



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

Project: B Street Stormwater Improvements and Repaving Project
Location: B Street Pier, San Diego, CA 92101
Parcel No.: 104-105
Project No.: 2023-007
Applicant: Mahmoud Akhavain, Port Consultant-Engineering, San Diego Unified Port District,
3165 Pacific Hwy, San Diego, CA 92101
Date Approved: March 12, 2024

PROJECT DESCRIPTION

The proposed project would involve stormwater infrastructure improvements and approximately 29,000 square feet of repaving of asphalt on the City of San Diego's B Street Pier by the San Diego Unified Port District (Applicant). The project will be constructed in two phases. Phase one will consist of the stormwater improvements, and phase two will consist of the asphalt repaving.

Phase I: The new stormwater infrastructure includes:

- Four (46' x 25') biofilters
- Three new stormwater drain lines:
 - Storm drain 1- Trenching and installation of approximately 50' of piping
 - Storm drain 2- Trenching and installation of approximately 950' of piping
 - Storm drain 3- Trenching and installation of approximately 80' of piping

The approximately 100' x 80' staging area for this project would be located on the westside of B Street Pier and would be used in coordination with Maritime Operations.

Phase II: Approximately 29,000 square feet of asphalt will be removed and repaved at various depths, from three to twenty-four inches. The scope of work includes the removal of existing asphalt pavement, compaction of the grade, the application of new asphalt pavement and restriping like for like. This part of the project (phase II) will require asphalt removal with an anticipation of 20 daily truck trips (duration: two to three days), as well as 20 daily truck trips for the application of new asphalt (duration: two to three days).

Construction of the proposed project is anticipated to occur in Summer 2024 and would take approximately five months to complete. 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 Exemptions: CEQA Guidelines Section 15301 (Class 1) /District Guidelines for Compliance with CEQA Section 3.a: Existing Facilities and CEQA Guidelines Section 15303 (Class 3)/District Guidelines for Compliance with CEQA Section 3.c: New Construction or Conversion of Small Structures

- 3.a. Existing Facilities: 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:

- (8) Existing highways, streets, sidewalks, bicycle and pedestrian trails, and similar facilities, except where the activity will involve removal of a scenic resource including a stand of trees, a rock outcropping, or an historic building.

AND/OR

- 3.c. New Construction or Conversion of Small Structures: Includes construction of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another with minor modifications to the exterior of the structure. Examples of this exemption include:

- (3) Water, sewer, electrical, gas, telephone, and other utility structures or facilities.

The proposed project is determined to be Categorical 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 the proposed project consists of repaving an existing paved parking lot and the construction of new stormwater infrastructure. Furthermore, 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)
Land Use Designations: Commercial Recreation and Commercial Fishing

The proposed project conforms to the certified Port Master Plan because it would involve stormwater infrastructure improvements as well as repaving of existing asphalt 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 uses of the site. No new impervious surfaces will be created.

CATEGORICAL DETERMINATION

Categorical Exclusion: Section 8.a: Existing Facilities

- 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.

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 exclusion applies to the proposed project because it would involve the upgrade to existing stormwater infrastructure, and the repaving of existing asphalt on B Street Pier.

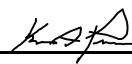
Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

CALIFORNIA PUBLIC TRUST DOCTRINE


The proposed project complies with Section 87.(a)(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 repaving project is consistent with the Public Trust Doctrine.

RANDA CONIGLIO
Acting President/CEO

Determination by:
Kevin Parker, AICP
Senior Planner
Development Services

Signature: 
Date: 03/13/2024

Deputy/Assistant General Counsel

Signature: 
Date: 03/13/2024