



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

Project: Tideland Use and Occupancy Permits to Olsen, Alexander, Graham, and Wyatt Driscoll for Recreational Piers, Ramps, Floats, and Berthing at Shelter Island
Location: South of 983 and 929 Scott Street, San Diego, CA 92106
Parcel Nos.: 002-006 and 002-005
Project No.: 2020-079
Applicants: Kevin Olson and Bonnie Alexander, 983 Scott Street, San Diego, CA 92106
 Bill and Barbara Graham, 979 Scott Street, San Diego, CA 92106
 Laurie Wyatt Driscoll, 939 Scott Street, San Diego, CA 92106
Date Approved: August 31, 2020

PROJECT DESCRIPTION

The proposed project includes Tideland Use and Occupancy Permits (TUOP) to Kevin Olson, Bonnie Alexander, Bill and Barbara Graham, and Laurie Wyatt Driscoll (Tenants) for their use of approximately 3,880 square feet (sq. ft.) and 3,729 sq. ft. of tideland and water areas (Premises) located southerly of 983 and 929 Scott Street, respectively, located in the City of San Diego, California. The areas proposed for use under these TUOPs are currently and are proposed to be used only and exclusively for the purpose of two (2) recreational piers, associated ramps and floats, berthing of recreational boats, and such other non-exclusive uses as may be approved by the Executive Director of the San Diego Unified Port District (District) and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. Boats to be berthed at the piers would be owned by the Tenants as evidenced by proof of documentation and restricted to the boundaries of the permitted Premises; the Executive Director of District may approve the berthing of other recreational boats owned by guests or invitees of the Tenants. Activities of Tenants would not interfere with the use and enjoyment by the general public of those portions of the piers as designated by for public use including the unrestricted right of access on all portions of the pier beginning from the foot of the pier adjacent to the land, to the gate near the pierhead. The Tenants shall post legible and visible signs stating that the public portions of each pier are open to the public. The Tenants, however, may restrict the general public's right of access to public portions of the piers to daylight hours only, from one hour before sunrise to one hour after sunset (according to the National Weather Service) and to non-public portions of the piers via a locked gate. The Tenants would be responsible for compliance with all laws and regulations associated with the activities on or in connection with the above-described premises, and in all uses thereof, including those regulating stormwater and hazardous materials. No new development, construction, or increase in the size of the properties is proposed or authorized as part of these TUOPs.

The TUOPs would be month to month, commencing on the July 1, 2020 and ending on December 31, 2022. The TUOPs may be terminated by the District or Tenants as a matter of right and without cause at any time upon providing thirty (30) days' notice in writing to the other party of such termination.

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 Exemption: SG §15301, Class 1/Section 3.a: Existing Facilities

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:

(4) New and renewed short-term tenancy agreements which do not result in change in the

existing use. This exemption does not apply to any new development associated with the activities of the tenant. This exception is also inapplicable if the cumulative impact of continuing the existing use or conditions in the same place, over time, is significant.

The proposed project is determined to be Categorical Exempt pursuant to the CEQA Guidelines and the Section of the District's *Guidelines for Compliance with CEQA* as identified above. This is appropriate for the proposed project because it consists of TUOPs for piers, ramps, floats, and boat berthing, and would involve no expansion of use beyond that previously existing and 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: 1 - Shelter Island/La Playa (Precise Plan Figure 4)

Land and Water Use Designations: Open Bay/Water; and Open Space

The proposed project conforms to the certified Port Master Plan because it would involve TUOPs for piers, ramps, floats, and boat berthing, consistent with the existing certified Land and Water use designations. The proposed project would not change the use of the site nor would it interrupt or expand the existing conforming use of the site.

CATEGORICAL DETERMINATION

Categorical Exclusion: Section 8.a: Existing Facilities

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.

The proposed project is determined to be Categorical Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it consists of TUOPs for piers, ramps, floats, and boat berthing, and would involve no expansion of use beyond that previously existing.

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.

RANDA CONIGLIO
President/CEO

Determination by:
Michael Paul
Assistant Planner
Development Services

Signature: Michael Paul
Date: Aug 31, 2020

Deputy General Counsel

Signature: Rebecca Harrington
Date: Aug 31, 2020