



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

Project: Amended and Restated Lease to High Seas Marine Enterprises, LLC. for Marina Services at Shelter Island
Location: 2540 Shelter Island Drive, San Diego, CA 92101
Parcel No.: 003-032
Project No.: 2021-028
Applicant: Ingrid Poole, Owner, High Seas Marine Enterprises, LLC, 2540 Shelter Island drive, San Diego CA 92101
Date Approved: May 11, 2021

PROJECT DESCRIPTION

The proposed project is an amended and restated Lease to High Seas Marine Enterprises LLC (Lessee) Marina for their use of approximately 13,802 square feet (sq. ft.) of land area and approximately 33,075 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 a fuel dock and marine service operations, 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 existing High Seas Lease commenced October 1, 1995 and expires September 30, 2025. The Lessee proposes to purchase an additional 10 years of lease term and replace the existing lease with a new lease containing updated lease provisions, ending September 30, 2035.

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 amended and restated lease for an existing marine services operation 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: 1 - Shelter Island/La Playa (Precise Plan Figure 4)

Land and Water Use Designations: Marine Sales and Services; and Marine Services Berthing

The proposed project conforms to the certified Port Master Plan because it would involve an amended and restated lease for an existing marine services operation that does not propose or authorize any specific new development, 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 amended and restated lease for an existing marine services operation 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.

JOE STUYVESANT
President/CEO

Determination by:
Michael Paul
Assistant Planner
Development Services

Signature: Michael Paul
Date: May 17, 2021

Deputy General Counsel

Signature: Chris Burt
Date: May 17, 2021