



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

Project: 873 San Antonio Volen Residence Removal of Encroachment
Location: 873 San Antonio Place, San Diego, CA 92106
Parcel No.: 002-002
Project No.: 2025-024
Applicant: Joshua Volen, 873 San Antonio Pl, San Diego, CA 92106; 916-225-0693
Date Approved: 4/9/2025

PROJECT DESCRIPTION

The proposed project would involve the removal of existing hardscape and replacement of landscape at the Volen residence at 873 San Antonio Place in the city of San Diego, California. The project site consists of existing encroachments on District property, including an existing high level, retaining/site wall; landscape; patio area; and a portion of concrete walkway totaling approximately 200 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. Work would also include removal of the existing approximately 50-foot-long by 5-foot-wide concrete walkway extending from the property to a nearby public pier. Once removed, the walkway area would be replaced with landscape or recontoured to match the grade of the existing Bessemer Path and left as compacted, bare earth. The Applicant shall revegetate the area directly northwest of the existing Bessemer Path in accordance with a plant palette created by the District for the La Playa area. Prior to the revegetation, the applicant shall provide a landscape design subject to District review for consistency with the plant palette. All species proposed for replanting shall be non-invasive and drought tolerant. 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.

Work for the proposed project is anticipated to occur in Spring 2025 and would take approximately two (2) weeks to complete. Equipment to complete the proposed project would include hand tools and a mini-excavator and compactor to complete demolition activities. A small construction crew would be required to complete the proposed project, and all project staging would take place on the project site. Temporary closures on Bessemer Path adjacent to the project site would be required during construction of the proposed project and shall be minimized to the fullest extent feasible. Signage notifying the public of the duration of the closures and alternative access points shall be posted during closures. No closures to the path shall take place on weekend days.

A Right of Entry License Agreement (ROELA) 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 ROELA would be used by the Applicant and their authorized agent(s) and contractor(s) for the purpose of removing current encroachments and replacing of encroachments with stabilized decomposed granite and District approved, non-invasive and drought tolerant plants, as well as ingress and egress in support of those activities. It is anticipated that the ROELA would have a total term of approximately one (1) year, or upon completion of the work, whichever occurs earlier. The ROELA 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 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:

- (8) Existing highways, streets, sidewalks, bicycle and pedestrian trails, and similar facilities, except where the activity would involve removal of a scenic resource including a stand of trees, a rock outcropping, or a 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 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 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. Minor Alteration 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 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 because it would consist of 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.

SCOTT CHADWICK
President/CEO

Determination by:
Betsy Viramontes
Assistant Planner
Development Services

Signature: Betsy Viramontes
Date: 4/9/2025

Assistant/Deputy General Counsel

Signature: Rebecca Harrington
Date: 4/9/2025