



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

**Project:** Right of Entry to San Diego Fishermen's Working Group for Site Inspections at Centre City Embarcadero  
**Location:** 535 Harbor Lane, San Diego, CA 92101  
**Parcel No.:** 104-102 and 104-105  
**Project No.:** 2020-120  
**Applicant:** Peter Halmay, President, San Diego Fishermen's Working Group, 11103 Highway 67, Lakeside, CA 92040  
**Date Approved:** October 28, 2020

**PROJECT DESCRIPTION**

The proposed project is a Right of Entry (ROE) to San Diego Fishermen's Working Group (Permittee) to enter certain property of approximately 2,006 square feet of building area and 842 square feet of joint use building area located in the City of San Diego, California. The area proposed for use under this ROE would be used by the Permittee and their authorized agent(s) and contractor(s) for the purpose of conducting visual site inspections, structural and infrastructure related assessments, surveys, and other activities, as well as ingress and egress in support of those activities. The joint use area included in the Premises of the Permit is shared between Permittee and Chesapeake Fish Company. Prior to entry, Permittee will notify Chesapeake Fish Company if Permittee intends to enter the joint use area. No new development, construction, or increase in the size of the area is proposed or authorized as part of the ROE.

It is anticipated the ROE would have a total term of approximately five (5) years, or upon completion of the work, whichever occurs earlier. The ROE 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 the Permittee 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.

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**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 Categorically 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 site inspections and due diligence of existing building area and would involve no expansion of use beyond that previously existing. 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)

Land Use Designation: Commercial Fishing

The proposed project conforms to the certified Port Master Plan because it would involve site inspections and due diligence of existing building area, consistent with the existing certified Land 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.f: Inspections

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.

AND/OR

8.f. Inspection: Activities limited to inspection, checking or performance or quality of an operation, examining the health and safety of a project, or related activities.

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 site inspections and due diligence of existing building area and would involve no expansion of use beyond that previously existing, and would be limited to inspection, checking or performance or quality of an operation, examining the health and safety of a project, or related activities.

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: Oct 28, 2020

Deputy General Counsel

Signature: Chris Burt  
Date: Oct 28, 2020