



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

Project: Operation and Maintenance for Sewage Management Equipment Program and Acceptance of Grant Funds

Location: Shelter Island Harbor Police Dock (32.7090, -117.2350)  
Shelter Island Transient Dock (32.7095, -117.2335)  
Crescent/Laurel Street Dock (32.7270, -117.1761)  
Pepper Park (32.6495, -117.1102)  
Chula Vista Bayfront Park (32.6214, -117.1028)

Parcel No.: Various

Project No.: 2021-032

Applicant: Government & Civic Relations, Unified Port of San Diego; 3165 Pacific Highway, San Diego, CA 92101 (Aimee Heim, Manager, Grants & Policy)

Date Approved: April 13, 2021

**PROJECT DESCRIPTION**

The San Diego Unified Port District (Applicant) proposes to receive grant funding from the California State Park Division of Boating and Waterways (DBW) for the renovation, operation, and maintenance of seven (7) pumpout facilities for public and recreational boating use within San Diego Bay. The Applicant was awarded the grant funds by the DBW, with a minimum of 25% matching funds provided by the Applicant. The Applicant currently maintains the seven (7) pumpout facilities at five (5) docks around San Diego Bay located at: Shelter Island Harbor Police Dock (two pumpout facilities), Shelter Island Transient Dock (two pumpout facilities), Crescent Dock, Chula Vista Bayfront Park, and National City Pepper Park. These facilities service the boating community by providing a means to dispose of wastewater through the existing sewer system. The existing pumpout facilities are outdated and require replacement, and the proposed project, with the assistance of the grant funds, would install new high-efficiency pumps with stainless steel pump frames, aluminum pump housing, new control panels, and a MarineSync remote monitoring, data collection, and reporting capability.

Each pumpout facility is approximately two feet by three feet in size. All seven existing facilities would be fully replaced, and the new, updated pumpout facilities would be the same size as the existing facilities and would be located at the same sites. It is anticipated that it would take up to three days to replace each facility and the work is anticipated to begin in Fall 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)**

***CATEGORICAL DETERMINATION***

Categorical Exemption: SG §15302, Class 2/Section 3.b: Replacement or Reconstruction

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 Categorical Exempt pursuant to the CEQA Guidelines and the Section of the District's *Guidelines for Compliance with CEQA* as identified above. This is appropriate for the proposed project because it would consist of the replacement/reconstruction of an existing structure/facility, would be located on the same site as the structure 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 Districts: 1 - Shelter Island/La Playa (Precise Plan Figure 4); 3 - Centre City Embarcadero (Precise Plan Figure 11); 5 - National City Bayfront (Precise Plan Figure 15); and 7 - Chula Vista Bayfront (Precise Plan Figure 19)

Water Use Designations: Harbor Master Pier/Transient Docking; Specialized Berthing; and Boat Navigation Corridor

The proposed project conforms to the certified Port Master Plan because it would involve the acceptance of grant funds to replace the existing sewage pumpout facilities with updated facilities, which would support public and recreational boating uses in San Diego Bay's water navigation system consistent with the existing certified 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 Exclusion: Section 8.b: Replacement or Reconstruction

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.

The proposed project is determined to be Categorical Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it 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.

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.

JOE STUYVESANT  
President/CEO

Determination by:  
Lily Tsukayama  
Associate Planner  
Planning Department

Signature: Lily Tsukayama  
Date: Apr 14, 2021

Deputy General Counsel

Signature: Chris Burt  
Date: Apr 14, 2021