



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

Project: Remodel at Malibu Farm at Seaport Village
Location: 831 W Harbor Drive, Unit C-1, San Diego, CA 92101
Parcel No.: 018-054
Project No.: 2021-021
Applicant: John Stockwell, COO, Malibu Farm Seaport Village, 29033 Grayfox St., Malibu, CA 90265
Date Approved: Jun 17, 2021

PROJECT DESCRIPTION

The proposed project would involve improvements to an existing restaurant facility at Seaport Village in the city of San Diego, California. Malibu Farm (Applicant) is proposing to renovate the restaurant building at Seaport Village. The proposed renovation/remodel work includes improvement of the building exterior and interior.

Work to specifically complete the proposed project would involve any of the following:

- Replacement of existing doors and windows, including replacement of some fixed glass windows with operable glass doors;
- Addition of new bar area;
- Renovation of restrooms to meet ADA requirements;
- Improvements to existing accessible ramp;
- Addition of wood burning pizza oven;
- Conversion of existing approximately 818 sf retail shop to ice cream and coffee shop with patio seating;
- Replacement and upgrade of all existing windscreens;
- Addition of approximately 1187 square feet (sf) outdoor seating area on existing lawn area;
- Replacement of existing lawn and hedge landscaping with drought tolerant, native landscaping;
- Replacement of all on-premise signage;
- Addition of approximately 221 sf outdoor grilling area on existing deck;
- Installation of an approximately 80 sf chicken coop;
- Remodel of interior kitchen layout;
- New exterior and interior paint; and
- Upgrade plumbing and electrical system.

Construction of the proposed project is anticipated to begin in Mid-2021 and last approximately 9 months. 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, impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. Furthermore, the Applicant 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 Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities, SG §15304, Class 4/Section 3.d: Minor Alternations to Land, and SG §15311, Class 11/Section 3.i: Accessory Structures

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.
- (5) Minor exterior or interior alterations to incorporate architectural changes.
- (11) Existing on and off-premise signs.

AND/OR

3.d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including but not limited to:

- (5) New gardening or landscaping.

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 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 involves improvements to an existing restaurant facility that would involve negligible or no expansion of use beyond that previously existing, and would not involve removal or mature, scenic trees. 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 Recreation

The proposed project conforms to the certified Port Master Plan because it would involve improvements to an existing restaurant facility consistent with the existing certified Land use designation.

CATEGORICAL DETERMINATION

Categorical Exclusion: Section 8.a: Existing Facilities and Section 8.d: Minor Alternations to Land

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, including but not limited to:

- (1) Interior or exterior alterations involving such things as partitions, plumbing, and electrical conveyances;
- (7) New copy on existing on- and off-premise signs;
- (12) Interior and exterior remodeling of airport facilities, marine terminal facilities, existing marine-oriented industrial structures, and commercial or recreational facilities.

AND/OR

8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees.

(5) New gardening or landscaping.

The proposed project is determined to be Categorical 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 involves improvements to an existing restaurant facility that would involve negligible or no expansion of use beyond that previously existing, and would not involve the removal of mature, scenic trees.

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.

J. STUYVESANT
President/CEO

Determination by:
Juliette Orozco
Associate Planner
Development Services

Signature: Juliette Orozco
Date: Jun 17, 2021

Deputy General Counsel

Signature: Chris Burt
Date: Jun 17, 2021