



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

Project: FY 2023 Port Security Grant Program
Location: 1401 Shelter Island Drive, San Diego, CA 92106
3380 North Harbor Drive, San Diego, CA 92101
1000 North Harbor Drive, San Diego, CA 92101
1800 Crosby Road, San Diego, CA 92101
1309 Bay Marina Drive, National City, CA 91950
1140 North Harbor Drive, San Diego, CA, 92101
1790 Water Street, San Diego, CA, 92101
Parcel No.: Various
Project No.: 2023-137A
Applicant: Aimee Heim, Program Director, Government and Civic Relations, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101; 619-686-6390
Date Approved: 09/26/2024

PROJECT DESCRIPTION

The proposed project involves funding for five (5) security-related projects for the Fiscal Year 2023 (FY 23) Port Security Grant Program. In August 2023, the Department of Homeland Security and Federal Emergency Management Agency (FEMA) awarded the San Diego Unified Port District (District) \$537,000 and Harbor Police Department (HPD) \$1,440,000, for a total of \$1,977,000 in funding for various District and HPD projects through its Port Security Grant Program. As part of these actions, the District entered into an agreement with the Department of Homeland Security and FEMA to authorize implementation of the proposed projects. A Coastal Act Categorical Determination of Exclusion (Project No. 2023-137) was issued previously for the five (5) security-related projects on October 10, 2023. This amendment is necessary to clarify the scope of the Threat Detection Enhancements project to include additional camera replacement locations and to update construction information. The scope of the other four (4) security-related projects would remain unchanged. The proposed Port Security Grant Program projects for FY 23, listed and amended below, were selected to focus on enhancing cybersecurity and the protection of soft targets and crowded places.

- Critical Infrastructure Situational Awareness Enhancements: Install monitoring stations at Tenth Avenue Marine Terminal, Broadway Pier, HPD Headquarters, and HPD Shelter Island Substation. There would be no trenching or ground disturbance required for the proposed project, and all displays would be mounted to interior walls.
- Public Open Spaces Threat Detection and Monitoring: Replace three (3) cameras on existing mobile trailers.
- Fireboat Replacement: Replace one (1) patrol fireboat.
- Vessel Maintenance: Procurement of parts/supplies for maintenance of five (5) HPD patrol/firefighting vessels.
- Threat Detection Enhancements: Replace approximately 49 existing cameras at B Street Pier, approximately 50 existing cameras at Broadway Pier and Pavilion, and approximately eight (8) external existing cameras at Tenth Avenue Marine Terminal. Cameras to be replaced at B Street Pier and Broadway Pier and Pavilion would consist of both internal and external cameras, and there would be no trenching or ground disturbance required for the proposed project.

Construction of the Threat Detection Enhancements project is anticipated to start in approximately early-2025. All the Port Security Grant Program projects for FY 23 are anticipated to be completed no later than August 31, 2026. Each project has a three-year performance period. Due to its nature and limited scope, construction and operation 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 District 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 the CEQA Section 3.a: Existing Facilities; CEQA Guidelines Section 15302 (Class 2)/District Guidelines for Compliance with the CEQA Section 3.b: Replacement or Reconstruction; CEQA Guidelines Section 15303 (Class 3)/District Guidelines for Compliance with the CEQA Section 3.c: New Construction or Conversion of Small Structures; and CEQA Guidelines Section 15311 (Class 11)/District Guidelines for Compliance with the CEQA Section 3.i: Accessory 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.

AND/OR

3.b. Replacement or Reconstruction: 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.

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:

- (2) Accessory (appurtenant) structures and mechanical equipment including, but not limited to, garages, sheds, railway spur tracks, pilings, temporary trailers, industrial equipment enclosures, fences, parking, on-site roadways, walkways and health and safety devices.

AND/OR

3.i. Accessory Structures: Includes construction, or placement of minor structures accessory to (appurtenant to) existing facilities, including:

- (2) Construction or placement of minor structures or equipment accessory to (appurtenant to) existing airport or marine terminal facilities.

The proposed project is determined to be Categorically 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 it would consist of security-related projects on Tidelands that would involve no expansion of use beyond that previously existing, would consist of the installation of new accessory equipment on existing HPD and marine terminal facilities, and would involve the replacement and maintenance of existing equipment which would not result in a significant cumulative impact due to 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 Districts: 1 - Shelter Island/La Playa (Precise Plan Figure 4); 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9); 3 - Centre City Embarcadero (Precise Plan Figure 11); 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13); and 5 - National City Bayfront (Precise Plan Figure 15)

Land Use Designations: Harbor Services; Marine Related Industrial; Marine Terminal; Commercial Recreation; and Park/Plaza

The proposed project conforms to the certified Port Master Plan because it would involve the implementation of five (5) security-related projects 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.

CATEGORICAL DETERMINATION

Categorical Exclusions: Section 8.a: Existing Facilities; Section 8.b: Replacement or Reconstruction; and Section 8.c: New Construction or Conversion of Small Structures

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.

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.

AND/OR

8.c. New Construction or Conversion of Small Structures: Construction and location of limited numbers of new, small facilities or structures and installation of small, new equipment and facilities, involving negligible or no change of existing use of the property, including but not limited to:

- (3) Accessory structures, including, but not limited to, on-premise signs, small parking lots, fences, walkways, swimming pools, miscellaneous work buildings, temporary trailers, small accessory piers, minor mooring facilities, buoys, floats, pilings, or similar structures; and seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar structures.

The proposed project 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 would consist of security-related projects on Tidelands that would involve no expansion of use beyond that previously existing, would consist of the installation of small equipment on existing HPD and marine terminal facilities, and would involve the replacement and maintenance of existing equipment.

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)(2) of the Port Act, which allows for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. 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
Acting President/CEO

Determination by:
Justin Huitema
Assistant Planner
Development Services

Signature: Justin Huitema
Date: 09/26/2024

Assistant/Deputy General Counsel

Signature: Shiraz D. Tangri
Date: 09/26/2024