

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

Project: Installation of Exercise Equipment at Portwood Pier Plaza by City of Imperial Beach
Location: 914 Seacoast Drive, Imperial Beach, CA 91932
Parcel No.: 061-006
Project No.: 2023-143
Applicant: Bobbi Otero, Senior Management Analyst, Public Works Department, City of Imperial Beach, 825 Imperial Beach Boulevard, Imperial Beach, CA 91932; (619) 423-3728
Date Approved: 09/26/2023

PROJECT DESCRIPTION

The proposed project would involve the installation of exercise equipment at Portwood Pier Plaza by the City of Imperial Beach (City). The new exercise equipment would be donated to the City on behalf of Longo Strong Foundation to serve as a memorial for a beloved son/brother. Work to specifically complete the proposed project would involve the installation of a Swedish wall, pull-up bar, a wooden abs bench, and parallel bars near the existing pull-up bars within Portwood Pier Plaza Park. Ground excavation and cutting the base of the asphalt would occur to prepare for the exercise equipment. The new equipment would then be installed by drilling nine (9) holes approximately 3-feet into the ground to connect the vertical steel poles to the new asphalt bases. Horizontal steel poles would then be installed using aluminum clamps and bolts. Once all vertical and horizontal poles are into place, concrete would be poured to backfill where needed, and the position of the vertical poles would be checked to ensure that the new equipment is in line and level. The clamps would be tightened the next day once the concrete has set. The City would also install a memorial plaque near the new exercise equipment by mounting an approximately 3-foot-high aluminum pedestal into a slotted post.

Construction of the proposed project is anticipated to occur in Fall 2023 and would take approximately one (1) month to complete, with ongoing maintenance as needed. Portwood Pier Plaza would remain open and available for public use during construction of the proposed project. The City and its authorized contractors would ensure the project area is safely cordoned off while work is being completed. Access to the exercise equipment would be available to the public at all times, and use of the equipment would be free of charge. A list of tools and equipment required to complete the proposed project include, but are not limited to, the following: stepladder, a crowbar, shovels, spades, an asphalt saw and asphalt-cutting discs, a hammer drill, a hexagon ratchet wrench, a rubber hammer, a wheelbarrow, a generator, 20 cm pegs, cobblestones, a portable drilling rig, buckets, spools of Capron thread, and a power extender.

The proposed project requires a Tidelands Use and Occupancy Permit (TUOP) to the City of Imperial Beach for approximately 500 square feet of land area for the purpose of installing and maintaining exercise equipment for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The District currently leases Portwood Pier Plaza from the City of Imperial Beach. The City would be responsible for compliance with all laws and regulations associated with the activities on or in connection with the above-described premises, and in all uses thereof, including those regulating stormwater and hazardous materials. It is anticipated that the TUOP would have a total term of approximately five (5) years and may be terminated by the District or City as a matter of right and without cause at any time upon providing one-hundred-eighty (180) days' notice in writing to the other party of such termination.

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 Applicant 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.

AND/OR

- 3.c. New Construction or Conversion of Small Structures: 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.

AND/OR

- 3.d. Minor Alterations to Land: Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees.

AND/OR

- 3.i. Accessory Structures: Includes construction, or placement of minor structures accessory to (appurtenant to) existing facilities, including:

- (3) On-premise signs.

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 consist of the installation of new exercise equipment at an existing park which would involve no change to the existing use of the property and would result in no significant impacts to 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: Imperial Beach Oceanfront (Precise Plan Figure 25)

Land Use Designation: Park/Plaza

The proposed project conforms to the certified Port Master Plan because it would involve the installation of exercise equipment at an existing 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.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.

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

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.

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 the installation of exercise equipment at an existing park that would consist of no change to 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.

RANDA CONIGLIO
Acting President/CEO

Determination by:

Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: 09/26/2023

Deputy/Assistant General Counsel

Signature: Shiraz D. Tangri
Date: 09/26/2023