

San Diego Unified Port District

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

Project: Fence Installation, Modifications, Maintenance, and Removal by Pasha Automotive Services at National City Marine Terminal
Location(s): 2500 Terminal Avenue, National City, CA 91950
ParcelNo.(s): 027-003, 027-047, and 028-013
ProjectNo.: 2018-030
Applicant: Sophie Silvestri, Pasha Automotive Services, 1309 Bay Marina Drive, National City, CA 91950
Date Approved: March 22, 2018

Project Description:

The proposed project involves the installation of fences, and the modification, maintenance, and removal of the proposed and existing fences at the National City Marine Terminal in the city of National City, California.

Construction of the proposed project is anticipated to occur in early 2018, and would take approximately one month to complete, with ongoing installations, modifications, maintenance, and removal as needed. Due to its limited scope, construction of the proposed project would generate a minor amount of vehicle trips; thus, impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. Furthermore, the project applicant would be responsible for complying with all applicable federal, state, and local laws regulating stormwater, and construction demolition debris recycling.

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 California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and/or 15304 (Minor Alterations to Land) and Sections 3.a. (1), 3.b. (2), and/or 3.d. (7) of the District's Guidelines for Compliance with CEQA because the project involves the installation of fences, and their modification, maintenance, and removal. Sections 3.a. (1), 3.b. (2), 3.c. (2), and 3.d. (7) 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 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 (SG § 15303) (Class 3): 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.d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including, but not limited to:

- (7) Minor trenching and backfilling where the surface is restored.

The Categorical Exemptions listed above are appropriate for the proposed project because it is the installation of fences, and their modification, maintenance, and removal that would involve no expansion of use beyond that previously existing, would be located on the same site, would have substantially the same purpose and capacity as the structure being replaced, and would not involve the removal of mature, scenic trees. In addition, the proposed project would not involve the use of hazardous substances. Therefore, the proposed project would not have any permanent effects on the environment. 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 Guideline 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 limitation for this CEQA exemption shall apply if no Notice of Exemption is filed.

The proposed project complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. 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 5, National City Bayfront, which is delineated on Precise Plan Map Figure 15 of the certified Port Master Plan. The Port Master Plan land use designations within the limits of the proposed project are Marine Related and Marine Terminal. The project conforms to the certified Port Master Plan because it is the installation of fences, and their modification, maintenance,

and removal consistent with the existing certified land use designation. The project would not change the uses of the site nor would it interrupt or expand the existing conforming uses of the site.

CATEGORICAL DETERMINATION

The above project proposes the installation of fences, and their modification, maintenance, and removal that would involve no change or expansion of use of the property beyond that previously existing, would be located on the same site and have the same purpose and capacity as the structure replaced, and would not involve the removal of mature, scenic trees. This project is consistent with the existing certified land use designation and is Categorically Excluded under Sections 8.a. (3), 8.b., 8.c. (3), and/or 8.d. (6) 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, including but not limited to:
 - (3) Streets, sidewalks, gutters, bicycle and pedestrian paths, and similar facilities.

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.

AND/OR

- 8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which not involve the removal of mature, scenic trees, including but not limited to:
 - (6) Minor trenching or backfilling where the surface is restored.

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.

RANDACONIGLIO
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Deputy General Counsel

Signature: CML
Date: 3/22/2018

Signature: [Handwritten Signature]
Date: 5/21/2018