



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

Project: Replacement of New Zealand Christmas Trees at Embarcadero Marina Park North and South
Location: Embarcadero Marina Park South (EMPS), within a center divider planter on Marina Park Way, San Diego, CA, 92101
Embarcadero Marina Park North (EMPN), south end of the parking lot, San Diego, CA, 92101
Parcel No.: 019-062
Project No.: 2024-024
Applicant: Kurt Brickley, Manager, Operations and Maintenance, Guest Experiences, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA, 92101, 619-994-2969
Date Approved: 05/28/2024

PROJECT DESCRIPTION

The proposed project would consist of the removal of three (3) New Zealand Christmas Trees (NZCT) (scientific name *Metrosideros excelsa*), tree replacement plantings and ongoing necessary maintenance by the Applicant, San Diego Unified Port District (District) in the city of San Diego, California. Proposed replacement tree species are subject to change based on nursery availability.

EMPS

One young NZCT died in Embarcadero Marina Park South (EMPS) in a median divider island along Marina Park Way where it failed to establish among other young NZCT of similar size. As a result, the dead tree would be removed and replaced in the same location with another NZCT (15 gallon container size) in approximately Fall of 2024. No stump grinding would be required following this tree's removal due to its small size. The new tree will be watered using existing onsite irrigation.

EMPN

There are two (2) NZCT in Embarcadero Marina Park North (EMPN) in the south end of the parking lot which have multiple large dead limbs which could potentially pose a safety risk. District landscape service providers would remove the two (2) trees in approximately late 2024 using a mini excavator, stump grinder and associated equipment. The tree removal work would take approximately half a day. Approximately three (3) weeks after tree removal, the stumps would be grinded down, which takes approximately half a day of work. If the bird breeding and nesting season cannot be avoided and removal must occur between February 15 and September 1, a breeding and nesting bird survey shall be conducted prior to tree removal activities. If an active nest is located, all work within 500 feet of the nest shall be postponed until such nest is vacated and the juveniles have fledged and when there is no attempt of a second nesting.

Volunteers with the American Thoracic Society would be replanting the EMPN trees with two (2) Tipuana Tipu trees (15 gallon container size) in the Summer of 2024. The new trees would be watered using existing irrigation and temporary water bags. The EMPN trees would be replaced in open spaces within EMPN, so the Summer 2024 planting date is not dependent on the late 2024 removal date.

There are no anticipated impacts to parking stalls nor anticipated street closures for the proposed project. In addition, there are no anticipated promenade closures.

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 CEQA Section 3.a: Existing Facilities; and CEQA Guidelines Section 15304 (Class 4)/District Guidelines for Compliance with 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.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 CEQA* as identified above because it would consist of the removal and replacement of three (3) trees and the associated tree maintenance that would involve no expansion of use beyond that previously existing, would not involve the removal of mature, scenic trees, 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)
- Land Use Designation: Park/Plaza

The proposed project conforms to the certified Port Master Plan because it would involve the removal and replacement of three (3) trees and associated tree maintenance 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:
 - (8) Maintenance and control of existing vegetation.

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 Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it would consist of the removal and replacing of trees and associated tree maintenance that would involve no expansion of use beyond that previously existing, would not involve the removal of mature, scenic trees, and would result in no permanent effects on the environment.

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.

RANDA CONIGLIO
Acting President/CEO

Determination by:
Justin Huitema
Assistant Planner
Development Services

Signature: Justin Huitema
Date: 05/28/2024

Assistant/Deputy General Counsel

Signature: Shiraz D. Tangri
Date: 05/28/2024