



CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: Removal and Replacement of Trees at Seaport Village
Location: 849 West Harbor Drive, San Diego, CA 92101
Parcel No.: 018-054
Project No.: 2025-136
Applicant: Julie Nagy, Property Manager, Protea Properties, 849 West Harbor Drive, San Diego, CA 92101, 619-701-8298
Date Approved: 11/26/2025

PROJECT DESCRIPTION

The proposed project would involve the removal and replacement of six (6) trees by Protea Properties (Applicant) on behalf of the San Diego Unified Port District (District) in Seaport Village in the city of San Diego, California. The six (6) existing trees require removal due to their roots lifting concrete pavers and/or top weighted limbs prone to breaking. The existing trees consist of three (3) coral trees, two (2) Ficus trees and one (1) bottlebrush tree which would be replaced at a minimum ratio of 1:1, with at least ten (10) drought-tolerant and/or water wise, non-invasive trees to be planted at more suitable locations within the Embarcadero.

The District and/or the District's landscape service providers would remove the trees in approximately late 2025 using a truck, chainsaw, chipper, bucket truck, stump grinder and associated tree removal equipment. The tree removal operations would take approximately three (3) weeks of work to complete. Tree replacement plantings would be completed in approximately mid-2026, with ongoing maintenance as needed, including replacement of the trees within the first five (5) years of planting if they fail. Work hours for approximately two (2) of the trees would include overnight work in order to minimize disturbance to businesses in the area, while the remainder of the trees would be removed from approximately 7:00 am-3:30pm Monday-Friday. Staging for the proposed project would primarily occur on the Market Place cul de sac. Temporary parking stall closures and partial closure of a section of Kettner Boulevard would be required for one (1) Ficus tree removal, which would include traffic control and flagmen for approximately two (2) days of work. As a result of the temporary and partial nature of the street closure, there would be a less than significant impact on traffic. All six (6) of the trees are located adjacent to sidewalk, walkways or promenade and would include a work crew safely redirecting pedestrians around the tree removal site during work.

With tree removal activities, 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 would be conducted prior to tree removal activities. If an active nest is located, all work within 500 feet of raptor nests and 300 feet of other nests, or a distance determined to be appropriate by a qualified biologist, would be postponed until such nest is vacated and the juveniles have fledged and when there is no attempt of a second nesting.

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 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 Categorical 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 six (6) 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 and Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve the removal and replacement of six (6) 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 Categorical 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.. 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:
Justin Huitema
Planner I
Development Services

Signature: Justin Huitema
Date: 11/26/2025

Assistant/Deputy General Counsel

Signature: Shiraz Tangri
Date: 11/26/2025