for approximately eight (8) parking spaces and is proposed to be used only and exclusively for the purpose of staging and equipment laydown. Due to the temporary and seasonal nature of the development, and the number of available parking spaces in the area, there would be no impact to coastal resources. Furthermore, parking adjacent to the Shelter Island Boat Launch facility would remain open to the public.

It is anticipated that the TUOP would have a total term of one (1) year and eight (8) months, or upon completion of work, whichever occurs earlier. The TUOP may be terminated by the District as a matter of right and without cause at any time upon providing thirty (30) notice in writing to the Applicant of such determination. The Applicant would be responsible for compliance with all laws and regulations associated with the activities on or in connection with the above-described premises, and in all uses thereof, including those regulating stormwater and hazardous materials. No new development, construction, or increase in the size of the property is proposed or authorized as part of the TUOP.

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.

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

***CATEGORICAL DETERMINATION***

In accordance with CEQA the City of San Diego, as Lead Agency, analyzed the proposed project and prepared an Environmental Determination (Attachment A). The Environmental Determination identified that the project is determined to be Categorically Exempt pursuant to CEQA Guidelines Sections 15302

(Class 2 – Replacement or Reconstruction) and/or 15303 (Class 3 – New Construction or Conversion of Small Structures) because it involves underground utilities improvements that would 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 would involve negligible or no change of existing use of the property. Pursuant to CEQA Guidelines Section 15381, the District is a Responsible Agency because the project is being carried out by the City on District Tidelands. The District has considered the Environmental Determination and finds that it is sufficient for the project. In addition, the project appears eligible for a categorical exemption pursuant to CEQA Guidelines Section 15301, subdivision (b) in that the replacement of existing water main constitutes “existing facilities of...publicly owned utilities used to provide...public utility services,” that would involve negligible or no expansion of use beyond that previously existing. As such, issuance of a District Conditional Approval Letter is not a separate “project” for CEQA purposes but is simply an additional governmental approval required to implement a previously approved project. (CEQA Guidelines § 15378(c); Van de Kamps Coalition v. Board of Trustees of Los Angeles Comm. College Dist. (2012) 206 Cal.App.4th 1036.) Accordingly, the proposed project is merely a step in furtherance of the original project for which environmental review was performed, and no further environmental review is required.

### **CALIFORNIA COASTAL ACT**

#### ***PORT MASTER PLAN CONSISTENCY***

Planning District: 1 - Shelter Island/La Playa (Precise Plan Figure 4)

Land Use Designation: Streets

The proposed project conforms to the certified Port Master Plan because it would involve underground utilities improvements consistent with the existing certified Land use designation. 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***

Categorical Exclusions: Section 8.a: Existing Facilities; Section 8.b: Replacement or Reconstruction; and Section 8.c: New Construction or Conversion of Small Structures

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/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.

- (2) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity;

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, including but not limited to:

- (2) Water main, sewer, electrical, gas, or other utility extensions of reasonable length to serve such construction.

The proposed project is determined to be Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above. These are appropriate for the proposed project because it involves underground utilities improvements that would involve negligible or no expansion of use beyond that previously existing, would 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 would involve negligible or no change of existing use of the property.

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.

For the portion of the proposed project located outside of the District's CDP jurisdiction, additional approvals may be required from other agencies.


**CALIFORNIA PUBLIC TRUST DOCTRINE**

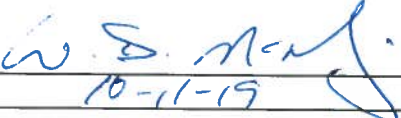
The proposed project complies with Section 87.(a)(1) of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works buildings, facilities, 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.

RANDA CONIGLIO  
President/CEO

Determination by:  
Michael Paul  
Assistant Planner  
Development Services

Deputy General Counsel

Signature:   
Date: 10-15-19

Signature:   
Date: 10-11-19

# Attachment A

## NOTICE OF EXEMPTION

(Check one or both)

TO:  Recorder/County Clerk  
P.O. Box 1750, MS A-33  
1600 Pacific Hwy, Room 260  
San Diego, CA 92101-2400

FROM: City of San Diego  
Public Works Department  
525 B Street, Suite 750, MS 908A  
San Diego, CA 92101

Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

**Project Name:** Water Group 1030

**Project No. / WBS No.:** B-16042.02.06

**Project Location-Specific:** Anchorage Ln from Talbot St to Shelter Island Dr; Cañon St from Shafter St to Anchorage Ln; Shelter Island Dr from Anchorage Ln through all of Shelter Island; within the Peninsula Community Planning Area & Council District 2.

**Project Location-City/County:** San Diego/San Diego

**Description of nature and purpose of the Project:** Replacement of 9,573 Linear Feet (LF) of 6", 8", 10", 12" water main, installation of 2029 (LF) of 12" new parallel water main, as well as water appurtenances, fire hydrants, trench shoring, trench repair, pavement resurfacing, and curb ramps.

**Name of Public Agency Approving Project:** City of San Diego

**Name of Person or Agency Carrying Out Project:** Natalie de Freitas, 525 B Street, Suite 750, San Diego, CA, 92101, (619) 533-4603

Exempt Status: (CHECK ONE)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- Categorical Exemption: 15302 – (Replacement); 15303 – (New Construction)
- Statutory Exemptions:

Reasons why project is exempt: The City of San Diego conducted an environmental review and determined that the project meets the categorical exemption criteria set forth in CEQA State Guidelines, Section 15302 – (Replacement), which allows for the replacement of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; 15303 – (New Construction), which allows for the construction and location of limited numbers of new, small structures; and where the exceptions listed in Section 15300.2 would not apply.

Lead Agency Contact Person: Natalie de Freitas

Telephone: (619) 533-4603

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project?  Yes  No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA