



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

Project: Lease Amendments for Charter Vessel Operations at Various Marinas
Location: Sheraton San Diego Hotel and Marina, 1380 Harbor Island Dr, San Diego, CA 92101
 Safe Harbor Sunroad, 955 Harbor Island Dr, San Diego, CA 92101
 Safe Harbor Cabrillo Isle, 1450 Harbor Island Dr, San Diego, CA 92101
 Shelter Cove Marina, 2240 Shelter Island Dr #102, San Diego, CA 92106
 Marina Cortez 1880 Harbor Island Drive, San Diego, CA 92101
Parcel No.: Various
Project No.: 2021-109
Applicant: Sean Clancy, Sheraton San Diego Hotel and Marina, 1380 Harbor Island Dr, San Diego, CA 92101
 Kate Pearson, Safe Harbor Sunroad, 955 Harbor Island Dr, San Diego, CA 92101
 Kate Pearson, Safe Harbor Cabrillo Isle, 1450 Harbor Island Dr, San Diego, CA 92101
 Shaun McMahan, Shelter Cove Marina, 2240 Shelter Island Dr #102, San Diego, CA 92106
 Cyndie Schade, Marina Cortez 1880 Harbor Island Drive, San Diego, CA 92101
Date Approved: Sep 22, 2021

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 lease amendments for five existing marinas in San Diego, California. The existing leases for all five marinas 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 total number of allowable charters across all 5 marinas is, per existing lease restrictions, 60. However, the total number of charters currently operating across these 5 marinas is approximately 107. The amendments would remove these maximums to make the charter provision in these five leases consistent with the charter provision in other existing marina leases, to make the leases consistent with current and historic charter practices, and would be in conformance with Port Code Section 4.37 (Charter Vessel Operations). No new physical development, construction, or increase in the size of any of the properties is proposed or authorized as part of this lease. 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. Additionally, no changes to the term or any other provisions of the leases are proposed. The leases proposed for amendment belong to the following leaseholds: Sheraton San Diego Hotel and Marina, Safe Harbor Sunroad, Safe Harbor Cabrillo Isle, Shelter Cove Marina, and Marina Cortez.

The following categorical determinations are based on the lease 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

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. 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) and 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9)

Land 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. 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 Exclusions: 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 Sections of the District's Coastal Development Permit Regulations as identified above. These are 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.

JOE STUYVESANT
President/CEO

Determination by:
Juliette Orozco
Associate Planner
Development Services

Signature: Juliette Orozco
Date: sep 22, 2021

Deputy General Counsel

Signature: Christopher Burt
Date: sep 22, 2021