



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

Project: Landscape Restoration Project at Cesar Chavez Park by the San Diego Unified Port District
Location: 1449 Cesar E. Chavez Parkway, San Diego, CA 92101
Parcel No.: 021-002
Project No.: 2022-066
Applicant: Selene Murdock, Assistant Engineer, Engineering-Construction, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101
Date Approved: Dec 2, 2022

PROJECT DESCRIPTION

The proposed project would involve landscape improvements to Cesar Chavez Park by the San Diego Unified Port District (District) in the city of San Diego, California. The scope of the project is for the restoration of the existing turf within the park and to improve the existing irrigation system that would accommodate the new turf field. The proposed project is part of the District's Economic Recovery Program (ERP). Work to specifically complete the proposed project are separated by Base Bids and Additive Bids:

Base Bids

- Remove the existing turf and replace with new turf within the limits of the park.
- Grade all surfaces to provide positive drainage and prevent ponding of water.
- Modify the existing irrigation system to accommodate the new turf, including but not limited to the demolition and removal of portions of the existing irrigation system and installation of irrigation line including trenching to a depth of approximately twenty-four (24) inches and width of twelve (12) inches, fittings and connections, wiring, adjusting existing valve boxes, and other associated work.
- Maintain the landscape for a period of 120 calendar days after completing the installation of the new turf to allow for proper root establishment.

Additive Bids

- Remove and replace the backflow preventor to a new location.
- Install four (4) new concrete benches and four (4) concrete pads.
- Install irrigation for future trees to be planted around the perimeter of the field.
- Install sod for the new turf.

Construction of the proposed project is anticipated to occur in early 2023 and would take approximately six (6) months to complete, with ongoing routine maintenance as needed. Staging would take place in the northern edge of the parking lot, and there would be a maximum of ten (10) parking stalls temporarily unavailable throughout the duration of the proposed project. The selected staging location will result in minimal impacts to existing parking stalls, and the area shall not block the drive aisle or the ADA ramp next to it. The open field area would be temporarily closed off during the construction period to allow for turf installation. Two (2) weeks prior to the start of construction, the contractor is responsible for posting adequate signage indicating the boundaries of the project site that would be closed to the public.

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. Therefore, impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. 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 to 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 use beyond that previously existing, including but not limited to:

- (7) Existing facilities used to provide electric power, natural gas, sewerage, or other public utility service;
- (12) Maintenance of existing landscaping, native growth, and water supply reservoirs.

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.

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;
- (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:

- (4) Grading of land with a slope of less than 10%, except in waterways, wetlands, officially-designated scenic areas or officially mapped areas of severe geologic hazard;
- (5) New gardening or landscaping;
- (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 would involve a negligible expansion of use beyond that previously existing; would consist of the replacement of an existing facility, would be located on the same site as the facility being replaced, and would have substantially the same purpose and capacity; would consist of the installation of small new equipment in small structures; and, would result in no permanent effects on the environment and would not involve the removal of mature, scenic trees. 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 Section 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: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land Use Designation: Park/Plaza

The proposed project conforms to the certified Port Master Plan because it would involve landscape improvements to Cesar Chavez Park consistent with the existing certified land use designation. The proposed project would not change the use of the site nor would it interrupt or expand the existing conforming uses of the site.

CATEGORICAL DETERMINATION

Categorical Exclusions: Section 8.a: Existing Facilities; Section 8.b: Replacement or Reconstruction; Section 8.c: New Construction or Conversion of Small Structures; 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:

- (2) Public and private utilities used to provide electric power, natural gas, sewer, or other utility services

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:

- (2) Water main, sewer, electrical, gas, or other utility extensions of reasonable length to serve such construction;
- (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 do not involve the removal of mature, scenic trees, including but not limited to:

- (1) Land grading, except where located in a waterway, wetland, officially designated scenic area, or in officially mapped areas of severe geologic hazard;
- (2) New gardening or landscaping;
- (6) Minor trenching or backfilling where the surface is restored.

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 would involve negligible or no expansion of use beyond that previously existing; would be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; would involve negligible or no change of existing use of the property; and, would not involve the removal of mature, scenic trees.

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)(5) 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.

JOE STUYVESANT
President/CEO

Determination by:
Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: Dec 2, 2022

Deputy/Assistant General Counsel

Signature: Rebecca Harrington
Date: Dec 2, 2022