

San Diego Unified Port District

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

Project: Tideland Use and Occupancy Permit to Rentunder Holding AB for a Drive-In Boatwash Demonstration Pilot Project
Location(s): District's Transient Boat Mooring Facility (located near Harbor Police Headquarters on Shelter Island), San Diego, CA 92101
Parcel No.(s): 001-013
Project No.: 2019-212
Applicant: Paula Sylvia, Planning and Green Port, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101
Approval Date: June 20, 2017

Project Description

The proposed pilot project is a Tideland Use and Occupancy Permit (TUOP) to Rentunder Holding AB (Tenant) to use and occupy approximately 1,198 square feet of berth space, located at the District's Transient Boat Mooring Facility located near the District's Harbor Police Headquarters on Shelter Island (See Exhibit A) for a drive-in boatwash (Boatwash) for a two-year term commencing on February 1, 2020 and ending on January 31, 2022. The District's Board authorized the Boatwash through the Blue Economy Incubator in June 2017 to evaluate the use of an enclosed basin and mechanical brushes as a potential alternative to current in-water hull cleaning practices. The TUOP was approved administratively consistent with the direction of the Board.

The Boatwash incorporates a phased implementation approach: Phase 1, which occurred from July 2018 through March 2019¹, was used to evaluate water quality during a set of controlled hull cleaning events, while Phase 2 would explore longer term water quality evaluations as anticipated with operational business practices. Phase 2 would include operational adjustments, new technologies, and/or water quality sampling adjustments based on the findings provided by Phase 1. The proposed TUOP is for Phase 2 of the project, which would span approximately an 18-month period within the TUOP's two-year term. The TUOP may be terminated by the Executive Director of the District or their duly authorized representative, or Tenant as a matter of right and without cause at any time upon providing thirty days notice in writing to other party of such termination.

The Boatwash measures approximately 60-feet long by 20-feet wide and consists of a basin comprised of thick, strong, heavy-duty plastic kept in place by a rigid metal framework. The Boatwash cleans boat hulls with mechanical scrubbers housed within the footprint of the basin and framework. Cleaning boats in this manner serves to remove all organic growth effectively for both motor and sailboats up to 53 feet in length. The washing process is conducted by floating each boat into the Boatwash, closing the gate to enclose the basin, turning on the scrubbers and brushing for approximately 30 minutes. After the washing process the boat is let out through a gate in the basin. The boat hull is cleaned purely by mechanical brushing. No chemicals or additives are used before, during, or after the washing process.

The Boatwash structure has a closed system where the marine growth removed from the boat is collected in the structure's basin where it forms sediment. This sediment is manually removed and disposed of as a regulated waste. The residue sinks to the bottom of the structure's basin due to the weight of the sediment. The structure's gate remains closed throughout the cleaning process and is only lowered as much as is needed for the boat to exist and then is promptly closed to keep sediment contained. The structure's basin would be cleaned every three months or after approximately 1,500 washes by using a suction pump and/or a diver to remove the debris. The debris is collected and deposited as regulated

¹ Phase 1 was approved by the Board and a CEQA and Coastal Determination was completed on June 20, 2017.

waste. The Boatwash would be maintained yearly, including lubrication of axles, a visual inspection, replacement of hydraulic motors and hoses if needed, replacement of brushes approximately every 2,000 washes, replacement of oil filters, and replacement of hydraulic oil if needed.

This system would continue to require one operator daily to monitor the operation for the duration of the pilot. Automobile trips for the project would be limited to transport of the daily operator since the Boatwash is existing and no further construction is required. No eelgrass is known to be present at the site, and therefore, the Boatwash would not result in any significant impacts to known biological resources. In October 2017, the Army Corp of Engineers (ACOE) issued Nationwide Permit #5 "Scientific Measurement Devices" for the Boatwash, which is pre-certified by the Regional Water Quality Control Board (RWQCB) for the 401 Water Quality Certification. As part of the 401 Certification, a Sampling and Analysis Plan (SAP) was submitted to the RWQCB.

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.

