



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

Project: Improvements to Landscape by SMH Cabrillo Isle, LLC at Safe Harbor Cabrillo Isle  
Location: 1450 Harbor Island Drive, San Diego CA 92101  
Parcel No.: 006-002  
Project No.: 2021-156  
Applicant: Les Key, Technical Services Manager, SMH Cabrillo Isle, LLC, 14785 Preston Road, Suite 975, Dallas, TX 75254  
Date Approved: Mar 22, 2022

**PROJECT DESCRIPTION**

The proposed project is for landscape and access improvements by SMH Cabrillo Isle, LLC (Applicant) at Safe Harbor Cabrillo Isle in the city of San Diego, California. Landscape improvements are consistent with BPC Policy No 713 – Tenant Landscaping Improvements and Maintenance – and include replacing existing onsite planting and replacing some areas of existing concrete and turf with mostly low water use plants, as well as retrofitting existing irrigation and installing new irrigation. Additional public access improvements include installation of two wooden decks with seating and a sandpit with seating and enhancing the existing onsite signage and lighting. The new decks and seating would be available to the public, customers of the sandwich deli and businesses in the building, and members of the marina. Public access would be indicated through installation of: one (1) public access sign placed adjacent to the right of way by the main pedestrian and driveway entrance; one (1) public access sign by the new decks; and, one (1) public access sign next to the promenade near the marina building as shown on project site plans. Work to specifically complete the proposed project would involve:

**Demolition Components:**

- Remove existing concrete in front and behind main building and along waterfront
- Remove existing Security/Guard house
- Remove small existing concrete curb/nub that was used for vehicular control arm
- Remove existing wooden fence around fountain equipment in front of main building
- Remove approximately four (4) existing palm trees along driveway entrance
- Remove existing light fixtures
- Remove existing turf within Limit of Work
- Remove portions of existing irrigation system
- Clear and grub existing planting areas in parking lot and around main building

Proposed Improvements (less than 2,500 square feet of impervious hardscape; no increase in impervious surface area):

- Renovate monument signage at driveway entrance
- Install a 12-inch wide by 18-inch high public access sign at: a) driveway entrance; and, b) next to the promenade near the marina building with language “Bay Access - Public Access to Waterfront Promenade”
- Install a 12-inch wide by 18-inch high public access sign with language “Public Access to Public Deck and Waterfront Promenade” adjacent to the waterfront promenade by the new decks
- Add seventeen (17) Medijool Date Palms at 16 ft minimum height; to be planted along driveway entrance (8), in front of main building (3), at new amenity deck (6)

- Replace existing planting within the Limit of Work
- Replace existing concrete and turf areas with addition of new planting areas in front of main building and along waterfront promenade using mainly low water use plants
- Install permeable concrete pavers in front of the main building entrance
- Install wood fence in front of fountain equipment at main building doubling as new monument signage
- Install plant pottery around main building
- Install new concrete walkway to replace concrete behind main building and along waterfront
- Relocate flagpole
- Install amenity deck with three sections anchored by concrete seat wall and surrounded by new Date palms and planting areas:
  - (1) Wooden deck with café seating and umbrella shade.
  - (2) A sand pit with chaise and lounge seating.
  - (3) Wooden deck with two firepits and lounge seating and umbrella shade.
- Replace portions of existing turf with decomposed granite seating pockets and flanked by new planting areas
- Retrofit existing irrigation system and add new irrigation systems
- Install standard lighting fixtures with 3000k blubs that are to be pointed downwards
- Add approximately seven (7) new trees

Construction of the proposed project is anticipated to occur in the spring of 2022, and would take approximately 16 - 20 weeks to complete. The Applicant is to provide a schedule to the District indicating when public access would be routed around the building and indicate a marked pathway for all pedestrian traffic during construction. The diversion of pedestrian traffic would be necessary during the removal and replacement of the pathway along the waterfront; installation of new trees; installation of new decks and seating; and demolition of existing areas. Operation of the proposed project includes as needed on-going maintenance.

Due to its nature and limited scope, construction and operation 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. Specifically, the proposed project is required to abide by an approved SWQMP.

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 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:

- (3) Interior and exterior remodeling or alterations, involving negligible or no expansion of use beyond that previously existing, including, but not limited to, marine terminal facilities, and marine-oriented commercial, industrial, and public and commercial

recreational facilities, including buildings, piers, wharves, marine ways; railroads; airport facilities, runways, taxiways, aprons, and ancillary structures to those facilities; or mechanical systems and equipment.

(11) Existing on and off-premise signs.

(12) Maintenance of existing landscaping, native growth, and water supply reservoirs.

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 the landscape and access improvements would involve no expansion of use beyond that previously existing and would not result in any significant cumulative impacts due to the continuation of an 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: 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve landscape and access improvements 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 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, including but not limited to:

(8) Maintenance and control of existing vegetation.

(9) Demolition and removal of individual small structures, except where structures are of historical, archaeological, or architectural significance.

(12) Interior and exterior remodeling of airport facilities, marine terminal facilities, existing marine-oriented industrial structures, and commercial or recreational facilities.

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 would involve negligible or 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:  
Lillian Mattes  
Assistant Planner  
Development Services

Signature: Lillian Mattes  
Date: Mar 22, 2022

Deputy General Counsel

Signature: Chris Burt  
Date: Mar 22, 2022