

**FILE NUMBER: 2025-050**

**DATE:** Tuesday, February 11, 2025

**SUBJECT: 50-year Storm Drain Easement to the City of Coronado**

**DESCRIPTION: Ordinance (1) Finding the Board Action Exempt Under the California Environmental Quality Act (CEQA), Including Without Limitation CEQA Guidelines Section 15301; and (2) Granting a 50-year Easement to the City of Coronado for the Ownership and Operation of a Storm Drain Located at First Street in the City of Coronado**

**EXECUTIVE SUMMARY:**

District staff and the City of Coronado (City) have negotiated a new easement (see Attachment B - Easement) for a term of fifty (50) years for the ownership, construction, operation, maintenance, repair, replacement and inspection of the existing storm drain infrastructure. The existing storm drain is located on District tidelands on the Ferry Landing Associates, LLC (FLA) leasehold located at 1311 First Street, on which the Il Fornaio Restaurant, a small office building, and a parking lot and drive aisles are currently located, with another restaurant in the planning stages (see Attachment A – Location Map) (Premises).

The City has been experiencing flooding in the vicinity of First Street and A Avenue during large storm events. The current gravity fed storm drain located on the Premises has been in place for over 50 years and is inadequate to handle heavy rains. To mitigate the flooding problem, the City is proposing to replace the gravity fed storm drain with a permanent storm water pump station. The project will consist of modifying the existing storm drain infrastructure with a permanent stormwater pump station to alleviate flooding conditions in the area during heavy rain events, as further described below.

In connection with the proposed storm drain upgrades on the Premises, staff recommends the Board of Port Commissioners (Board) grant the 50-year storm drain Easement to City of Coronado in the form attached as Attachment B to this agenda sheet. The City has already approved and signed the Easement.

**RECOMMENDATION:**

Adopt an ordinance (1) Finding the Board Action Exempt Under the California Environmental Quality Act (CEQA), Including Without Limitation CEQA Guidelines Section 15301; and (2) Granting a 50-year Easement to the City of Coronado for the Ownership and Operation of a Storm Drain Located at First Street in the City of Coronado

**FISCAL IMPACT:**

The Board's actions will have no direct fiscal impact. The City is funding design, construction, and all future maintenance of the Project.

## **COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goal(s).

- A Port with a healthy and sustainable bay and its environment.
- A Port that is a safe place to visit, work and play.

## **DISCUSSION:**

### ***Background***

The First Street storm drain system adjacent to the intersection of First Street and A Avenue collects storm water runoff from the surrounding area including from the FLA leasehold. The new system will consist of a curb inlet at the intersection itself, a thirty-six-inch concrete pipe that discharges into San Diego Bay, and a low-flow storm water diverter system that helps improve water quality in the Bay by diverting low flows of runoff to the adjacent sewer via a diverter pump and a small force main. The diverter pump will be located in a vault structure in the landscaped area of the FLA leasehold adjacent to the entry driveway. The diverter structure is located behind a wooden baffle and circular flap gate that helps prevent ocean tides from entering the diverter wet well chamber.

The current storm drain system's outlet to the Bay is partially or fully submerged by high tides; as a result, the system's ability to discharge storm water runoff from rain events is negatively impacted leading to localized flooding of the surrounding area. More importantly, this has led to the failure of a transformer that provides power to the City's sewer pump station that serves the entire Coronado community, including the Navy's three installations (Naval Air Station North Island, Naval Amphibious Base Coronado, and Silver Strand Training Complex).

The First Street Storm Water Flood Relief Project (Project) would not change the use of the Premises, the remainder of FLA's leasehold, or expand the existing storm drain location. The aforementioned pump system to be installed as part of the Project would modify existing storm drain infrastructure to include a wet well and new outlet structure that will operate and discharge runoff during high tide and rain events, supplementing the existing storm drain system to reduce local street flooding.

### ***Easement***

The existing storm drain is a legacy storm drain, which was in existence prior to the formation of the District and was not previously covered by a formal recorded easement. The proposed new storm drain Easement contains approximately 15,063 square feet of tideland area located on the FLA leasehold and allows for the ownership, construction, operation, maintenance, repair, replacement, and inspection of existing and proposed storm drain facilities and appurtenances within the District's jurisdiction. FLA has acknowledged and agreed to the Project, the Easement, and their location on FLA's leasehold via the Letter of Consent attached to this agenda as Attachment C and the

Right of Entry Agreement anticipated to be executed between the City and FLA that is attached to this agenda as Attachment D.

The proposed storm drain Easement has a term of 50 years. Following the Easement's expiration or earlier termination, the District may require the City to remove all facilities placed within the Easement area. Rent will not be charged to the City as the improvements to be installed and the City's ongoing maintenance responsibilities are a public benefit that will mitigate an existing flooding problem. Additionally, a Right of Entry Permit the City and Ferry Landing Associates will be required for construction access, including ingress and egress (see Attachment D – Right of Entry).

On November 19, 2024, the Coronado City Council authorized the City Manager to execute certificates of acceptance for easement grants to the City (see Attachment E - Resolution No. 9026 of the Coronado City Council). The City has indicated that the proposed Easement falls within this grant of authority, and as a result, the City Manager countersigned the Easement on December 17, 2024.

### ***Conclusion***

Considering the foregoing, staff recommends the Board to grant the proposed 50 year Easement with the City of Coronado for the ownership, construction, operation, maintenance, repair, replacement and inspection of the storm drain infrastructure.

### **General Counsel's Comments:**

The Office of the General Counsel has reviewed this agenda sheet and the attachments as presented to it and approves the same as to form and legality.

### **Environmental Review:**

The proposed Board actions, including, without limitation, finding the Board action exempt under the California Environmental Quality Act (CEQA), including, without limitation, CEQA Guidelines Section 15301 and granting the Easement to the City of Coronado for the ownership, construction, operation, maintenance, repair, replacement, and inspection of storm drain infrastructure located at First Street in the City of Coronado, are Categorical Exempt pursuant to CEQA Guidelines Section 15301 of the District's Guidelines for Compliance with CEQA because the project, consisting of constructing a pump system to modify existing storm drain infrastructure to alleviate flooding conditions at the Ferry Landing and granting a 50-year easement to the City of Coronado, would involve no expansion of use beyond that previously existing and not result in a significant cumulative impact due to the continuation of 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).

The proposed Board actions comply with Section 87(a)(1) 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 Board actions are consistent with the Public Trust Doctrine.

The proposed Board actions are considered excluded development pursuant to Section 8.a. of the District's Coastal Development Permit Regulations because the project, consisting of constructing a pump system to modify existing storm drain infrastructure to alleviate flooding conditions and granting the Easement to the City of Coronado, would involve negligible or no expansion of use beyond that previously existing. If the Board approves these actions, District staff would notify California Coastal Commission (CCC) staff in accordance with Coastal Act Section 30717. The approval would become effective after the 10th working day after notification to CCC staff, unless an appeal is filed with the CCC within that time frame.

**Diversity, Equity, and Inclusion Program:**

This agenda sheet has no direct DEI impact on District workforce or contract reporting at this time.

**PREPARED BY:**

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Attachment(s):

- Attachment A: Location Map
- Attachment B: Easement
- Attachment C: Letter of Consent
- Attachment D: Right of Entry
- Attachment E: Resolution No. 9026 of the Coronado City Council