



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

Statement of Exemption

FILE NO.	CIP 21-28
LOCATION OF PROPERTY	City of National City
PROJECT DESCRIPTION	The Project would include the expansion and improvements to the existing Paradise Creek Educational Park to provide park and educational opportunities for the community.

CERTIFICATION

Under the provisions of Sections 15330 and 15333 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA; Public Resources Code 21000–21189) as stated below, this proposed project is found to be exempt from the environmental review requirements of Section 18.12.040 of the National City Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

15330. Minor Actions to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release of Threat of Hazardous Waste of Hazardous Substances

Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, or eliminate the release or threat of release of hazardous waste of substance which are small of medium removal actions costing \$1 million or less.

- (a) No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code Section 25123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with; applicable state and local environmental permitting requirements including but not limited to, off-site disposal, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site.
- (b) Examples of such minor cleanup actions include but are not limited to:
 - (1) Removal of sealed, non-leaking drums or barrels of hazardous waste of substances that have been stabilized, containerized, and are designated for a lawfully permitted destination;
 - (2) Maintenance or stabilization of berms, dikes, or surface impoundments;
 - (3) Construction or maintenance of interim or temporary surface caps;

- (4) Onsite treatment of contaminated soils or sludges provided treatment system meet Title 22 requirements and local air district requirements;
- (5) Excavation and/or offsite disposal of contaminated soils or sludges in regulated units;
- (6) Application of dust suppressants or dust binders to surface soils;
- (7) Controls for surface water run-on and run-off that meets seismic safety standards;
- (8) Pumping of leaking ponds into an enclosed container;
- (9) Construction of interim emergency ground water treatment systems;
- (10) Posting warning signs and fencing for a hazardous waste of substance site that meets legal requirements for protection of wildlife.

15333. Small Habitat Restoration Projects.

Class 33 consists of projects no to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:

consists of minor public or private alterations in the conditions of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include but are not limited to:

- (a) There would be no significant adverse impact on endangered, rare, or threatened species of their habitat pursuant to section 15605;
- (b) There are no hazardous materials at or around the project site that may be distributed or removed, and
- (c) The project will not result in impacts that are significant when viewed in connection with the effects of past projects. The effects of other current projects, and the effects of probable future projects.
- (d) Examples of small restoration projects may include, but are not limited to:
 - (1) Revegetation of disturbed areas with native plant species;
 - (2) Wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat;
 - (3) Stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish;
 - (4) Projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment.
 - (5) Stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; and
 - (6) Culvert replacement conducted in accordance with published guidelines of the Department of Fish and Game or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation.

ANALYSIS

The Project proposes to expand the existing Paradise Creek Educational Park to provide park and educational opportunities for the community as shown in Attachment 1. The Project site consists of

approximately 0.39 acres of previously developed land and a portion of Paradise Creek. The proposed expansion would allow for the connectivity of the salt marsh habitat and create native wetland habitat for endangered, threatened migratory, and native species in an area with limited connectivity to larger expanses of undeveloped habitat. The proposed landscaping would include various groundcover plants, tree, and shrubs. Project components would also include picnic areas, a modular restroom, an interpretive plaza, and a walkway constructed of vegetated porous pavement.

Construction and operation of the Project would result in minimal air quality impacts. Construction activities would include demolition of the existing welding shop on-site, grading for habitat expansion, and soil excavation/removal disposing of soils. Upon completion of construction, operation of the Project would provide greater connectivity to the salt march habitat for endangered and threatened migratory species as well as provide expanded recreational and educational opportunities for the existing community. Project operation would result in less than significant impacts to air quality.

Noise impacts associated with the Project would occur during construction. Construction would occur in accordance with Section 12.10.160 of the City of National City's Municipal Code. Project construction would require ground-disturbing activities. Project operation would include the use of the proposed park and educational opportunities. Therefore, the Project would not result in significant noise impacts. Noise impacts associated with the Project would be less than significant.