CEQA DETERMINATION

Based upon the above description, the proposed project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15306 (Information Collection), and/or 15311 (Accessory Structures), and Sections 3.a(1), 3.c(1)(2), 3.f, and/or 3.i(1) of the District's *Guidelines for Compliance with CEQA* because the proposed project would involve negligible expansion of use beyond that previously existing, would involve the installation of small new equipment and facilities in small structures, would not result in a serious or major disturbance to an environmental resource, would collect water quality data, and would involve minor modifications to the accessory structure.

Sections 3.a (1), 3.c (1)(2), 3.f, and 3.i(1) of the District's CEQA Guidelines are as follows:

3.a. Existing Facilities (SG § 15301) (Class 1): 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:

- (1) Repair maintenance or minor alteration of existing mooring facilities, floats, piers, piles, wharves, bulkhead, revetment, buoys, or similar structures; marine terminal facilities; airport facilities; and commercial industrial or recreational facilities.

AND/OR

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:

- (1) Commercial, industrial, recreational and marine-oriented mooring facilities or structures if designed for an occupant load of 30 persons or less, if not constructed in conjunction with the building of two or more such structures;
- (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.

AND/OR

3.f. Information Collection (SG § 15306) (Class 6): Includes basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to environmental resources. These may be for information gathering purposes, or as part of a study leading to an action which has not yet been approved, adopted

or funded.

AND/OR

3.i Accessory Structures (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 to (appurtenant to) existing commercial, industrial, or institutional facilities.

The Categorical Exemptions listed above are appropriate for the proposed pilot project because the proposed project would involve negligible expansion of use beyond that previously existing, would involve the installation of small new equipment and facilities in small structures, would collect water quality data, and would involve minor modifications to the accessory structure. It would not result in any significant cumulative impacts due to the minor impacts of the operation and small number of employees, and would not result in a serious or major disturbance to an environmental resource. Further, there would no dredging or fill impacts and the project would not cause any disturbance to sensitive species or habitat. 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) because the project is not located in an area that would impact an environmental resource of hazardous or critical concern, would not have cumulative impact of successive projects of the same type in the same place, would not have a significant effect on the environment due to unusual circumstances, is not within a highway officially designated as a state scenic highway, is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code, and would not cause a substantial adverse change in the significance of a historical resource.

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 establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operations of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was established 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 1, Shelter Island/La Playa, which is delineated in Precise Plan Map Figure 4 of the certified Port Master Plan. The Port Master Plan water use designation within the limits of the proposed project site is Harbor Master Pier/ Transient Berthing. The proposed project conforms to the certified Port Master Plan because it supports maritime services and coastal cruising. A drive-in boatwash is consistent with this existing certified water use designation because it will provide a service to the maritime community beyond those with boat slips within the vicinity of the proposed project. The project would not change the water use designation of the site nor would it interrupt existing conforming uses of the site.

CATEGORICAL DETERMINATION

The proposed project would involve negligible expansion of use beyond that previously existing, would involve the installation of small new equipment and facilities in small structures, would collect water quality

data, and would not result in a serious or major significant disturbance to an environmental resource. This project is consistent with the existing certified water use designation and is Categorical Excluded under Sections 8.a (10), 8.c (1)(3), and/or 8.e of the District's *Coastal Development Permit Regulations*, as follows:

8.a. Existing Facilities: The operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographic features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

(10) Repair, maintenance, or minor alteration of existing mooring facilities, floats, piers, bulkhead, revetment, buoys, or similar structures.

AND/OR

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:

(1) Commercial, industrial, and recreational structures designed for an occupant load of thirty (30) persons or less, if not in conjunction with the building of four (4) or more structures, and if not involving the use of significant amounts of hazardous substances;

(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.

AND/OR

8.e. Information Collection: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major significant disturbance to an environmental resource.

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.

RANDA CONIGLIO
President/CEO

Determination by:
Maggie Weber
Senior Planner
Planning Department

Signature: Maggie Weber
Date: 1-16-20

Deputy General Counsel

Signature: [Signature]
Date: 1/15/20