



CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: Installation of Osprey Nesting Platforms at the National City Bayfront and Pepper Park
Location: National City Bayfront and Pepper Park; located generally at 3299 Tidelands Avenue, National City, CA 91950
Parcel No.: 027-003 and 028-009
Project No.: 2020-007
Applicant: Tim Barrett, Senior Environmental Specialist, Environmental Conservation, San Diego Unified Port District; 3165 Pacific Highway, San Diego, CA 92101 (District)
Date Approved: April 1, 2020

PROJECT DESCRIPTION

The District installed an Osprey nesting platform that is currently in use at the National City Marine Terminal, as shown on the attached graphics. This existing platform will remain as is, with the District potentially installing a future nest monitoring camera, as further described below. The proposed project would involve the installation of two new Osprey nesting platforms (Platforms), on top of utility poles, at approximately 30- to 40-foot high. One Platform would be located north of the existing Platform and within the National City Marine Terminal. That Platform would be placed on a new utility pole in the landscaped median, north of the intersection of West 32nd Street and Tidelands Avenue. The second Platform would be located to the south of the existing Platform, within the City of National City, at the northwest corner of Pepper Park. It too would require the installation of a new utility pole. The new utility poles would require the District to dig two new holes to a depth of six-to-eight feet below ground elevation and to pour concrete footings for pole stabilization. Completion of the proposed project includes replacing disturbed landscaping at the two locations, to the pre-installation condition.

At both locations, the treated wood nesting Platforms would be approximately four feet-by-four feet (4' x 4') in size, as shown in the attached graphics. The utility poles would be circumscribed with an approximately two-foot wide metal band at mid-pole height, to deter potential Osprey predation, by other species. Each location for the new Platforms is on tidelands and no lease agreement or other permits are required. Construction of the proposed project is anticipated to occur in the second quarter of Year 2020, and the duration of installation would be approximately two days. With the exception of placing monitoring cameras on the Platforms, future additions or modifications to the Platforms would not be necessary.

The District anticipates attaching monitoring cameras on existing and proposed Platforms. The cameras would facilitate live streaming video of Osprey nesting activity to any internet-connected device. The cameras are known as Arlo Go small, mounted cameras that are self-powered by a small solar panel, each of which would be placed on the Platforms' arm extensions. Both the camera and solar power panel would require two-to-three wood screws. The installation would occur within a one-hour period and would require the use of a cherry picker to access the utility pole. The camera would be mounted towards the nest with the solar panel placed in the most advantageous position to receive adequate daily sunshine. The camera and solar panel would not negatively impact Osprey nesting activity, based on the position and size of each device.

Another component of the proposed project involves the mounting of an Arlo Go camera and its accompanying solar panel, on the existing Platform located at the Chula Vista Wildlife Reserve. As with the cameras and solar panels anticipated for the new Platforms, this placement would not affect Osprey nesting activity.

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, such as the use of cherry pickers. Therefore, no impacts, including those related to air quality, greenhouse gas emissions, and transportation, are anticipated to result from implementation of the project. Furthermore, the District 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 by the District, as of the date of this determination.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities; SG §15302, Class 2/Section 3.b: Replacement or Reconstruction; SG §15303 Class 3/Section 3.c: New construction or Conversion of Small Structures; and SG §15304, Class 4/Section 3.d: Minor Alterations to Land

3.a. Existing Facilities (SG § 15301) (Class 1): 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 existing or former use, 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.
- (3) Interior and exterior remodeling or alterations, involving negligible or no expansion of use beyond that previously existing, including, but not limited to, marine terminal facilities, and marine-oriented commercial, industrial, and public and commercial recreational facilities, including buildings, piers, wharves, marine ways; railroads; airport facilities, runways, taxiways, aprons, and ancillary structures to those facilities; or mechanical systems and equipment.

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 as the structure replaced 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.

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, but are not limited to:

- (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.
- (3) Water, sewer, electrical, gas, telephone, and other utility structures or facilities.

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:

- (5) New gardening and landscaping.
- (6) Minor temporary use of land having negligible or no permanent effects on the environment.

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

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Sections of the District's *Guidelines for Compliance with CEQA* as identified above. These are appropriate for the proposed project because it consists of both altering an existing utility pole and installing one new utility pole, for the purpose of attaching to the top of each pole an Osprey Nesting Platform. Neither activity will impact the environment in a significant manner. The existing pole is located on an existing marine terminal that is essentially paved with a central landscaped island that will be restored to its original condition, upon completion of the project. The new pole would be installed in the existing landscaped area of an existing park (Pepper Park). The site was previously disturbed to construct the park, and the landscaping that is affected by the installation of the new pole will be restored to its existing condition upon project completion. 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 § 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: 5 - National City Bayfront (Precise Plan Figure 15);

Land Use Designations: Marine Related Industrial and Park/Plaza

The proposed project conforms to the certified Port Master Plan because it would involve the replacement of an existing Osprey Nesting Platform with the installation of two new nesting platforms, at locations to the north and south of the existing platform. This use, at the proposed locations, is consistent with the existing certified Land Use designations. The proposed project would not change the current use of the National City Bayfront or Pepper Park, nor would it interrupt or expand the existing conforming uses of these sites.

Categorical Exclusions: Section 8.a: Existing Facilities; Section 8.b: Replacement or Reconstruction; and Section 8.d: Minor Alterations to Land

- 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:

- (5) Additions to existing structures, provided the addition will not result in an increase of more than 50 percent of the floor area, or 2,500 square feet, whichever is less; or additions to existing structures of not more than 10,000 square feet of floor area, if the project is in an area where all public services and facilities are available to allow for the maximum development permissible in the Port Master Plan, and where the area in which the project is located is not environmentally sensitive.

- 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, including but not limited to:

- (2) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

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.

The proposed project is determined to be Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above. These are appropriate for the proposed project because it consists of both altering an existing utility pole, and installing a new utility pole, for the purpose of attaching to the top of each pole an Osprey Nesting Platform. Neither activity will impact the environment in a significant manner. The existing pole is located on an existing marine terminal that is essentially paved with a central landscaped island that will be restored to its original condition, upon completion of the project. The new pole would be installed in the existing landscaped area of an existing park (Pepper Park). The site was previously disturbed to install the park, and the landscaping that is affected by the installation of the new pole will be restored to its existing condition upon project completion.

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)(4) of the Port Act that allows for the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section. The proposed project further complies with Section 87.(a)(7) of the Port Act that allows for the establishment and maintenance of those lands for open space, ecological preservation, and habitat restoration. 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
President/CEO

Determination by:
Dennis Campbell, AICP
Senior Planner
Planning and Green Port

Signature: Dennis Campbell
Date: Apr 8, 2020

Deputy General Counsel

Signature: Rebecca Harrington
Date: Apr 6, 2020