



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

Project: Bayshore Bikeway Barrio Logan Segment by San Diego Association of Governments at Tenth Avenue Marine Terminal
Location: Harbor Drive from Park Boulevard and 32nd Street in San Diego, CA 92101
Parcel No.: Various
Project No.: 2019-087
Applicant: Emilio Rodriguez, Project Manager, San Diego Association of Governments, 401 B Street, Suite 800, San Diego, CA 92101
Date Approved: September 11, 2019

PROJECT DESCRIPTION

The proposed project would involve construction of bicycle infrastructure improvements on the western portion of Harbor Drive between Park Boulevard and 32nd Street by San Diego Association of Governments (Applicant) in the City of San Diego. The proposed project would also include issuance of a Right of Entry (ROE) and two (2) Right of Entry License Agreements (ROELA) to enter upon the project site to allow for construction of the proposed improvements.

Work to specifically complete the proposed project would consist of construction of approximately 2.5 miles of a shared-use, Class I bicycle and pedestrian path and related roadway modifications necessary to accommodate the bikeway, including signage, construction of new curbs, relocation of existing utilities and storm drains, repaving, street lighting, and other similar improvements. The approximate square footage of new sidewalk in Port Tidelands is anticipated to be 12,750 square feet.

The area proposed for use under these ROELAs and ROE would be used by the Applicant to enter certain properties located in the City of San Diego, California. The areas proposed for use under these ROELAs and ROE would be used by the Applicant and their authorized agent(s) and contractor(s) for the purpose of construction of bicycle infrastructure improvements, as well as ingress and egress in support of those activities. It is anticipated that the ROELA and ROE would have a total term of approximately five (5) years. The ROE and ROELA may be terminated by the District as a matter of right and without cause at any time upon providing twenty-four (24) hours written notice to Applicant of such termination.

Construction of the proposed improvements is anticipated to occur in Summer 2020 and end in the Fall of 2021. 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. Furthermore, 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.

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)

In accordance with CEQA the City of San Diego, as Lead Agency, analyzed the proposed project and prepared an Environmental Determination. The Environmental Determination identified that the project is determined to be Categorically Exempt pursuant to CEQA Guidelines Sections 15301 (Class 1 – Existing Facilities), 15302 (Class 2 – Replacement or Reconstruction) and/or 15304 (Class 4 – Minor Alterations to Land) because it involves construction of bicycle infrastructure improvements that would involve no expansion of use beyond that previously existing, would not result in a significant cumulative impact due to the continuation of the existing use, would be located essentially on the same site as the structure replaced, would have substantially the same purpose and capacity as the structure replaced, would result in no permanent effects on the environment, and would not involve the removal of mature, scenic trees. 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. As such, issuance of this Categorical Determination is not separate a "project" for CEQA purposes but are 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 Districts: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13).

Land Use Designations: Marine Related Industrial; and Streets.

The proposed project conforms to the certified Port Master Plan because it would involve construction of bicycle infrastructure improvements, 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

Categorical Exclusions: Section 8.a: Existing Facilities; Section 8.b: Replacement or Reconstruction; and Section 8.d: Minor Alterations to Land

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;
- (3) Streets, sidewalks, gutters, bicycle and pedestrian paths, and similar facilities.

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.

AND/OR

8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, including but not limited to:

- (1) Land grading, except where located in a waterway, wetland, officially designated scenic area, or in officially mapped areas of severe geologic hazard;
- (3) Filling of earth into previously excavated land with material compatible with the natural features of the site;
- (6) Minor trenching or backfilling where the surface is restored.

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 would involve construction of bicycle infrastructure improvements and would involve negligible or no expansion of use beyond that previously existing, would be located essentially on the same site as the structure replaced, would have substantially the same purpose and capacity as the structure replaced, and would not involve the removal of mature, scenic trees.

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

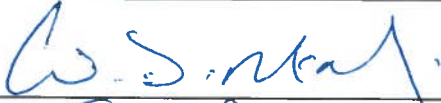
The proposed project complies with Section 87.(a)(4) of the Port Act, which allows for the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section. 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: 7-9-19

Signature: 
Date: 9-10-19