



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

Project: Easement to Sweetwater Authority for Water Utility Facilities and Fire Protection
Location: Marina Parkway, Chula Vista, CA 91910
Parcel No.: 532-003
Project No.: 2021-050
Applicant: Luis Valdez, Engineering Manager, Sweetwater Authority, 505 Garrett Avenue, Chula Vista, CA 91910
Date Approved: May 11, 2021

PROJECT DESCRIPTION

The proposed project is the renewal of an Easement Agreement (Agreement) to Sweetwater Authority (Grantee) for their use of water utility facilities for fire protection purposes on approximately 312 square feet (sq. ft.) of land area located in the City of Chula Vista, California. The area proposed for use under this Agreement is currently and would be used only and exclusively for the purpose of construction, operation, maintenance, repair, replacement, and inspection of water utility facilities for fire protection purposes and appurtenances. The Agreement further grants the Grantee and its authorized agent(s) and contractor(s) the right of ingress and egress to, from, and along the easement area via practical routes across the adjacent District lands. The Agreement expressly prohibits Grantee from construction or major repairs of any facilities without prior written approval of the plans and specifications by the District, except for necessary emergency repairs. In the case of emergency repairs, Grantee shall give the District written notification within ten (10) days of commencement of any emergency repairs and shall obtain District approval of any emergency repairs within ninety (90) days from the commencement of work for the emergency repairs. Furthermore, pursuant to the Agreement, Grantee should ensure any requirements for hazardous waste site worker health and safety programs in 29 CFR Part 120 (HAZWOPER), and waste disposal requirements in California Code of Regulations Title 22, are adhered to in any subsurface activity within the easement area.

It is anticipated that the Agreement would have a total term of approximately five (5) years. The Agreement may be terminated by the District as a matter of right and without cause at any time upon providing ninety (90) days' written notice to Grantee 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)

CATEGORICAL DETERMINATION

Categorical Exemption: SG §15301, Class 1/Section 3.a: Existing Facilities

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:

- (4) New and renewed short-term tenancy agreements which do not result in change in the existing use. This exemption does not apply to any new development associated with the activities of the tenant. This exception is also inapplicable if the cumulative impact of continuing the existing use or conditions in the same place, over time, is significant.

The proposed project is determined to be Categorically 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 consists of renewal of an existing easement for water utility facilities for fire protection purposes, would involve no expansion of use beyond that previously existing, and would not result in a significant cumulative impact due to the continuation of the existing

use . 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: 7 - Chula Vista Bayfront (Precise Plan Figure 19)

Land Use Designation: Streets

The proposed project conforms to the certified Port Master Plan because it would involve renewal of an existing easement for water utility facilities for fire protection purposes, 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

The proposed project would renew an existing real estate agreement through issuance of an easement agreement. The proposed project does not allow for “development” as defined in Section 30106 of the California Coastal Act, or “new development” pursuant to Section 1.a. of the District’s Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or categorical exclusion is not required.

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.

J. STUYVESANT
President/CEO

Determination by:
Michael Paul
Assistant Planner
Development Services

Signature: Michael Paul
Date: May 11, 2021

Deputy General Counsel

Signature: Chris Burt
Date: May 11, 2021