



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

Project: Installation of Outdoor Shades by Point Loma Marina at Shelter Island
Location: 4980 and 4990 North Harbor Drive, San Diego, CA 92106
Parcel No.: 003-059
Project No.: 2020-127
Applicant: Greg Boeh, Chief Operating Officer, Point Loma Marina, LLC, 4980 North Harbor Drive, San Diego, CA 92106
Date Approved: Dec 10, 2020

PROJECT DESCRIPTION

The proposed project would involve installation of outdoor shades at Jimmy's Famous American Tavern by Point Loma Marina (Tenant) in the City of San Diego, California. Work to specifically complete the proposed project would involve installation of retractable isinglass shade curtains at the north and southern portions of the breezeway at Point Loma Marina to block wind and to provide area for outdoor dining in accordance with COVID-19 indoor dining restrictions. The project entails affixing five (5) curtains to the breezeway that are sixteen (16)-feet (ft.) tall; three curtains would be installed at the northern portion of the breezeway and would be approximately eight (8)-ft. wide, ten (10) ft.-wide, and sixteen-ft. wide, and two curtains would be installed at the southern end and would be eight (8)-ft. and twenty (20)-ft. wide. Construction of the project is anticipated to commence at the start of 2021 and would take approximately one (1) month 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 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 §15303, Class 3/Section 3.c: New Construction or Conversion of Small Structures; and SG §15311, Class 11/Section 3.i: Accessory 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.

AND/OR

3.i. Accessory Structures (SG § 15311) (Class 11): Includes construction, or placement of minor structures accessory to (appurtenant to) existing facilities.

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 installation of outdoor curtains, would consist of construction and location of new, small facilities, and would be an accessory structure to the existing

restaurant. 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 Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve installation of outdoor curtains, 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 Exclusion: 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 Section of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it consists of installation of outdoor curtains and would involve negligible 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)(2) of the Port Act, which allows for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. 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: Dec 10, 2020

Deputy General Counsel

Signature: Chris Burt
Date: Dec 10, 2020