



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

Document No. 73608

Filed 03/08/2022

Office of the District Clerk

Project: Tidelands Use and Occupancy Permit Amendment to Marine Group Boat Works for Parking at Chula Vista Bayfront
Location: 401 Quay Avenue, Chula Vista, CA 91910
Parcel No.: 031-007
Project No.: 2018-240A
Applicant: Marine Group Boat Works, LLC, 997 G Street, Chula Vista, CA 91910
Date Approved: Feb 17, 2022

PROJECT DESCRIPTION

The Project, as proposed by the Marine Group Boat Works (MGBW) (Applicant/Licensee), would include the expansion of the existing temporary employee parking area. A previous Coastal Act Categorical Determination of Exclusion (Project No. 2018-240) and Tidelands Use and Occupancy Permit (TUOP) (SDUPD Doc No.69401) were issued previously for the existing temporary employee parking. The current project would expand the existing area from the previously approved 21,756 square feet to approximately 40,000 square feet. New fencing will be installed to include the additional area. No surface improvements would be made to the existing temporary lot or additional area.

The proposed Project would require a TUOP Amendment to include the additional area. It is anticipated that the TUOP Amendment would have a total term of approximately one (1) year, and may be terminated by the District as a matter of right and without cause at any time upon providing thirty (30) days' notice in writing to the Permittee of such termination.

Due to its nature and limited scope, the proposed project would generate insignificant amount of vehicle trips and would require limited use of equipment. Therefore, significant impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. Furthermore, the Applicant would be responsible for comply with all applicable 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: SG §15303, Class 3/Section 3.c: New Construction or Conversion of Small Structures

3.c. New Construction or Conversion of Small Structures (SG § 15303) (Class 3): Includes construction of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another with minor modifications to the exterior of the structure. Examples of this exemption include:

- (2) Accessory (appurtenant) structures and mechanical equipment including, but not limited to, garages, sheds, railway spur tracks, pilings, temporary trailers, industrial equipment enclosures, fences, parking, on-site roadways, walkways and health and safety devices.

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. These are appropriate for the proposed project because it would involve a TUOP Amendment for adding additional previously disturbed area to the existing temporary parking lot that would not result in a significant cumulative impact due to the continuation of the existing use. 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: 7 - Chula Vista Bayfront (Precise Plan Figure 19)

Land Use Designation: Park/Plaza

The proposed project conforms to the certified Port Master Plan because it would involve a TUOP Amendment for adding additional previously disturbed area to the existing temporary parking lot. While the site has a Port Master Plan use designation of Park/Plaza associated with the Chula Vista Bayfront redevelopment, it is currently developed with an existing employee parking lot and is of a temporary nature. Therefore, the proposed project would not change the designated land use of the site.

CATEGORICAL DETERMINATION

Categorical Exclusions: Section 8.c: New Construction or Conversion of Small Structures

8.c. New Construction or Conversion of Small Structures: Construction and location of limited numbers of new, small facilities or structures and installation of small, new equipment and facilities, involving negligible or no change of existing use of the property, including but not limited to:

- (3) Accessory structures, including, but not limited to, on-premise signs, small parking lots, fences, walkways, swimming pools, miscellaneous work buildings, temporary trailers, small accessory piers, minor mooring facilities, buoys, floats, pilings, or similar structures; and seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar structures.

The proposed project is determined to be Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above. These are appropriate for the proposed project because it would involve a TUOP Amendment for adding additional previously disturbed area to the existing temporary parking lot that would involve negligible or no expansion of use beyond that previously existing and would involve negligible or no change of existing use of the property.

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)(6) of the Port Act, which allows for the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses, including, but not limited to, snack bars, cafes, restaurants, motels, launching ramps, and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways, and landscaped areas. 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.

JOE STUYVESANT
President/CEO

Determination by:
Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: Feb 17, 2022

Deputy General Counsel

Signature: Rebecca Harrington
Date: Feb 17, 2022