



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

Project: Tideland Use and Occupancy Permit to La Playa Yacht Club for Recreational Piers, Ramps, Floats, and Berthing at Shelter Island
Location: San Antonio Avenue, San Diego, CA 92106
Parcel No.: 001-010
Project No.: 2021-083
Applicant: Frank Taliaferro, Commodore, P.O. Box 6691, San Diego, CA 92116
Date Approved: Jul 1, 2021

PROJECT DESCRIPTION

The proposed project is the renewal of a Tideland Use and Occupancy Permit (TUOP) to La Playa Yacht Club, an unincorporated association (Tenant) for use of approximately 2,592 square feet of Tideland and water area located at the foot of San Antonio Avenue in the City of San Diego, California. The area proposed for use under this TUOP is currently used only and exclusively for the purpose of a non-commercial recreational pier, ramp and float and for the berthing of Tenant's recreational boats and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The Tenant 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. No new development, construction, uses, or increase in the size of the Tenant's leasehold or the current TUOP area is proposed or authorized as part of this TUOP.

The Executive Director of District may approve the berthing of other recreational boats owned by guests or invitees of the Tenant. Such approvals, if granted, shall be in writing and subject to any and all terms and conditions prescribed by said Executive Director. At no time shall the Tenant use the Premises for any commercial purposes, including without limitation, charging rent or fees for use of the Premises or the berthing of boats.

Tenant's use of the pier shall not interfere with the use and enjoyment by the general public of those portions of the pier which have been designated for the use of the general public. Tenant acknowledges and agrees that the general public shall have the right of access to the pier during daylight hours, from one hour before sunrise to one hour after sunset (according to the National Weather Service), and the gate at the entrance of the pier ("Public Gate") shall remain unlocked during these times. Tenant shall install a sign ("Access Sign") in the location specified by District which states "Pier Open to the Public Between Sunrise and Sunset." The size and content of the Access Sign shall be approved by District prior to installation. The general public shall have the unrestricted right of access to any portions of the pier designated for public use. Tenant may, however, restrict the general public's access to those portions of the pier not designated for the use of the general, public by a locked gate.

It is anticipated that the TUOP would have a total term of approximately five (5) years. The TUOP may be terminated by the District or Tenant as a matter of right and without cause at any time upon providing thirty (30) days' notice in writing to the other party of such termination.

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 Categorical 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 it consists of the renewal of a TUOP for a pier, ramp, floats, and boat berthing, and would involve no expansion of use beyond that previously existing and would not result in a significant cumulative impact due to the continuation of the existing use. 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: Open Bay/Water; and Open Space

The proposed project conforms to the certified Port Master Plan because it would involve the renewal of a TUOP for a pier, ramp, floats, and boat berthing, 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 Categorical 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 renewal of a TUOP for a pier, ramp, floats, and boat berthing, and would involve no expansion of use beyond that previously existing.

CALIFORNIA PUBLIC TRUST DOCTRINE

The proposed project complies with Section 87.(a)(5) of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. 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