



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

Project: Installation of Ordering Kiosks by Grain & Grit Collective dba Carnitas Snack Shack III, LLC
Location: 1004 North Harbor Drive, San Diego, CA 92101
Parcel No.: 018-140
Project No.: 2022-080
Applicant: Jon Gordon, CDO, Carnitas Snack Shack III LLC, 445 Marine View Ave, Ste. 300 Del Mar, CA, 92014
Date Approved: 05/03/2023

PROJECT DESCRIPTION

The proposed project would involve installation of two (2) self-ordering digital kiosk stations outside of an existing restaurant by Carnitas Snack Shack III, LLC (Applicant) in the city of San Diego, California. Work to specifically complete the proposed project would involve routing kiosk cabling from the restaurant building to the kiosk stations underground. The cabling would be routed from the northern edge of the existing outdoor bar and seating area, through the landscaped area, to the water quality band and under the wood deck boards where the cabling would connect to the ordering kiosks.

The specific scope of work would be as follows:

Excavation and Grading:

- Trenching as required from the northeast corner of the bar area to the water quality band
- All soils to remain on site and reused for backfill and compaction
- Decomposed granite would be separated from native soil
- Core drill into water quality band for two (2) three-quarter inch PVC conduits
- Dry pack and patch as needed
- Match any waterproofing if applicable

Electrical:

- Run approximately fifty (50) feet of conduit and wire along the trenched path
- Core drill through one-foot thick concrete wall approximately fifteen (15) inches below grade
- Continue running the conduit and wire below the existing north kiosk
- Terminate conduit into a weather tight flush mounted floor box
- Flush box would be cut into the existing wood decking

Audio Visual:

- Pull point of scale cabling to new kiosks
- Install ordering kiosks

Construction of the proposed project is anticipated to occur in approximately May 2023 and would take approximately two (2) days to complete. In order to separate the area needed for trenching, temporary caution tape and cones would be placed to mark the trenching area. Spoils would be stored along side of the trench to be repurposed as backfill after the necessary equipment is installed. Deck boards would be removed and replaced as needed to complete this project. Access to the embarcadero promenade would remain open throughout the duration of this project.

The proposed project requires a Right of Entry License Agreement (ROELA) to Carnitas Snack Shack III, LLC (Licensee) to enter certain property located in the city of San Diego, California. The area proposed for use under this ROELA is proposed to be used only and exclusively for the purpose of trenching to run data and power for ordering kiosks and the ingress and egress of that activity.

The proposed project also requires a Tidelands Use and Occupancy Permit (TUOP) to Carnitas Snack Shack III, LLC (Licensee) for the purpose of the placement of two food ordering kiosks and for no other purpose whatsoever.

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 and SG §15303, Class 3/Section 3.c: New Construction or Conversion of Small Structures

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:

- (1) Repair, maintenance or minor alteration of existing mooring facilities, floats, piers, piles, wharves, bulkhead, revetment, buoys, or similar structures; marine terminal facilities; airport facilities; and commercial industrial, or recreational facilities.

AND/OR

3.c. New Construction or Conversion of Small Structures (SG § 15303) (Class 3): Includes construction of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another with minor modifications to the exterior of the structure. Examples of this exemption include:

- (2) Accessory (appurtenant) structures and mechanical equipment including, but not limited to, garages, sheds, railway spur tracks, pilings, temporary trailers, industrial equipment enclosures, fences, parking, on-site roadways, walkways and health and safety devices.

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 would not result in a significant cumulative impact due to the continuation of use of an existing electrical source and would consist of construction of small new structures. 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 would involve installation of ordering kiosks 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 Exclusions: Section 8.a: Existing Facilities and Section 8.c: New Construction or Conversion of Small Structures

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:

- (5) Additions to existing structures, provided the addition will not result in an increase of more than 50 percent of the floor area, or 2,500 square feet, whichever is less; or additions to existing structures of not more than 10,000 square feet of floor area, if the project is in an area where all public services and facilities are available to allow for the maximum development permissible in the Port Master Plan, and where the area in which the project is located is not environmentally sensitive

AND/OR

8.c. New Construction or Conversion of Small Structures: Construction and location of limited numbers of new, small facilities or structures and installation of small, new equipment and facilities, involving negligible or no change of existing use of the property, including but not limited to:

- (3) Accessory structures, including, but not limited to, on-premise signs, small parking lots, fences, walkways, swimming pools, miscellaneous work buildings, temporary trailers, small accessory piers, minor mooring facilities, buoys, floats, pilings, or similar structures; and seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar structures

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 would not result in a significant cumulative impact due to the continuation of use of an existing electrical source and would consist of construction of small new structures.

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)(2) of the Port Act, which allows for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. 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:
Abigail Haynam
Assistant Planner
Development Services

Signature: Abigail Haynam
Date: 05/03/2023

Assistant/Deputy General Counsel

Signature: Rebecca S. Harrington
Date: 05/03/2023