



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

Project: Tideland Use and Occupancy Permit for Floating Dock and Repairs by San Diego Mooring Company at Centre City Embarcadero
Location: Grape Street and North Harbor Drive, San Diego, CA 92101
Parcel No.: Various
Project No.: 2020-112
Applicant: Greg Boeh, Chief Operating Officer, San Diego Mooring Company, 4980 North Harbor Drive #101, San Diego, CA 92106
Date Approved: Nov 17, 2020

PROJECT DESCRIPTION

The proposed project would involve repairs to an existing floating dock by San Diego Mooring Company (Applicant) in the City of San Diego, California. Work to specifically complete the proposed project would involve disassembly of the following existing dock components and reassembly with new components: deck surface and boards; pile collars; deck boards; cover boards; tie rails; brackets; and dock floats. The proposed project would involve in-kind replacement and the square-footage of the dock would remain the same as existing. All repair work would be conducted in place on the existing dock or on a work barge. A pool net would be located on the work barge to skim any debris that inadvertently falls in the water. Construction of the proposed project would commence in Winter 2020 and would take approximately two (2) months to complete.

Due to its nature and limited scope, construction of the proposed project would generate a minor 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 Tenant would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris, hazards and hazardous materials, and stormwater.

The proposed project also includes a Tideland Use and Occupancy Permit (TUOP) to the Applicant (Tenant) for their use of approximately 1,280 square feet (sq. ft.) of water area located on the north side of Grape Street Pier, two on-street parking spaces on North Harbor Drive adjacent to the Grape Street Pier, and 179 sq. ft. and 340 sq. ft. utility enclosures on North Harbor Drive in the City of San Diego, California. The areas proposed for use under this TUOP are currently and area proposed to be used only and exclusively for the purpose of storage; parking; vessel berthing and support area used for emergency response, inspection, construction, and maintenance of mooring buoys and other marine and shoreline accessible structures, and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The Tenant is specifically excluded from storing materials and conducting maintenance at Grape Street Pier. The Tenant 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.

It is anticipated that the TUOP would have a total term of approximately five (5) years. The TUOP may be terminated by the District or Tenant as a matter of right and without cause at any time upon providing 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 Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities; and SG §15302, Class 2/Section 3.b: Replacement or Reconstruction

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.
- (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.

AND/OR

3.b. Replacement or Reconstruction (SG § 15302) (Class 2): Includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced.

- (1) Replacement or reconstruction of mooring facilities, piles, floats, piers, wharves, marine ways, bulkhead, revetment, buoys, or similar structures where the new structure will be on essentially the same site as the structure replaced and will have substantially the same size, purpose and capacity as the structure replaced.

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 consists of a TUOP and in-kind repairs to an existing floating dock and would involve no expansion of use beyond that previously existing, would consist of the reconstruction of an existing facility, would be located on the same site as the structure replaced, and would have substantially the same purpose and capacity. 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Water Use Designation: Specialized Berthing

The proposed project conforms to the certified Port Master Plan because it would involve a TUOP and in-kind repairs to an existing floating dock, consistent with the existing certified Water use designation. 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 Exclusions: Section 8.a: Existing Facilities; and Section 8.b: Replacement or Reconstruction

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, 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.b. Replacement or Reconstruction: Replacement or reconstruction of existing structures and facilities where the new structure will be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

(3) Replacement, stabilization, or reconstruction of mooring facilities, floats, piers, bulkhead, revetment, shoreline protection, buoys, 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 consists of a TUOP and in-kind repairs to an existing floating dock and would involve no expansion of use beyond that previously existing, would be located essentially on the same site as the structure replaced, and would have substantially the same purpose and capacity as the structure replaced.

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.

RANDA CONIGLIO
President/CEO

Determination by:
Michael Paul
Assistant Planner
Development Services

Signature: Michael Paul
Date: Nov 17, 2020

Deputy General Counsel

Signature: Rebecca S. Harrington
Date: Nov 17, 2020