



CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: Paper Bark Tree Removal at Spanish Landing Park
Location: Adjacent to Comfort Station #1 in Spanish Landing Park West
Parcel No.: 005-018
Project No.: 2024-071
Applicant: Kurt Brickley, Manager, Operations and Maintenance, Port of San Diego, 3165 Pacific Highway, San Diego, CA, 92101, (619) 686-6378
Date Approved: 07/26/2024

PROJECT DESCRIPTION

The proposed project would consist of the removal and replacement of one (1) existing Paper Bark Tree (scientific name *Melaleuca leucadendra*) and ongoing maintenance by the San Diego Unified Port District (District) in the City of San Diego, California.

The existing Paper Bark Tree is located in Spanish Landing Park, directly adjacent to Comfort Station #1, and would be removed and replaced due to its potential risk to public safety and utility disruption. The roots of the existing tree are causing lifting of the adjacent sidewalk, as well as breakage to the existing irrigation system. A contractor would remove the Paper Bark Tree and replace it with two (2) Pink Trumpet Trees (scientific name *Handroanthus impetiginosus*) in the same location, on either side of the removed tree. The tree species proposed for replanting is a non-invasive, drought tolerant plant species, and would reflect the palette of trees and shrubs which already exist elsewhere on tidelands.

The tree is anticipated to be removed in approximately summer of 2024, with operations beginning early morning and concluding in the early afternoon of the same day. Due to the brief and temporary nature of the construction, there are no projected lane/path closures or parking impacts, and public access will be maintained during removal and replanting activities. Safety of the area will be appropriately monitored and enforced as needed by the contractor. 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. Once the new trees are planted, maintenance will be needed on an as-needed basis.

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 Exemption: CEQA Guidelines Section 15301 (Class 1)/District Guidelines for Compliance with 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 Section(s) of the District's *Guidelines for Compliance with CEQA* as identified above because it would consist of the removal and replacement of one (1) existing tree and the associated maintenance

that would involve negligible or no expansion of use beyond that previously existing. 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: 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9)

Land Use Designation: Park/Plaza

The proposed project conforms to the certified Port Master Plan because it would involve removal and replacement of one (1) existing tree and associated 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 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:
 - (8) Maintenance and control of existing vegetation.

The proposed project is determined to be Categorically Excluded pursuant to the Section(s) of the District's *Coastal Development Permit Regulations* as identified above because it would consist of the removal and replacement of one (1) existing tree and associated maintenance that would involve negligible or no expansion of use beyond that previously existing.

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:
Kelly Cunningham
Assistant Planner
Development Services

Signature: 
Date: 07/26/2024

Assistant/Deputy General Counsel

Signature: 
Date: 07/25/2024