



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

Project: Fence Improvements by Pier 32 Marina at Pier 32 Marina in National City  
Location: 3201 Marina Way, National City, CA 91950  
Parcel No.: 028-030  
Project No.: 2023-005  
Applicant: Gregory Boeh, Chief Operating Officer, Pier 32 Marina Group, 3201 Marina Way, National City, CA 91950  
Date Approved: Feb 6, 2023

**PROJECT DESCRIPTION**

The proposed project would involve replacement of a fence by Pier 32 Marina Group (Applicant) in the city of National City, California. Work to specifically complete the proposed project would involve the removal of an existing 4 foot high chain link fence and the installation of a new 8 foot high chain link fence, approximately 340 feet in length. The new fence would be located east of the intersection of Marina Way and 32<sup>nd</sup> Street.

A four person crew will be needed to install this fence. One truck trip will be needed each day of construction to transport the crew and the fence materials. The crew will work directly from the truck, so no dedicated laydown area will be needed.

Construction of the proposed project is anticipated to occur in early 2023 and would take approximately three (3) days 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.

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

*CATEGORICAL DETERMINATION*

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

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 Section of the District's *Guidelines for Compliance with CEQA* as identified above. This is appropriate for the proposed project because it would consist of construction of a new, small structure. 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: 5 - National City Bayfront (Precise Plan Figure 15)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve replacement of a fence 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.c: New Construction or Conversion of Small Structures

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 Section of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it would consist of the construction of a new, small structure.

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:  
Abigail Haynam  
Assistant Planner  
Development Services

Signature: Abigail Haynam  
Date: Feb 6, 2023

Assistant/Deputy General Counsel

Signature: Rebecca Harrington  
Date: Feb 6, 2023