

San Diego Unified Port District
CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: Emergency Fender Repair at Wharf Next to Star of India at North Embarcadero
Location(s): 1492 N Harbor Dr., San Diego, CA 92101
Parcel No.(s): 017-025
Project No.: 2018-060
Applicant: Joan Siao, Associate Engineer/Project Manager, Engineering and Construction, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101
Date Approved: April 3, 2018

Project Description

The proposed Project involves the emergency fender repair of a portion of the fender system at the Wharf next to the Star of India along the North Embarcadero at 1492 N Harbor Drive, in the city of San Diego. No new development is proposed as part of the project and the replacement would not increase the size or intensity of use of the existing facility.

The existing wharf is comprised of a 100-foot (ft)-long fender segment attached to the wharf next to the Star of India at North Embarcadero. Significant deterioration has caused the fender segment to break and the fender segment is now in danger of falling unto the San Diego Bay. The fender system originally consisted of rubber fenders, wooden wale and chocks and ten wooden fender piles. Currently one pile is broken and nine piles are missing. The wale segment has lost the support previously provided by the piles, and has twisted, and is in danger of falling into the Bay. The failure of this fender segment will make the navigation hazardous, cause damage to the wharf, and risk public safety. Emergency repair is needed immediately.

The fender segment is located between the Star of India and the Maritime Museum of San Diego along the North Embarcadero Promenade and could result in potential hazards to health and safety of pedestrians, patrons of the Star of India and the Maritime Museum of San Diego, and vessels attempting to navigate in the area, if left unrepaired.

Work to specifically complete the proposed project would include the following:

- Remove and dispose of ten existing broken piles and pile stubs;
- Install ten plastic piles utilizing a K25 Diesel Hammer, jet pump, and crane via barge from the water side; and
- Install hardware to connect piles to fender wale.

The site and project is covered under the District's Regional General Permit No. 72 for the Port of San Diego Dock/Wharf/Pier/Pile Maintenance Permit (File No. SPL-2006-01690-RRS) from the U.S Army Corps of Engineers. The project would implement Best Management Practices for the work in accordance with applicable stormwater regulations and the Region General Permit mentioned above, including the use of a silt curtain. Due to the limited scope of the project, specifically the limited duration of use of machinery associated with installing piles, no impacts from noise would occur. Additionally, due to the location of the project and proximity from any sensitive species, as well as the utilization of a silt curtain, no impacts to biological resources would occur. Finally, no increase in the size of the structure or in shading would occur as a result of this project.

Construction of the proposed project is anticipated to commence in April 2018 and take approximately two weeks to complete. Due to its nature and limited scope, construction of the proposed project would

generate a minor amount of vehicle and truck trips and would require limited use of construction equipment. Vehicle trips would be associated with deliveries, transport of construction workers, and hauling of debris. Therefore, no impacts are anticipated. Furthermore, the applicant would be responsible for complying with all applicable federal, state, and local laws regulating construction demolition debris, noise, 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.

CEQA DETERMINATION

Based upon the above description, the project is determined to be Categorically Exempt pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and/or 15302 (Replacement or Reconstruction) and Sections 3.a (1) and/or 3.b (1) of the District's *Guidelines for Compliance with CEQA* because the project includes the repair and maintenance of an existing fender system that would result in no expansion of use beyond that previously existing and would be located on the same site and have substantially the same size, purpose, and capacity as the structures being replaced. Sections 3.a (1) and 3.b (1) of the District's CEQA Guidelines are as follows:

- 3.a. Existing Facilities (SG § 15301) (Class 1): Includes operation, repair, maintenance, or minor alteration of existing public and 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.

AND/OR

- 3.b. Replacement or Reconstruction (SG § 15302) (Class 2): Includes replacement or reconstruction of existing structures and facilities where the new structure would be located on the same site and would have substantially the same purpose and capacity as the structure being replaced. This exemption includes, but is not limited to:
- (1) Replacement or reconstruction of mooring facilities, piles, floats, piers, wharves, marine ways, bulkhead, revetment, buoys, or similar structures where the new structure would be on essentially the same site as the structure replaced and would have substantially the same size, purpose and capacity as the structure replaced.

The Categorical Exemptions listed above are appropriate for the proposed project because the project includes repair and maintenance of an existing fender system that involves no expansion of use beyond that previously existing and would be located on the same site and have substantially the same size, purpose, and capacity as the structures 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), because the location of this project would not result in an impact that would ordinarily be considered insignificant, no cumulative impacts would result from this projects, as the facilities would have substantially the same purpose and capacity, there is no reasonable possibility that the project would result in a significant impact, the project site would not result in damage to scenic resources, especially within a state scenic highway, the project site is not located on within a hazardous waste site, and the project would not result in a substantial adverse change in the significance of a historical resource.

The proposed project complies with Section 87 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.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The project is located in Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan. The Port Master Plan water use designation within the limits of the proposed project is Boat Anchorage. The project conforms to the certified Port Master Plan because it is the repair and maintenance of an existing fender system consistent with the existing certified water use designation. The 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 above project proposes the repair and maintenance of an existing fender system that would involve no expansion of use beyond that previously existing and would be located on the same site and have substantially the same size, purpose, and capacity as the structures being replaced. This project is consistent with the existing certified land and water use designations and is Categorically Excluded under Sections 8.a (10) and 8.b (3) of the District's *Coastal Development Permit Regulations*, as follows:

- 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.
 - (10) Repair, maintenance or minor alteration of existing mooring facilities, floats, piers, bulkhead, revetment, buoys, or similar structures.

AND/OR

- 8.b. Replacement or Reconstruction: Replacement or reconstruction of existing structures and facilities where the new structure would be located essentially on the same site as the structure replaced and would have substantially the same purpose and capacity as the structure replaced, including but not limited to:
 - (3) Replacement, stabilization, or reconstruction of mooring facilities, floats, piers, bulkhead, revetment, shoreline protection, buoys, or similar structures

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.

RANDA CONIGLIO
President/CEO

Determination by:
Juliette Orozco
Associate Planner
Development Services

Signature: Juliette Orozco
Date: 4-3-18

Deputy General Counsel

Signature: W.D. McAlister
Date: 4-3-18