



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

Project: Solar Installation by Silver Gate Yacht Club at Shelter Island  
Location: 2091 Shelter Island Drive, San Diego, CA 92106  
Parcel No.: 002-018  
Project No.: 2021-058  
Applicant: David Butterfield, Director, Silver Gate Yacht Club, 2019 Shelter Island Drive, San Diego, CA 92106  
Date Approved: Jul 1, 2021

**PROJECT DESCRIPTION**

The proposed project would involve installation of roof mounted photovoltaic solar panels on the existing Silver Gate Yacht Club (SGYC; Tenant) building in the City of San Diego, California. Work to specifically complete the proposed project includes installation of cross rail panels to support 117 solar panels with their own micro-converters, roof mounted photovoltaic disconnect for utility operation, roof-mounted combiner box, waterproofing and sealing of all roof penetrations, electrical related work including wiring, cable, conduits, panels, and breakers as required, and placement of warning and directional signs and placards as required in conformance with Cal-Fire guidelines. The proposed solar panels would not exceed the height of the existing roof line. Construction of the proposed project is anticipated to occur in Summer 2021 and would take approximately one (1) month to complete.

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; SG §15311, Class 11/Section 3.i: Accessory Structures; and PRC §21080.35

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.

AND/OR

**PRC § 21080.35**

- (a) Except as provided in subdivision (d), this division does not apply to the installation of a solar energy system on the roof of an existing building or at an existing parking lot.

- (b) For the purposes of this section, the following terms mean the following:
- (1) "Existing parking lot" means an area designated and used for parking of vehicles as of the time of the application for the solar energy system and for at least the previous two years.
  - (2) "Solar energy system" includes all associated equipment. Associated equipment consists of parts and materials that enable the generation and use of solar electricity or solar-heated water, including any monitoring and control, safety, conversion, and emergency responder equipment necessary to connect to the customer's electrical service or plumbing and any equipment, as well as any equipment necessary to connect the energy generated to the electrical grid, whether that connection is onsite or on an adjacent parcel of the building and separated only by an improved right-of-way. "Associated equipment" does not include a substation.
- (c) (1) Associated equipment shall be located on the same parcel of the building except that associated equipment necessary to connect the energy generated to the electrical grid may be located immediately adjacent to the parcel of the building or immediately adjacent to the parcel of the building and separated only by an improved right-of-way.
- (2) Associated equipment shall not occupy more than 500 square feet of ground surface and the site of associated equipment shall not contain plants protected by the Native Plant Protection Act (Chapter 10 [commencing with Section 1900] of Division 2 of the Fish and Game Code).
- (d) This section does not apply if the associated equipment would otherwise require one of the following:
- (1) An individual federal permit pursuant to Section 401 or 404 of the federal Clean Water Act ( 33 U.S.C. Sec. 1341 or 1344 ) or waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code ).
  - (2) An individual take permit for species protected under the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).
  - (3) A streambed alteration permit pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code .
- (e) This section does not apply if the installation of a solar energy system at an existing parking lot involves either of the following:
- (1) The removal of a tree required to be planted, maintained, or protected pursuant to local, state, or federal requirements, unless the tree dies and there is no requirement to replace the tree.
  - (2) The removal of a native tree over 25 years old.
- (f) This section does not apply to any transmission or distribution facility or connection.

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 and Public Resources Code Section 21080.35. These are appropriate for the proposed project because it consists of the installation of solar panels on existing rooves and would consist of construction and location of new, small facilities on existing rooves, would not require federal agency waste discharge, take, or streambed alteration permits, and would not result in the removal of 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). Additionally, none of the exceptions to the use of PRC 21080.35 are applicable.

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 Recreation

The proposed project conforms to the certified Port Master Plan because it would involve the installation of solar panels on existing rooves, 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. This is appropriate for the proposed project because it consists of the installation of solar panels on existing rooves and would involve negligible 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)(4) of the Port Act, which allows for the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section. 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:  
Michael Paul  
Assistant Planner  
Development Services

Signature: Michael Paul  
Date: Jul 1, 2021

Deputy General Counsel

Signature: Chris Burt  
Date: Jul 1, 2021