

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

Project: Removal of Hardscape and Replacement of Landscape for San Antonio Villa  
Location: 821 San Antonio Place, San Diego, CA 92106  
Parcel No.: 002-002  
Project No.: 2023-150  
Applicant: Patrick McInerney, President, McInerney & Associates, 5711 La Jolla Boulevard, La Jolla, CA 92037; (619) 994-7991  
Date Approved: 11/15/2023

**PROJECT DESCRIPTION**

The proposed project would involve the removal of existing hardscape and replacement of landscape at the San Antonio Villa in the city of San Diego, California. The project site consists of existing encroachments on District property, including an existing low level, brick retaining/site wall; paved steppingstone walkway; and flat paved terrace totaling approximately 80 square feet (sf). Work to specifically complete the proposed project would involve removing the existing hardscape and replacing any existing landscaping removed during the proposed project. All existing landscaping on the property would remain in place, where possible; and all species proposed for replanting shall be native and drought tolerant as to match the existing landscaping palette on the property and along Bessemer Path. No existing irrigation systems are located on District property, and no new irrigation systems are proposed. The intention of the proposed project is to return the designated Open Space area to its natural state for use and enjoyment by the general public, with minimal landscape maintenance required in the long-term.

Construction of the proposed project is anticipated to occur in approximately early 2024 and would take approximately one (1) month to complete. All proposed work shall be completed by hand as to minimize use of large equipment near San Diego Bay and along Bessemer Path, and Bessemer Path will remain open and unobstructed during construction of the proposed project to ensure continued public access. A small work crew and work truck are required to complete the proposed project, and all project staging would take place on the project site.

A Right of Entry (ROE) is required for the proposed project for the Applicant to enter certain District property located in La Playa. The area proposed for use under this ROE would be used by the Applicant and their authorized agent(s) and contractors(s) for the purpose of removing current encroachments and replacing landscaping, as well as ingress and egress in support of those activities. It is anticipated that the ROE would have a total term of approximately three (3) months, or upon completion of the work, whichever occurs earlier. The ROE may be terminated by the District as a matter of right and without cause at any time upon providing twenty-four (24) hours' notice in writing to the Applicant 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 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:

- (8) Existing highways, streets, sidewalks, bicycle and pedestrian trails, and similar facilities, except where the activity will involve removal of a scenic resource including a stand of trees, a rock outcropping, or an historic building.

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, including, but not limited to:

- (5) New gardening or landscaping.

The proposed project is determined to be Categorical 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 removal of existing hardscape and replacement of landscaping with native and drought tolerant species that would involve no expansion of use beyond that previously existing, 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: 1 - Shelter Island/La Playa (Precise Plan Figure 4)

Land Use Designation: Open Space

The proposed project conforms to the certified Port Master Plan because it would involve the removal of existing encroachments on District property and replacement of landscaping 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 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:

- (3) Streets, sidewalks, gutters, bicycle and pedestrian paths, and similar facilities
- (9) Demolition and removal of individual small structures, except where structures are of historical, archaeological, or architectural significance

AND/OR

- 8.d. 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.

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 involve the removal of encroachments on designated Open Space property and the replacement of landscaping which would involve a negligible expansion of use beyond that previously existing 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)(7) of the Port Act, which 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  
Acting President/CEO

Determination by:  
Lillian Mattes  
Assistant Planner  
Development Services

Signature: Lillian Mattes  
Date: 11/15/2023

Deputy/Assistant General Counsel

Signature:   
Date: 11/15/2023