



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

Project: Restaurant Renovation and Repair by Wild Thyme Restaurant Group dba Shorebird at Seaport Village
Location: 855 W Harbor Drive, San Diego, CA, 92101 (Seaport Village)
Parcel No.: 018-054
Project No.: 2023-022
Applicant: Juanita Fotheringham, Project Manager, Spectrum Space Design, 11052 Linda Ln. #A Garden Grove, CA, 92840
Date Approved: Mar 6, 2023

PROJECT DESCRIPTION

The proposed project would involve restaurant renovations and repairs by Spectrum Space Design (Applicant) on behalf of Wild Thyme Restaurant Group dba Shorebird, formerly occupied by Pier Café Restaurant, in the city of San Diego, California. The proposed remodel work would include remodel of the building interior, the repair of a decayed post and wall anchors, and the repair of the damaged roof and roof equipment platform. Work to specifically complete the proposed project would involve:

- Removal of all interior floor, wall, and ceiling finishes
- Removal of existing non-bearing interior walls in restrooms
- Removal of all mechanical hood equipment on roof
- Replacement of some existing doors
- Replacement of some existing windows
- Replacement of existing light fixtures with LED, energy efficient light fixtures
- Replacement of all on-premises signage
- Replacement of all existing restroom fixtures
- Install loose seating and tables
- Install portable seating and tables on the wood deck near the entrance of the building
- Refinish exterior wood decks
- Repair existing kitchen tiles
- Paint interior and exterior walls

Construction of the proposed project is anticipated to occur in Spring 2023 and would take approximately five (5) months 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 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.

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 it would involve no expansion of use beyond that previously existing and 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 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 restaurant repairs 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:

- (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)(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: Mar 6, 2023

Assistant/Deputy General Counsel

Signature: Rebecca Harrington
Date: Mar 2, 2023