



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

Project: Cheesecake Factory Festoon lights
Location: 789 West Harbor Drive, Suite C-1, San Diego, CA 92101
Parcel No.: 018-053
Project No.: 2021-119
Applicant: Nina Raey, Vice President, RSI Group, 3187 Airway Avenue, Suite A, Costa Mesa, CA 92626
Date Approved: Nov 16, 2021

PROJECT DESCRIPTION

The proposed project would involve the installation and placement of festoon string lights at the existing Cheesecake Factory restaurant patio located in San Diego, California. The existing outdoor patio is approximately 21.5 feet by 88.3 feet (approximately 1,898 square feet). The festoon string lights would consist of uniform warm white bulbs, approximately 12 to 14 feet above the existing patio floor. The lights would be supported by five (5), approximately 14 feet tall and 3-inches wide, steel pipe supports with steel base plates, anchor bolts, and concrete foundation. These vertical supports and footings for the festoon lighting will be located at the four (4) corners and at the center of the patio.

The specific work for the existing site would include the following:

- Partially remove and replace portions of the existing floor brick pavers and landscaping to install the pole and concrete footings; and
- Connect to existing restaurant electric service.

The project is anticipated to begin in December 2021 and would take approximately 1 week 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, impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. Furthermore, the Applicant 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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemptions: 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 Sections of the District's Guidelines for Compliance with CEQA as identified above. These are appropriate for the proposed project because it involves installation and placement of festoon string lights at an existing restaurant patio that would result in no expansion of use beyond that previously existing or 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it involves installation and placement of festoon string lights at an existing restaurant patio, 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 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 the installation and placement of festoon string lights at an existing restaurant patio 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)(1) of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation.. 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:
Juliette Orozco
Associate Planner
Development Services

Signature: Juliette Orozco
Date: Nov 16, 2021

Deputy General Counsel

Signature: Christopher Burt
Date: Nov 15, 2021