



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

**Project:** Replacement of Dock 2 and Repair of Dock 3 by the San Diego Unified Port District at Tuna Harbor  
**Location:** Tuna Harbor, 600 Embarcadero, San Diego, CA 92101  
**Parcel No.:** 018-000  
**Project No.:** 2019-118  
**Applicant:** Joan Siao, Capital Project Manager I, Engineering Construction, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101  
**Date Approved:** August 7, 2019

**PROJECT DESCRIPTION**

The proposed project would involve replacement of Dock 2 and repair of Dock 3 by the San Diego Unified Port District (Applicant) in the city of San Diego, California. Dock 2 and Dock 3 provide berthing for commercial fishing vessels. Dock 2 and Dock 3, constructed in 1983 and 1978 respectively, had major repairs completed in 2014. A structural inspection of Docks 2 and 3 was performed in June 2018. The inspection revealed that Dock 2 has suffered severe deterioration, including the loss of six finger docks and requires complete replacement. Additionally, Dock 3 has damaged components that require repair and replacement. These deficiencies affect regular operations of the docks and need to be corrected. Work to specifically complete the proposed project would involve the following:

- Demolition and removal of the existing wooden framed floating dock system of Dock 2, including all appurtenances such as electric services, potable water utilities, pontoons, cleats, edge fenders, etc. Existing concrete guide piles, concrete landing and aluminum gangway are to be protected in place;
- Design and construction of a new heavy weather aluminum framed dock system of Dock 2 including all appurtenances such as electrical system, domestic water system and fire protection system, cleats, and edge fenders; and
- Minor structural repairs to the existing wooden framed floating dock system of Dock 3;

Construction of the proposed project is anticipated to occur in late 2019 and would take approximately seven (7) months to complete. 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.

The proposed project would not result in any increase in overwater coverage (see Table 1 below) or fill (see Table 2 below).

**Table 1. Project Features Over-Water Coverage Comparison**

<b>Project Component</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change</b>
<b>Piles</b>	57.5 sf (25 piles)	57.5 sf (25 piles)	0 sf
<b>Floating Dock</b>	14,004 sf	11,569 sf	-2,435 sf
<b>Total Water Coverage</b>	<b>14,061.5 sf</b>	<b>11,626.5 sf</b>	<b>-2,435 sf</b>

**Table 2. Project Features Fill Comparison**

<b>Project Component</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change</b>
<b>Piles</b>	57.5 sf (25 piles)	57.5 sf (25 piles)	0 sf
<b>Total Fill</b>	<b>57.5 sf</b>	<b>57.5 sf</b>	<b>0 sf</b>

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**

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.
- (7) Existing facilities used to provide electric power, natural gas, sewerage, or other public utility services.

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.

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 consists of the repair and replacement of existing docks that would involve 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. 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 the repair and replacement of existing docks, 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; Section 8.b: Replacement or Reconstruction; and/or 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;
- (10) Repair, maintenance, or minor alteration of existing mooring facilities, floats, piers, bulkhead, revetment, buoys, or similar structures; and

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.

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.

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 consists of the repair and replacement of existing docks that would involve 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**

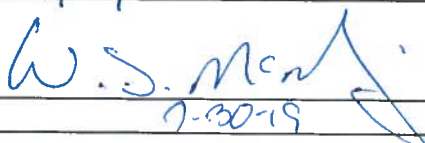
The proposed project complies with Section 87.(a)(1) of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities,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

Deputy General Counsel

Signature:   
Date: 7/30/19

Signature:   
Date: 7-30-19