



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

Project: Replacement of Torrey Pines at Seaport Village
Location: 442 Kettner Boulevard, San Diego, CA 92101
Parcel No.: 018-054
Project No.: 2023-166
Applicant: Erin Bobrowski, Commercial Property Manager, Protea Properties, 849 West Harbor Drive, San Diego, CA 92101
Date Approved: 01/25/2024

PROJECT DESCRIPTION

The proposed project would involve the replacement of three (3) existing Torrey Pine trees by Protea Properties (Applicant) on behalf of the San Diego Unified Port District (District) in the city of San Diego, California. The existing trees are located within a landscaped planter on Kettner Boulevard, behind the Malibu Farm Restaurant and near the entrance to Embarcadero Marina Park North (EMPN).

A Tree Evaluation Report was prepared in October 2023 and found two (2) significant issues regarding root growth from all three trees: 1) Roots are lifting existing walkway pavers on both sides of the planter, and 2) Roots are putting pressure on the planter retaining wall on the east side of the planter. The existing retaining wall consists of multiple vertical posts (11" x 11"), and the roots from the existing trees are pushing the vertical posts into the east side walkway causing reported trip hazards for public patrons.

To remedy the lifting pavers and uneven walkway, substantial root pruning and removal is required. The tree report expresses concern that substantial pruning activities would affect the overall health and compromise the stability of the trees. The District has previously neglected maintenance of the existing Torrey Pine trees, requiring the installation of a wooden prop to reinforce tree stability and prevent further leaning towards the walkway and street. The District proposes the removal of the existing trees since there is a high likelihood that failure would result in severe liability or personal injury. Consequences of failure could result in damages to the adjacent Malibu Farm, a passing vehicle and its occupants, or injury to one or more people in the vicinity given the high human activity and existing structures in the area.

The proposed project would consist of the removal of the three (3) existing Torrey Pine trees and replacement with a 2:1 ratio, for a minimum replacement of six (6) trees. The replacement trees are proposed to be replanted at the locations identified in Attachment 1. All possible tree species proposed for replanting would be suited for the San Diego environment and would require minimal watering once established. Tree species proposed for replanting shall be drought-tolerant (or irrigated via reclaimed water), either native or non-invasive plant species, and would reflect the palette of trees and shrubs which already exist elsewhere on Tidelands. The tree species currently proposed for replanting are the Dawn Redwood and Atlas Cedar; however, the replacement species are subject to change based on nursery availability. The box size of replacement trees is anticipated to be 36" box trees, with a 24" box being the minimum. It is anticipated that all replacement trees would be planted by approximately Fall 2024.

The proposed project is anticipated to occur in approximately early 2024 and would take approximately two (2) weeks to complete, with ongoing maintenance as needed. The tree removal activities would take approximately 4-5 days and would require a truck lift and 1-2 work vehicles. The paver removal and replacement work would take approximately 3-5 additional days to complete. All work would occur between approximately 6:00 a.m. to 2:00 p.m. during the week, and the equipment vehicles would be temporarily staged along Kettner Boulevard and near the landscaped area. Following work each day, all equipment and vehicles would be moved and staged overnight in the eastern Seaport Village Parking Lot as to minimize disruption to ingress/egress to EMPN in the evening. The District would conduct all tree removal activities outside of the migratory bird breeding and nesting season, and no removal work would occur between February 15 and September 1.

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 Exemption: CEQA Guidelines Section 15301 (Class 1)/District Guidelines for Compliance with the CEQA Section 3.a: Existing Facilities

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.

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 replacing trees that would involve a negligible expansion of use beyond that previously existing and would result in no permanent effects on the environment. The proposed project would consist of the replacement of existing sidewalk panels to prevent trip-hazards in Seaport Village and is necessary for ensuring the safety of those who visit the waterfront. 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve the replacement of trees 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 Exclusion: Section 8.a: Existing Facilities

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

(8) Maintenance and control of existing vegetation

The proposed project is determined to be Categorically Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it would consist of replacing trees that would involve a negligible expansion of use beyond that previously existing and would result in no permanent effects on the environment. The proposed project would consist of the replacement of existing sidewalk panels to prevent trip-hazards in Seaport Village and is necessary for ensuring the safety of those who visit the waterfront.

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
Associate Planner
Development Services

Signature: Lillian Mattes
Date: 01/25/2024

Deputy/Assistant General Counsel

Signature: Shiraz D. Tangri
Date: 01/24/2024

Attachment(s):

1. Proposed Tree Replanting Plan

ATTACHMENT 1

Proposed Tree Replanting Plan

Carrier Park Scope: *Planting four (4) Conifers into available open space areas of Carrier Park.*



Blue Stars represent the Atlas Cedar, with a desired size of 36" box.



Green Stars represent the Dawn Redwood, with a desired size of 36" box.



ATTACHMENT 1

Seaport Village Scope: *The first plat illustrates the removal of three (3) existing Torrey pines. The second plat illustrates proposed replanting with two (2) 36" box Jacaranda trees.*

Existing



Proposed



Pink Stars represent the Jacaranda, with a desired size of 36" box.

