



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

Project: Manhole Replacements by City of San Diego at Centre City Embarcadero and Tenth Avenue Marine Terminal
Location: Harbor Drive and Grape Street, San Diego, CA 92101; and 2751 N. Harbor Drive, San Diego, CA 92101
Parcel No.: 017-018 and 020-183
Project No.: 2021-056
Applicant: Matthew Veverka, Project Manager, City of San Diego, 525 B Street MS 908A, San Diego, CA 92101
Date Approved: Jun 8, 2021

PROJECT DESCRIPTION

The proposed project would involve replacement of existing manholes by the City of San Diego (Applicant) in the City of San Diego, California. The portion of the proposed project within San Diego Unified Port District (District) tidelands would involve the excavation of a ten (10)-foot (ft.)-long by ten ft.-wide area to a depth of up to twenty-five (25) feet, removal of the existing manholes, replacement with new manholes, and restoration of pavement to existing conditions. The entire proposed project, the majority of which would occur off of tidelands and outside of the District's jurisdiction, would involve the same excavation and replacement of 48 manholes within their existing location and rehabilitation of nine (9) manholes within the City of San Diego. The project would require a work crew and work truck at each location. Construction of the proposed project is anticipated to occur in Summer 2021 and would take approximately two days at each location.

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 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 March 2, 2021. The City of San Diego conducted an environmental review which determined that the project meets the categorical exemption criteria set forth in CEQA State Guidelines, Section 15301(b) – (Existing Facilities), which allows for repair and maintenance of existing publicly owned facilities, including sewers (which includes rehabilitation of existing manholes); 15302(c) – (Replacement or Reconstruction), which allows for replacement of existing utility systems where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced (which includes replacement of manholes). 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 Districts: 3 - Centre City Embarcadero (Precise Plan Figure 11); and 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land Use Designations: Marine Related Industrial; and Streets

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 in-kind replacement of existing manholes, consistent with the existing certified Land use designations. 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 Alterations 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:

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:

(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 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 in-kind replacement of existing manholes, would involve no 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.

J. STUYVESANT
President/CEO

Determination by:
Michael Paul
Assistant Planner
Development Services

Signature: Michael Paul
Date: Jun 8, 2021

Deputy General Counsel

Signature: Chris Burt
Date: Jun 8, 2021