

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS

Project: San Diego International Boat Show
Location(s): Spanish Landing Park, 3900 North Harbor Drive, San Diego, CA 92101
Harbor Island West Basin, San Diego, CA 92101
Parcel No.(s): 006-012
Project No.: 2018-062
Applicant: Duncan McIntosh, Duncan McIntosh Company Inc., 18475 Bandilier Circle, Fountain Valley, CA 92708
Date Approved: April 26, 2018

Project Description

The proposed project is the San Diego International Boat Show event at Spanish Landing Park and the Harbor Island West Basin on Harbor Island in the City of San Diego. The District would provide event sponsorship in the form of District services for the event, a temporary four day public boat show that would take place between Memorial Day weekend and Labor Day. The event would also require an additional 18 days total of staging, installation, and removal of temporary in-water structures and seven days total of staging, installation, and removal of temporary on-land structures, which would take place immediately preceding, during, and following the event.

The land-side portion of the event would include the installation of a temporary fence around a paid event area and the temporary installation of a series of 10-foot-long by 10-foot-wide tents in a portion of the parking lot (approximately 64 parking stalls) located on the east portion of Spanish Landing. The temporary fencing is proposed to be installed along the perimeter of the paid event area, encompassing Spanish Landing East parking lot and a majority of Cancer Survivor's Park. Placement of the fencing would not block public access the adjacent promenade. Parking for the event would be accommodated in adjacent public parking lots, as well as by the nearby dirt parking lot located at North Harbor Drive and Harbor Island Drive. The parking lot can accommodate a total of 400 cars and would be available to event attendees and the public.

The water-side portion of the event would include the installation of a temporary marina facility at the Harbor Island West Basin located adjacent to the existing Sheraton Harbor Island Marina. The temporary marina facility would be comprised of approximately 100 (approximately 20 feet long by 10 feet wide) temporary floating docks positioned in the shape of a rectangle. The rectangular marina facility would measure approximately 638 feet long by 224 feet wide (Approximately 142,912 square feet (sf)) and would be designed to accommodate approximately 175 yachts ranging in size from 35 feet to 100 feet in length. In order to ensure that users of the Sheraton Marina continue to have uninterrupted access to and from the marina, a width of 225 feet would be maintained between the boat show docks and the existing Sheraton Marina.

Construction of the temporary marina facility would require a small aluminum barge (approximately 30 feet long by 10 feet wide), a hydraulic torque tool used to screw anchors into the seafloor, and a small workboat (20 feet long by 8 feet wide); the same equipment would be used to remove the mooring system. A total of 55 anchors would be threaded into the seafloor to approximately 15 feet below the mud line; the anchors would be used to moor the docks in place during the event. A diver would install the anchors manually and all anchors would be removed when the event is over. No pile driving or other in-water work is proposed or would occur as part of the Project.

Marine Taxonomic Services performed a Pre-Construction Eelgrass and Caulerpa survey for the proposed Project, and concluded that, due to the footprint of the anchors and their means of installation, the use of the Project area to support the boat show would not impact eelgrass.

A Right of Entry License Agreement (Agreement) would be issued to Duncan McIntosh Company Inc., for installation and deconstruction of temporary boat docks for the public boat show as well as ingress and egress in support of those activities. The Agreement would have a duration of 18 days or terminate upon completion of work, whichever occurs earlier. The Agreement 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 Duncan McIntosh Company Inc. of such termination.

The following categorical determinations are based on the Duncan McIntosh Company Inc.'s project submittal and all project information known to the District as of the date of this determination.

CEQA DETERMINATION

Based upon the above description, the project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15304 (Minor Alterations to Land), 15311 (Accessory Structures), and/or 15323 (Normal Operations of Facilities for Public Gatherings) and Sections 3.d. (6) and/or 3.i. (1) of the District's *Guidelines for Compliance with CEQA* because it is a temporary event that would not involve the removal of mature, scenic trees and would include the construction of a minor structure accessory to existing facilities. Sections 3.d. (6) and 3.i. (1) of the District's CEQA Guidelines and CEQA Guidelines Section 15323 are as follows:

- 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:
 - (6) Minor temporary use of land having negligible or no permanent effects on the environment.

AND/OR

- 3.i. Accessory Structure (SG § 15311) (Class 11): Includes construction, or placement of minor structures accessory to (appurtenant to) existing facilities, including:
 - (1) Construction or placement of minor mooring facilities, floats, buoys or similar structures accessory (appurtenant to) existing commercial, industrial or institutional facilities.

AND/OR

Normal Operations of Facilities for Public Gatherings (SG § 15323) (Class 23): Consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.

The Categorical Exemptions listed above are appropriate for the proposed project because it is a temporary event that would not involve the removal of mature, scenic trees and would include the construction of a minor structure accessory to existing facilities. As further detailed above, the proposed project would not have any 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.

The proposed project complies with Section 87 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.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The proposed project is located in Planning District 2, Harbor Island/Lindbergh Field, which is delineated on Precise Plan Map Figure 9 of the certified Port Master Plan. The Port Master Plan land and water use designations within the limits of the proposed project are Commercial Recreation, Park/Plaza, Promenade, Open Bay, and Boat Navigation Corridor. The proposed project conforms to the certified Port Master Plan because it is a temporary event that would draw the public to the San Diego Bay thereby encouraging recreational opportunities and promoting public access along the waterfront.

CATEGORICAL DETERMINATION

On May 16, 2017, the Board authorized the issuance of a non-appealable coastal development permit (CDP) (CDP-2017-05) for the San Diego International Boat Show (Resolution No. 2017-069, Clerk Document No. 66743). The proposed project is consistent with the project description in the CDP and would comply with all conditions of the CDP. No further approvals are required pursuant to the California Coastal Act or the District's CDP Regulations.

RANDA CONIGLIO
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Signature: Cameron McLeod
Date: 4/26/2018

Deputy General Counsel

Signature: W.S. McLeod
Date: 4-24-18