



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

Project: Improvements to Landscaping in the Shelter Island Business District by the San Diego Unified Port District
Location: Shelter Island Business District, San Diego, CA 92106
Parcel No.: 003-000
Project No.: 2023-117
Applicant: Ken Wallis, Director of Guest Experiences, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101
Date Approved: 09/07/2023

PROJECT DESCRIPTION

The proposed project would involve landscaping improvements in the Shelter Island Business District by the San Diego Unified Port District (District) in the city of San Diego, California. Work to specifically complete the proposed project would consist of the removal and replacement of existing landscaping and the installation of new drip irrigation to manage the proposed landscaping improvements within 93 planter beds located along Shelter Island Drive. The purpose of the proposed project is to update outdated and high-maintenance landscaping by incorporating more water-wise plantings that improve the overall theme and tie together the businesses storefronts along Shelter Island Drive. The proposed landscaping palette would consist of the following:

- Aloe 'Blue Elf'
- Dianella Tasmanica
- Aloe Rudikoppe
- Calliandra 'Sierra Star'
- Galphimia gracilis
- Senna Oligophylla
- Lomandra Baby Breeze
- Maytenus phyllanthoides
- Russelia St. Elmo's Fire
- Euphorbia 'Jerry's Choice'

In addition, the proposed project would consist of the removal of three (3) necrotic trees, (2) Jacaranda trees and one (1) Red Flowering Gum tree, within the Rondelet parking lot. The three (3) deceased trees would be replaced with four (4) 15-gallon Red Flowering Gum trees and replanted in the parking islands within the Rondelet lot. Tree and plant species proposed for replanting shall be drought-tolerant and/or water wise, either native or non-invasive plant species, and would reflect the palette of trees and shrubs which already exist elsewhere on Tidelands.

Construction of the proposed project is anticipated to occur in approximately September 2023 and would take approximately 4-5 months to complete with ongoing maintenance as needed. All project staging would occur along Shelter Island Drive, within metered parking stalls. There would be no impact to Shelter Island tenants and associated operations, and there would be no anticipated street closures as a result of the proposed project.

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: CEQA Guidelines Section 15301 (Class 1)/District Guidelines for Compliance with the CEQA Section 3.a: Existing Facilities; CEQA Guidelines Section 15303 (Class 3)/District Guidelines for Compliance with the CEQA Section 3.c: New Construction or Conversion of Small Structures; and CEQA Guidelines Section 15304 (Class 4)/District Guidelines for Compliance with the CEQA Section 3.d: Minor Alterations to Land

- 3.a. Existing Facilities: 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:
- (12) Maintenance of existing landscaping, native growth, and water supply reservoirs.

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.

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 or landscaping.

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 the CEQA* as identified above. These are appropriate for the proposed project because it would consist of landscaping improvements that would involve a negligible expansion of use beyond that previously existing, would consist of the replacement of existing irrigation structures, and would result in no 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 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: 1 - Shelter Island/La Playa (Precise Plan Figure 4)

Land Use Designations: Marine Sales and Services and Streets

The proposed project conforms to the certified Port Master Plan because it would involve landscaping improvements in the Shelter Island Business District consistent with the existing certified land use designations. 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.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:
- (8) Maintenance and control of existing vegetation

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.

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:

- (2) New gardening or landscaping

The proposed project is determined to be Categorical 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 consist of landscaping improvements that would involve a negligible expansion of use beyond that previously existing, would involve the replacement of existing irrigation structures which would have the same purpose and capacity, and would involve no change of existing use of the property.

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)(6) of the Port Act, which allows for the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses, including, but not limited to, snack bars, cafes, restaurants, motels, launching ramps, and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways, and landscaped areas. 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
Acting President/CEO

Determination by:
Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: 09/07/2023

Deputy/Assistant General Counsel

Signature: Shiraz D. Tangri
Date: 09/06/2023