

**DRAFT****ORDINANCE xxxx****ORDINANCE FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING WITHOUT LIMITATION CEQA GUIDELINES SECTION 15301 AND GRANTING A FIFTY (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**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1 (Port Act); and

**WHEREAS**, Section 21 of the Port Act authorizes the Board of Port Commissioners (Board) to pass all necessary ordinances and resolutions for the regulation of the District; and

**WHEREAS**, the City of Coronado (City) has been experiencing flooding in the vicinity of First Street and A Avenue during large storm events; and

**WHEREAS**, a current gravity fed storm drain is located on District tidelands on the Ferry Landing Associates, LLC (FLA) leasehold located at 1311 First Street, which storm drain has been in place for over 50 years and is inadequate to handle heavy rains (see Attachment A to the agenda sheet to which this Ordinance relates) (Premises); and

**WHEREAS**, 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; and

**WHEREAS**, the flooding 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); and

**WHEREAS**, to mitigate the flooding problem, the City is proposing to replace the current gravity fed storm drain with a permanent storm water pump station; and

**WHEREAS**, the new system will consist of a curb inlet at the intersection

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of First Street and A Avenue, 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; and

**WHEREAS**, the diverter pump will be located in a vault structure in the landscaped area of the FLA leasehold adjacent to the entry driveway, and 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; and

**WHEREAS**, the current 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; and

**WHEREAS**, District staff and the City have negotiated a new easement in the form of Attachment B to the agenda sheet to which this Ordinance relates (Easement) for a term of 50 years for the ownership, construction, operation, maintenance, repair, replacement, and inspection of storm drain infrastructure; and

**WHEREAS**, following the Easement's expiration or earlier termination, the District may require the City to remove all facilities placed within the Easement area; and

**WHEREAS**, rent will not be charged to the City under the Easement as the improvements to be installed and the City's ongoing maintenance responsibilities are a public benefit that will mitigate an existing flooding problem; and

**WHEREAS**, a Right of Entry Permit between the City and FLA will be required for construction access, including ingress and egress (see Attachment D to the agenda sheet to which this Ordinance relates); and

**WHEREAS**, the proposed Board actions, including, without limitation, finding the Board action exempt under the California Environmental Quality Act (CEQA), including CEQA Guidelines Section 15301, and granting the Easement to the City, are Categorical Exempt pursuant to CEQA Guidelines Section 15301 of the District's Guidelines for Compliance with CEQA because granting the Easement and upgrading the storm drain infrastructure would involve no expansion of use beyond that previously existing and would not result in a significant cumulative impact due to the continuation of the existing use; and

**WHEREAS**, the District has determined none of the six exceptions to the use of a categorical exemption apply (CEQA Guidelines Section 15300.2); and

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**WHEREAS**, 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; and

**WHEREAS**, 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; and

**WHEREAS**, the proposed Board actions are considered excluded development pursuant to Section 8.a. of the District's Coastal Development Permit Regulations because granting the Easement and upgrading the storm drain infrastructure would involve negligible or no expansion of use beyond that previously existing; and

**WHEREAS**, for the reasons set forth above, staff recommends the Board adopt an ordinance: (1) finding the Board action exempt under CEQA, including without limitation, CEQA Guidelines Section 15301; and (2) granting a 50-year Easement to the City of Coronado for the ownership, construction, operation, maintenance, repair, replacement, and inspection of storm drain infrastructure located at the Premises.

**NOW, THEREFORE**, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

1. The Board finds that the facts recited above are true and further finds that the Board has jurisdiction to consider, approve, and adopt the subject of this Ordinance.

2. Based on the entire record available to the Board and the findings set forth in this Ordinance, the Board finds that the Board action granting the Easement to the City of Coronado in the form of Attachment B to the agenda sheet to which this Ordinance relates for the ownership, construction, operation, maintenance, repair, replacement, and inspection of storm drain infrastructure located at First Street in the City of Coronado, exempt under the California Environmental Quality Act (CEQA), including, without limitation, CEQA Guidelines Section 15301.

3. Based on the entire record available to the Board and the findings set forth in this Ordinance, the Executive Director or their designated representative is hereby authorized to execute the Easement in the form of Attachment B to the agenda sheet to which this Ordinance relates.

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4. This Ordinance shall take effect on the 31<sup>st</sup> day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy General Counsel

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11<sup>th</sup> day of February 2025, by the following vote: