



San Diego Unified Port District CEQA and COASTAL DETERMINATIONS

Project: Water Main and Asphalt Repair at Tenth Avenue Marine Terminal
Location: 1155 Terminal St, San Diego, CA 92101
Parcel No.: Various
Project No.: 2019-181
Applicant: Rudy Zelaya, Associate Engineer, Engineering-Construction, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92109
Date Approved: October 11, 2019

PROJECT DESCRIPTION

The proposed project is the Water Main and Asphalt Repair at Tenth Avenue Marine Terminal in San Diego, California. A water main broke at Tenth Avenue Marine Terminal near berth 10-4 on October 6, 2019 (Attachment A). Immediately thereafter, water to the area was shutoff and the impacted area of the Tenth Avenue Marine Terminal has been closed for use. The proposed project would repair and replace the damaged water main and repair and reconstruct a large depression in the asphalt in order to open the area for Maritime operations.

Work to complete the project would include:

- Excavation, replacement, and backfilling of approximately 20 linear feet of water main; and
- Replacement of approximately 1,000 square feet of damaged asphalt pavement.

It is anticipated that construction of the proposed project will commence in October 2019 for total construction duration of approximately one month. Furthermore, construction must comply with all applicable federal, state, and local laws regulating 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.

CEQA DETERMINATION

Based upon the above description, the project is determined to be Categorically Exempt pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and/or 15302 (Replacement or Reconstruction) and Sections 3.a (7) and/or 3.b (2) of the *District's Guidelines for Compliance with CEQA* because the project includes repair of a water main and surrounding asphalt area that would result in no expansion of use beyond that previously existing and would be located on the same site and have substantially the same size, purpose, and capacity as the structures being replaced. Sections 3.a (7) and 3.b (2) of the 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 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:
- (7) Existing facilities used to provide electric power, natural gas, sewerage, or other public utility service.

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:

- (2) Replacement or reconstruction of marine terminal facilities, and marine-oriented commercial, industrial, and public and commercial recreational facilities, including buildings, piers, piles, wharves, marine ways; railroads; airport facilities, runways, taxiways, aprons, and ancillary structures to those facilities; electrical and mechanical systems and equipment; where the new structure will be on essentially the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

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 would involve repair of a water main and surrounding asphalt area 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, and would not result in a serious or major disturbance to an environmental resource. 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: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land Use Designation: Marine Terminal.

The proposed project conforms to the certified Port Master Plan because it would involve repair of a water main and surrounding asphalt area, 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 Exclusion: Section 8.a: Existing Facilities and Section 8.b: Replacement or Reconstruction.

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:

- (3) 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, including but not limited to:

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

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 a water main and surrounding asphalt area 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 or 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.

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:
Juliette Orozco
Associate Planner
Development Services

Deputy General Counsel

Signature: 
Date: 10/11/19

Signature: 
Date: 10/11/19



Approximate
Project Location