

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



Project: Repair of Dock 1 by the Port of San Diego at Tuna Harbor
Location: Tuna Harbor, 600 Embarcadero, San Diego, CA 92101
Parcel No.: 018-000
Project No.: 2019-006
Applicant: Joan Siao, SDUPD Engineering Construction, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101
Date Approved: February 1, 2019

PROJECT DESCRIPTION

The proposed project would involve repair of Dock 1 at Tuna Harbor by the Port of San Diego (Applicant) in the city of San Diego, California. Dock 1 provides berthing for commercial fishing vessels. Dock 1, constructed in 1991, had major repairs performed in 2014. A structural inspection in June 2018 revealed that Dock 1 has suffered severe deterioration, including the loss of two finger docks. These deficiencies affect the regular operations of the dock and need to be corrected. In addition, the electrical utilities need to be upgraded to meet marine operations' requirements. Work to specifically complete the proposed project would involve the following:

- Demolition and removal of:
 - Two (2) finger dock remnants and two (2) concrete floats at the main walkway.
 - Timber wales, fascia, thru-rods, and edge fenders at five (5) of the longer finger docks and the main walkway.
- Engineering, procurement, and installation of:
 - Two (2) 80-foot (ft)-long by 7-ft-wide (560 square feet (sq ft)) concrete finger docks and accessories.
 - Shear block connector and concrete float at two (2) locations on the main walkway.
 - Air tank floats to upright seven (7) rotated shorter finger docks.
- Installation of new timber wales, fascia, thru-rods, and edge fenders at five (5) of the longer finger docks and the main walkway.
- Repair of damaged concrete deck surfaces and utility supports.
- Installation of electrical service and utility stations to provide 50A/250V service at each slip and remote utility monitoring and control systems at each new utility station.
- Other incidental items of work.

Construction of the proposed project is anticipated to occur in early 2019 and would take approximately four (4) months to complete. It is anticipated that approximately two (2) vehicle trips per day would be generated at the peak of project construction.

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 equipment. Therefore, impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. Additionally, the Applicant would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris, hazards and hazardous materials, and stormwater. Furthermore, the removal and replacement of finger docks, concrete floats, and associated facilities would not result in any increase in overwater coverage or shading (see Table 1 below).

Table 1. Project Features Over-Water Coverage Comparison

Project Component	Existing (sq ft)	Proposed (sq ft)	Change (sq ft)
Finger Docks	1,310	1,310	0
Main Walkway Dock	4,744	4,744	0
Total Overwater Coverage	6,054	6,054	0

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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities; SG §15302, Class 2/Section 3.b: Replacement or Reconstruction; and/or SG §15303, Class 3/Section 3.c: New Construction or Conversion of Small Structures

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, 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.

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. This exemption includes, but is not limited to:

- (1) Replacement or reconstruction of mooring facilities, piles, floats, piers, wharves, marine ways, bulkhead, revetment, buoys, or similar structures where the new structure will be on essentially the same site as the structure replaced and will have substantially the same size, purpose and capacity as the structure replaced.

AND/OR

3.c. New Construction or Conversion of Small Structures (SG § 15303) (Class 3): Includes construction of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another with minor modifications to the exterior of the structure. Examples of this exemption include:

- (3) Water, sewer, electrical, gas, telephone, and other utility structures or facilities.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Sections of the District's *Guidelines for Compliance with CEQA* as identified above. These are appropriate for the proposed project because it involves repair of an existing pier and replacement of electrical systems that would result in no expansion of use beyond that previously existing or a significant cumulative impact due to the continuation of the existing use, would consist of the replacement of existing structures, would be located on the same site as the structures being replaced, and would have substantially the same purpose and 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.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

Planning District: 3 - Centre City Embarcadero (Precise Plan Figure 11).

Land and Water Use Designations: Commercial Fishing; and Commercial Fishing Berthing

The proposed project conforms to the certified Port Master Plan because it would involve repair of an existing pier and replacement of electrical systems, which is consistent with the existing certified Land and Water use designations. The proposed project would not change the use of the site nor would it interrupt or expand the existing conforming uses of the site.

CATEGORICAL DETERMINATION

Categorical Exclusions: Section 8.a: Existing Facilities and Section 8.b: Replacement or Reconstruction.

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:

- (10) Repair, maintenance, or minor alteration of existing mooring facilities, floats, piers, bulkhead, revetment, buoys, or similar structures.

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, including but not limited to:

- (2) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity;
- (3) Replacement, stabilization, or reconstruction of mooring facilities, floats, piers, bulkhead, revetment, shoreline protection, buoys, or similar structures.

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 repair of an existing pier and replacement of electrical systems 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 would 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.

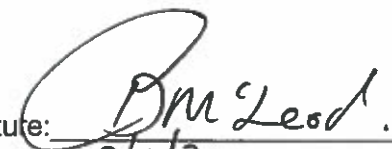
CALIFORNIA PUBLIC TRUST DOCTRINE

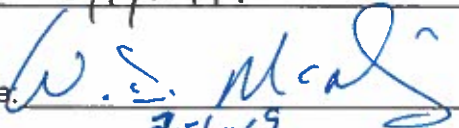
The proposed project complies with Section 87.(a)(1) of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities,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

Deputy General Counsel

Signature: 
Date: 2/1/2019

Signature: 
Date: 2-1-19