



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

Project: Structural Post Replacement by the San Diego Unified Port District at Portwood Pier Plaza
Location: Deteriorated post located on the external wall of the Portwood Pier Plaza public restroom structure, north of the entrance to Imperial Beach Pier
Parcel No.: 061-006
Project No.: 2024-063
Applicant: Hector Arias, Assistant Engineer, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101, (619) 821-5585
Date Approved: 07/12/2024

PROJECT DESCRIPTION

The proposed project is for the removal and replacement of a structural wood post located on the exterior of the Portwood Pier Plaza tenant building directly north of the entrance to Imperial Beach Pier in Imperial Beach, California. The District was notified of a rotted lumber post of deteriorating condition in the Portwood Pier Plaza by the City of Imperial Beach. The rotted post is a structural member of the building, and the proposed project would replace the damaged post with a structurally sound post of the same size and appearance, restoring the safety and support of the infrastructure as well as improving the building's visual appearance.

The current post is located in a prominent area of Portwood Pier Plaza; close to the entrance of the Imperial Beach Pier, adjacent to certain businesses, and attached to a public restroom structure. Due to the sensitive location of the proposed project and its proximity to public flow, appropriate public safety measures would be required and applied. Notification signage regarding the work and the closure would be placed prior to construction and appropriate barriers along the perimeter of the work area would be required during construction to ensure public safety. The adjacent public restrooms are anticipated to remain open and there are no expected road or pathway closures for the proposed project. Trucks are to be temporarily staged during construction along Seacoast Drive and workers would hand carry tools, the deteriorated post, the replacement post, and any other supplies needed the short distance to and from the project site and the trucks for the removal and replacement of the post. Approximately three (3) days of construction is expected for the removal and replacement of the deteriorated post, between the hours of 7 A.M. and 3:30 P.M., and would occur in summer of 2024. All barriers and signage surrounding the work area would be removed and full public access would be reinstated promptly following the completion of the proposed project.

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 Exemptions: CEQA Guidelines Section 15301 (Class 1)/District Guidelines for Compliance with CEQA Section 3.a: Existing Facilities; and CEQA Guidelines Section 15302 (Class 2)/District Guidelines for Compliance with CEQA Section 3.b: Replacement or Reconstruction

- 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:

- (1) Repair, maintenance or minor alteration of existing mooring facilities, floats, piers, piles, wharves, bulkhead, revetment, buoys, or similar structures; marine terminal facilities; airport facilities; and commercial industrial, or recreational facilities.
- (9) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety or permit requirements, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.

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.

The proposed project is determined to be Categorical Exempt pursuant to the CEQA Guidelines and the Section(s) of the District's *Guidelines for Compliance with CEQA* as identified above because removal and replacement of the wood post would involve no expansion of use beyond that previously existing and would consist of the replacement of an existing structure that would have substantially the same purpose and capacity as the structure being replaced. 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: Imperial Beach Oceanfront (Precise Plan Figure 25)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve the removal and replacement of a deteriorated structural wood post that would be located on the same site as the structure replaced, have substantially the same purpose and capacity as the structure replaced, and involve no expansion of use beyond that previously existing, 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 uses of the site.

CATEGORICAL DETERMINATION

Categorical Exclusions: Section 8.a: Existing Facilities; and Section 8.b: Replacement or Reconstruction

- 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:

- (4) Restoration and rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health, safety, District policy, or as required by contractual conditions.

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.

The proposed project is determined to be Categorical Excluded pursuant to the Section(s) of the District's *Coastal Development Permit Regulations* as identified above because the removal and replacement of the deteriorated structural wood post would involve no expansion of use beyond that

previously existing, 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)(5) of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. 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:
Kelly Cunningham
Assistant Planner
Development Services

Signature: *Kelly Cunningham*
Date: 07/12/2024

Assistant/Deputy General Counsel

Signature: *Shiraz D. Tangri*
Date: 07/12/2024