



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

Project: Lease Amendments for Charter Vessel Operations at Various Marinas
Location: Pier 32 Marina, 3201 Marina Way, Suite 206, National City, CA 91950
Point Loma Marina, 4980 North Harbor Drive #101, San Diego, CA 92106
Parcel No.: Various
Project No.: 2021-109A
Applicant: Greg Boeh, Pier 32 Marina, 3201 Marina Way, Suite 206, National City, CA 91950
Greg Boeh, Point Loma Marina, 4980 North Harbor Drive #101, San Diego, CA 92106
Date Approved: 03/14/2024

PROJECT DESCRIPTION

In May 2021, the District amended Port Code Section 4.37 (Charter Vessel Operations) to formalize a licensure process and limit the ability of charter vessels to use public docks. The proposed project is for lease amendments at Point Loma Marina in San Diego, California and Pier 32 Marina in National City, California. A Coastal Act Categorical Determination of Exclusion (Project No. 2021-109) was issued previously on September 22, 2021 for five marinas: the Sheraton San Diego Hotel and Marina, Safe Harbor Sunroad, Safe Harbor Cabrillo Isle, Shelter Cove Marina, and Marina Cortez. The lease amendments from Project No. 2021-109 have been completed. The proposed project contains the same scope and would authorize similar lease amendments for the Pier 32 Marina and Point Loma Marina as the previously approved Project No. 2021-109.

The existing leases for Pier 32 Marina and Point Loma Marina currently allow for charter uses, consistent with the intent of Port Code Section 4.37, but each currently has a maximum allowed number of charter vessels that may operate out of each marina. The lease amendments would: remove these maximums to make the charter provision in each lease consistent with the charter provision in other existing marina leases; make the leases consistent with current and historic charter practices; and, be in conformance with Port Code Section 4.37 (Charter Vessel Operations). Port Code Section 4.37 (Charter Vessel Operations) was adopted to ensure that charters were licensed, and to ensure that charter vessels did not over-utilize public docks, therefore maintaining availability of public docks for public use. These lease changes would allow charters to continue to utilize marina docks, thus implementing the purposes of Section 4.37 and preserving public docks for public use. No new physical development, construction, or increase in the size of the properties is proposed or authorized as part of the lease amendments. Additionally, no changes to the term or any other provisions of the lease are proposed.

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: CEQA Guidelines Section 15301 (Class 1)/District Guidelines for Compliance with CEQA Section 3.a: Existing Facilities

- 3.a. Existing Facilities: 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.

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 it involves lease amendments to continue to allow existing charter uses at existing marinas and would involve no expansion of use beyond that previously existing. 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 Districts: 1 - Shelter Island/La Playa (Precise Plan Figure 4) and 5 - National City Bayfront (Precise Plan Figure 15)

Water Use Designation: Recreational Boat Berthing

The proposed project conforms to the certified Port Master Plan because it involves lease amendments to continue to allow existing charter uses at existing marinas consistent with the existing certified Water use designation. The proposed project would not change the use of the site nor would it interrupt or expand the existing conforming uses 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 it involves lease amendments to continue to allow existing charter uses at existing marinas that would result in no 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.

RANDA CONIGLIO
Acting President/CEO

Determination by:
Lillian Mattes
Associate Planner
Development Services

Signature: Lillian Mattes
Date: 03/14/2024

Deputy/Assistant General Counsel

Signature: [Signature]
Date: 03/14/2024