15330. Minor Actions to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of Hazardous Waste of Hazardous Substances

Class 30 consists of any minor cleanup action taken to prevent, minimize, stabilize, mitigate, or eliminate the release of threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

(a) Examples of such minor cleanup actions include but are not limited to:

- (5) Excavation and/or offsite disposal of contaminated soils or sludges in regulated units*

15333. Minor Habitat Restoration Projects

Class 33 consists of projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:

(c) Examples of small restoration projects may include, but are not limited to:

- (1) Revegetation of disturbed areas with native plant species;*
- (2) Wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat*

The Project proposes the expansion and improvements to the existing Paradise Creek Educational Park to provide park and educational opportunities for the community on an approximately 0.39-acre project site. Based on the above analysis, the Project would not result in a significant environmental impact and qualifies for an exemption to further review under Section 15330 and 15333 of the CEQA Guidelines.

CEQA Guidelines Section 15300.2 provides exceptions to the use of Categorical Exemptions where the use of a Categorical Exemption is prohibited under certain circumstances. The City has considered the project's applicability to all of the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this specific project is provided below.

- (a) **Location:** Soil sampling, shown in Attachment 2, at the Project site maintain thresholds that classify soils as hazardous waste, and once disturbed for the wetland expansion, would be removed and taken to the appropriate licensed facility. The detected STLC concentration of 18.0mg/L exceeds the California hazardous waste criterion of 5.0 mg/L and is therefore considered a hazardous waste.
- (b) **Cumulative Impact:** The Project proposes to expand the existing Paradise Creek and Educational Park to provide park and educational opportunities for the community. Additionally, Project implementation would result in connectivity of the salt marsh habitat for endangered and threatened migratory and native species. Construction of the Project would have permanent and temporary impacts on the environment, as determined by the Biological Technical Report (Attachment 3). The Project would implement the required Best Management Practices and additional Measures included in the Biological Technical Report. The Habitat Restoration Plan (Attachment 4) prepared for the Project discusses the proposed restoration for approximately 0.11 acre of southern coastal salt marsh habitat and approximately 0.04 acre of Diegan coastal sage scrub habitat. Additionally, the Project would comply required permits including: Regional Water Quality Control Board 401 Permit, U.S. Army Corps of Engineers 404 permit, and California Department of Fish and Wildlife 1602 permit. Operation of the Project would have no adverse impact on the environment. The Project's contribution to the cumulative impact on the environment would be less than significant.
- (c) **Significant Effect.** The Project would not result in any significant effects on the environment due to unusual circumstances. The Project would provide enhancements that would positively impact the environment.
- (d) **Scenic Highways.** There are no State or County designated scenic highways in the vicinity of the project site. The nearest designated state scenic highway is State Route 75 (SR 75), located approximately 2.92 miles to the west of the project site. Views of the project site from SR 75 are obstructed by intervening topography and development.¹ As such, the Project would not result in damage to scenic resources within a highway officially designated as a state scenic highway.
- (e) **Hazardous Waste Sites.** The project site is not a hazardous waste facility or hazardous waste cleanup site.^{2,3} In addition, no hazardous waste facility or hazardous waste cleanup site is located within the Project vicinity.
- (f) **Historical Resources.** The Project would be located on previously developed land. As determined by the Cultural Resources Technical Report (Attachment 5), no historical resources have been identified on the proposed project site. The Project would not cause a substantial adverse change in the significance of a historical resource.

¹ Caltrans. 2024. California State Scenic Highway System Map.
<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>.
Accessed May 2024.

² Department of Toxic Substance Control. 2024. Envirostor.
https://www.envirostor.dtsc.ca.gov/public/map/?global_id=60003205. Accessed May 2024.

³ State Water Resources Control Board. 2024. Geotracker,
https://geotracker.waterboards.ca.gov/map/?myaddress=California&from=header&cqid=5618207633&__cf_chl_tk=H2.kx_3keRryuY4ROpTIM3vJmEqY00iECxXM9p0NWbA-1679416346-0-gaNycGzNDRA. Accessed May 2024.

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Deputy