



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

Project: ROELA to City of San Diego for Sewer Trunk Replacement at Tenth Avenue Marine Terminal

Location: Switzer Street west of Harbor Drive, San Diego, CA 92101
Harbor Drive between Beardsley Street and Park Boulevard, San Diego, CA 92101
Park Boulevard between Harbor Drive and Imperial Avenue, San Diego, CA 92101
Imperial Avenue between Park Boulevard and 12th Avenue, San Diego, CA 92101

Parcel No.: Various

Project No.: 2020-075

Applicant: Eriberto J. Valdez, Jr., Associate Planner, City of San Diego, 525 B Street, Suite 750, San Diego, CA 92101

Date Approved: August 31, 2020

PROJECT DESCRIPTION

The proposed project would involve replacement of existing sewer trunk by the City of San Diego (Applicant) in the City of San Diego, California. Work to specifically complete the proposed project would involve the replacement of approximately 4,500 linear feet (LF) of existing 12 to 24-inch (in.) trunk sewer with 18 to 30-in diameter pipeline; approximately 100 LF of sewer replacement would be within the San Diego Unified Port District (District) tidelands. The upsizing of utility is due to existing and anticipated future development in the vicinity of the project site, as 2020 Max Dry Weather and Max Wet Weather sewer flows are anticipated to increase by roughly as 150% and 130% respectively by 2050. The existing 8-inch and 18-inch diameter sewer laterals within the Districts' jurisdiction currently connect and discharge to the trunk sewer under the Harbor Drive overpass via an existing manhole within BNSF right-of-way (ROW). The Applicant proposes to relocate the existing manhole and realign the lateral to be within City ROW. The existing lateral and manhole will be slurry filled and abandoned. Additionally, this project will include the replacement of approximately 2,400 square feet (sq. ft) of existing porous concrete at four (4) truck parking spaces that would be temporarily impacted by the lateral and manhole installation. The construction area required, including excavation and staging area, is anticipated to be approximately 5,000 sq. ft. Construction of the proposed improvements within District jurisdiction would require open trench construction with trench depths to approximately 20 ft. Excavation and trenching would result in approximately 6,000 cubic yards of soil. Excavated soil that cannot be backfilled would be transported, disposed of, and stock piled in accordance with Greenbook and Whitebook standards.

Construction of the portion of the proposed project within District tidelands is anticipated to occur in early 2021 and would take approximately two (2) months to complete. A traffic control plan will be enforced, including two flaggers to direct fuel trucks in and out of the Jankovich fuel lot for the duration of the lateral installation to maintain access.

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, significant 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 proposed project also includes a Right of Entry License Agreement (ROELA) to the City of San Diego (Licensee) to enter certain property located in the City of San Diego, California. The area proposed for use under this ROELA would be used by the Licensee and their authorized agent(s) and contractor(s) for the purpose of installation, construction, operation, maintenance, replacement, repair and inspection of public sewer line facilities as well as ingress and egress in support of those activities.

It is anticipated that the ROELA would have a total term of approximately two (2) years, or upon completion of the work, whichever occurs earlier. The ROELA may be terminated by the District as a matter of right and without cause at any time upon provide forty-eight (48) hours' notice in writing to the Licensee of such termination.

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 a Notice of Exemption (NOE) on October 21, 2019. The NOE identified that the proposed project was determined to be Statutorily Exempt pursuant to CEQA State Guidelines Section 15282(k), Other Statutory Exemptions, which includes the installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length; the project meets the requirements for Statutory Exemption Section 15282(k). 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 NOE 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 District: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land Use Designation: Marine Related Industrial

The portion of the proposed project located within the Coastal Development Permit (CDP) jurisdiction of the District conforms to the certified Port Master Plan because it would involve replacement of existing sewer line, relocation of an existing manhole, and replacement of porous pavement, 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.d: Minor Alternations 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.

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

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:

- (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 portion of the proposed project located within the Coastal Development Permit (CDP) jurisdiction of the District is determined to be Categorical 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 replacement of existing sewer line, relocation of an existing manhole, and replacement of porous pavement and would involve negligible 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

Signature: Michael Paul
Date: Aug 31, 2020

Deputy General Counsel

Signature: Rebecca Harrington
Date: Aug 31, 2020