



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

Project: Tideland Use and Occupancy Permit to C&W Diving Services, Inc. for Mooring and Operations at Crosby Street Pier and Tuna Harbor  
Location: 1449 Cesar E. Chavez Parkway, San Diego, CA 92101  
 1325 Pacific Highway, San Diego, CA 92101  
Parcel No.: Various  
Project No.: 2022-118  
Applicant: Elliott West, President, C&W Diving Services, Inc. 3561 Dalbergia Street, San Diego, CA 92113  
Date Approved: Dec 8, 2022

**PROJECT DESCRIPTION**

The proposed project is a Tideland Use and Occupancy Permit (TUOP) to C&W Diving Services, Inc. (Tenant) for their use of approximately 1,500 square feet (sq ft) of water area/berth space and one (1) parking space located at the Tuna Harbor Basin located in the city of San Diego, California. The TUOP would also include approximately 3,800 square feet of water area at the Crosby Street Pier and one (1) parking space located at the Tenth Avenue Marine Terminal. The areas proposed for use under this TUOP are currently and are proposed to be used only and exclusively for the purpose of mooring; crewing; provisioning; the minor maintenance of vessels that does not result in the release of substance to air, water, or soil in accordance with all applicable laws and regulations; and parking and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The Tenant would be responsible for compliance with all laws and regulations associated with the activities on or in connection with the above-described premises, and in all uses thereof, including those regulating stormwater and hazardous materials. No new development, construction, or increase in the size of the property is proposed or authorized as part of the TUOP.

It is anticipated that the TUOP would have a total term of approximately four (4) years. The TUOP may be terminated by the District or Tenant as a matter of right and without cause at any time upon providing thirty (30) days' notice in writing to the other party of such termination.

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:

- (4) New and renewed short-term tenancy agreements which do not result in change in the existing use. This exemption does not apply to any new development associated with the activities of the tenant. This exception is also inapplicable if the cumulative impact of continuing the existing use or conditions in the same place, over time, is significant.

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 is a TUOP that would not result in 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 Districts: 3 - Centre City Embarcadero (Precise Plan Figure 11) and 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land and Water Use Designations: Commercial Fishing; Commercial Fishing Berthing; Specialized Berthing; Marine Terminal; and Terminal Berthing

The proposed project conforms to the certified Port Master Plan because it would involve a TUOP consistent with the existing certified Land and Water use designations. 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 would involve a negligible 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.

JOE STUYVESANT  
President/CEO

Determination by:  
Lillian Mattes  
Assistant Planner  
Development Services

Signature: Lillian Mattes  
Date: Dec 8, 2022

Deputy/Assistant General Counsel

Signature: Rebecca Harrington  
Date: Dec 8, 2022