



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

Project: Lease Extension to Sunroad Marina Partners for the Sunroad Resort Marina at Harbor Island
Location: 955 Harbor Island Drive, San Diego, CA 92101
Parcel No.: 007-019
Project No.: 2020-142
Applicant: Uri Feldman, President, Sunroad Marina Partners, L.P., 955 Harbor Island Drive, San Diego, CA 92101
Date Approved: December 28, 2020

PROJECT DESCRIPTION

The proposed project is an extension of an existing Lease to Sunroad Marina Partners L.P. (Lessee) for their use of approximately 259,090 square feet (sq. ft.) of land and 1,029,239 sq. ft. of water area located in the City of San Diego, California. The areas proposed for use under the Lease are currently and proposed to be used only and exclusively for the purpose of marina operations, including 600 boat slips, approximately 19,816 sq. ft. of marina buildings, two additional non-exclusive water areas under the lease with 27,024 sq. ft. used for mitigation purposes and 220 sq. ft. used for maintaining a submerged bulkhead easement, and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The Lessee 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.

The Sunroad Resort Marina lease commenced on February 1, 1987 and expires on January 31, 2037, with 17 years of remaining term. The Lessee proposes to extend the lease by 23 years and replace the existing lease with a new lease containing updated lease provisions and total term of 40-years, ending January 23, 2061.

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 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 the project would consist of an extension of a lease for an existing resort marina that does not propose or authorize any specific new development, construction, or expansion of use beyond that previously existing and would not result in a significant cumulative impact due to the continuation of the existing use. Any future development projects, as may be proposed by the tenant during the term of the lease, would be subject to CEQA compliance and review, as applicable. 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: 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9)

Land and Water Use Designations: Commercial Recreation; and Recreational Boat Berthing

The proposed project conforms to the certified Port Master Plan because it would involve an extension of an existing lease, 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 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 the project would consist of an extension of a lease for an existing resort marina that does not propose or authorize any specific 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)(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: Dec 29, 2020

Deputy General Counsel

Signature: Chris Burt
Date: Dec 29, 2020