



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

Project: Seafood Market Tenant Improvements by Driscoll Marina at Shelter Island  
Location: 4904 North Harbor Drive, Suite 104, San Diego, CA 92106  
Parcel No.: 003-060  
Project No.: 2020-128  
Applicant: Thomas Driscoll, Managing General Partner, 4918 North Harbor Drive, Suite 206, San Diego, CA 92106  
Date Approved: Feb 23, 2021

**PROJECT DESCRIPTION**

The proposed project would involve tenant improvements for a seafood market by Driscoll Marina (Tenant) in the City of San Diego, California. Work to specifically complete the proposed project would involve the following improvements to approximately 1,868 square feet of existing building space for a seafood market: removal of existing door and window frames, wood-framed wall, interior and exterior finishes, shower stall, and kitchen and washroom appliances; installation of new windows, interior and exterior doors, walls, partitioning, ceiling and floor finishes, restroom facilities, HVAC equipment, kitchen appliances including walk-in refrigerator/freezer/cooler, ice machine, water heater, sinks, cabinets, shelving units, work tables, and sales counters. A new sublease for operation of the seafood market would need to be approved after construction of the proposed improvements. Although the improvements would result in a negligible expansion of use within existing building space, the proposed use of a seafood market would support and be consistent with the existing nearby commercial fishing uses and would not impact their operations. Construction of the proposed project is anticipated to commence at the start of 2021 and would take approximately six (6) months to complete with ongoing modifications and maintenance as needed.

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.

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**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:
- (3) Interior and exterior remodeling or alterations, involving negligible or no expansion of use beyond that previously existing, including, but not limited to, marine terminal facilities, and marine-oriented commercial, industrial, and public and commercial recreational facilities, including buildings, piers, wharves, marine ways; railroads; airport facilities, runways, taxiways, aprons, and ancillary structures to those facilities; or mechanical systems and equipment.
  - (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.

- (5) Minor exterior or interior alterations to incorporate architectural changes.

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.

The proposed project is determined to be Categorical 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 tenant improvements for operation of a seafood market, would not result in a significant cumulative impact due to the continuation of the existing use, 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: 1 - Shelter Island/La Playa (Precise Plan Figure 4)

Land Use Designation: Commercial Fishing

The proposed project conforms to the certified Port Master Plan because it would involve tenant improvements for operation of a seafood market, 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***

The proposed project is adequately covered in the Coastal Development Permit (CDP) for the Driscoll's Wharf Project (CDP #A-181-80), approved by Coastal Commission staff on July 25, 1980, Amendment to CDP (A-181-80(A2), approved by Commission on June 29, 1984), Immaterial Amendment to CDP (A-181-80-A6, approved by Commission on August 1, 1986), Immaterial Amendment to CDP (A-181-80-A4, approved by Commission on August 14, 1986), Amendment to CDP (A-181-80-A3, A7, A8), approved by Commission on November 13, 1986), and Amendment to CDP (A-181-80(A9), approved by Commission on January 13, 1988), for development consisting of construction of five (5) two (2)-story buildings to contain warehouse, retail/commercial, offices, and restaurant. The proposed use of a seafood market was determined to be consistent with the allowed uses in the CDP and associated amendments by Coastal staff via email and phone coordination on June 8, 2020, and the proposed tenant improvements were determined to be consistent with the CDP and associated amendments by Coastal staff via email on February 8, 2021. Therefore, no further action under the Coastal Act is required.

**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.

JOE STUYVESANT  
President/CEO

Determination by:  
Michael Paul  
Assistant Planner  
Development Services

Signature: Michael Paul  
Date: Feb 23, 2021

Deputy General Counsel

Signature: Rebecca S. Harrington  
Date: Feb 23, 2021