



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

Project: Canopy Upgrade by Point Loma Seafoods at Shelter Island  
Location: 2905 Emerson Street, San Diego, CA 92106  
Parcel No.: 003-042  
Project No.: 2021-001  
Applicant: Carleen Grantham, Principal Engineer, Grantham Engineering, 7807 Hillandale Drive, San Diego, CA 92120  
Date Approved: Feb 18, 2021

**PROJECT DESCRIPTION**

The proposed project would involve canopy upgrades to Point Loma Seafoods (Tenant) in the City of San Diego, California. Work to specifically complete the proposed project would involve installation of a 145 square foot (sq. ft.) of fixed shade structure and 745 sq. ft. of retractable shade structure on the bayside exterior of the second floor of the building. The shade structures would cover over existing dining and building walkway area on the second floor and would not extend beyond the building footprint. The highest elevation of the shade structure would be approximately 29 feet above grade. Construction of the proposed improvements would occur in Spring 2021 and would take approximately one (1) month to complete. Additionally, all work would be conducted from the second floor and would not impact the adjacent promenade.

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 §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 fixed and retractable shade structures for outdoor restaurant use and would consist of construction and location of new, small facilities. 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: Sportfishing

The proposed project conforms to the certified Port Master Plan because it would involve installation of fixed and retractable shade structures for outdoor restaurant use, 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. These are appropriate for the proposed project because it consists of installation of fixed and retractable shade structures for outdoor restaurant use and would involve no 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.

JOE STUYVESANT  
President/CEO

Determination by:  
Michael Paul  
Assistant Planner  
Development Services

Signature: Michael Paul  
Date: Feb 18, 2021

Deputy General Counsel

Signature: Rebecca S. Harrington  
Date: Feb 18, 2021