



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

Project: Right of Entry (ROE) to Coronado Island Marriott Resort & Spa for Repairs and Temporary Shoring Work to an Existing Retaining Wall
Location: 2000 Second Street, Coronado, CA 92118
Parcel No.: 057-011
Project No.: 2023-025
Applicant: Mark Millich, Principal, Mark Allan & Associates, LLC, 1033 Bangor Street, San Diego, CA 92106
Date Approved: Mar 30, 2023

PROJECT DESCRIPTION

The proposed project is a Right of Entry (ROE) to Host Hotels & Resorts, L.P. dba Coronado Island Marriott Resort & Spa (Grantee) to enter certain property located in the city of Coronado, California. The area proposed for use under this ROE would be used by the Grantee and their authorized agent(s) and contractors(s) for the purpose of repairing an existing retaining wall and installing temporary shoring work, safety barricades, and signage, as well as ingress and egress in support of those activities with ongoing maintenance as necessary. Recent rainfall events have structurally compromised the existing 225-foot long retaining wall, requiring temporary stabilization until a proposal for a permanent retaining wall replacement is submitted for review and approved by the District. No increase in the size of the area is proposed or authorized as part of the ROE. The promenade adjacent to the retaining wall shall not be blocked at any time during the proposed project.

It is anticipated that the ROE would have a total term of approximately one (1) year, or upon completion of the work, whichever occurs earlier. The ROE may be terminated by the District as a matter of right and without cause at any time upon providing twenty-four (24) hours' notice in writing to the Grantee 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.

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:
- (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.
 - (9) Restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety or permit requirements, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.
 - (10) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices.

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 consist of repairs to an existing retaining wall and temporary shoring work that would involve no expansion of use beyond that previously existing. 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: 6 - Coronado Bayfront (Precise Plan Figure 17)

Land Use Designation: Commercial Recreation and Promenade

The proposed project conforms to the certified Port Master Plan because it would involve repairs to an existing retaining wall and temporary shoring work consistent with the existing certified land 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 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:

- (4) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health, safety, District policy, or as required by contractual conditions
- (6) Addition of safety or health protection devices for use during construction of, or in conjunction with, existing structures, facilities, mechanical equipment, or topographical features, including navigational devices

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

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 involve repairs to an existing retaining wall and temporary shoring work that 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)(5) of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. 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 30, 2023

Deputy/Assistant General Counsel

Signature: Rebecca Harrington
Date: Mar 30, 2023