



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

Project: Roy's Restaurant Renovation at San Diego Marriott Marquis and Marina
Location: 333 West Harbor Drive, San Diego, CA 92101
Parcel No.: 019-003
Project No.: 2023-027
Applicant: Tom Tabler, General Manager, San Diego Marriott Marquis and Marina, 333 West Harbor Drive, San Diego, CA 92101
Date Approved: April 11, 2023

PROJECT DESCRIPTION

The proposed project would involve interior and exterior remodeling to an existing restaurant, Roy's Restaurant, by Pacific Gateway, LTD dba San Diego Marriott Marquis and Marina (Applicant) in the city of San Diego, California. General improvements would include replacing any damaged or broken floor/ceiling tiles; replacing all interior carpeting; repairing, repainting, re-staining all walls, support columns, and woodwork; installing new interior lighting and upgrading existing lighting; installing new artwork to align with new design package; adding new chairs in the dining room, wine room and private dining area; adding new bar stools for the wine room; and, adding new high-top tables to replace existing chef counter. There would be no increase to seating capacity as a result of the proposed project.

Work to specifically complete the proposed project would involve improvements to the following areas:

Main Dining Room & Wine Room

- Refinish or replace existing host stand and armoire, as needed.
- Install feature wall.
- Redesign wine bar for added efficiency.
- Install ice cube machine.
- Repair missing tiles on bar.

Upstairs

- Convert upstairs storage room into a cold pantry.
- Add two (2) compartment sinks.
- Add prep line.
- Paint upstairs restrooms and add new fixtures and décor.
- Replace iron railing in the private dining room.
- Refinish existing satellite bar.
- Repair or replace wheelchair lift.
- Repaint upstairs patio.
- Re-stain teak patio furniture.

Outside Patio

- Repaint entire patio.
- Refresh existing fire pit.
- Upgrade sound system and tv monitors.
- Build hanging glass racks for outside bar.
- Add permanent awning over a portion of the patio.
- Refinish teak service station.
- Redesign outdoor bar for added efficiency.
- Add ice cube machine.
- Install new exterior landscaping of beds pacing promenade.

Kitchen

- Rework stations in kitchen to create inline chef lines (3).

Construction of the proposed project is anticipated to occur in approximately Fall 2023 and would take approximately six (6) weeks to complete. All plant species proposed for landscaping shall be drought-tolerant and/or water wise, either native or non-invasive plant species, and would reflect the palette of shrubs which already exist elsewhere on Tidelands. No new signage is proposed as part of the proposed restaurant renovation, and all lighting packages would be submitted to the District for review and approval.

The proposed project requires a Second Amendment to an existing Sublease between Pacific Gateway, LTD dba San Diego Marriott Marquis and Marina (Applicant) and OS Pacific LLC dba Roy's Restaurant to extend the term of the existing Sublease.

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 §15304, Class 4/Section 3.d: Minor Alterations to Land

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.

(12) Maintenance of existing landscaping, native growth, and water supply reservoirs.

AND/OR

3.d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including, but not limited to:

(5) New gardening or landscaping.

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 interior and exterior remodeling for an existing restaurant that would involve no expansion of use beyond that previously existing and would result in no permanent effects on the environment. 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 interior and exterior remodeling to an existing restaurant 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.d: Minor Alterations to Land

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:

(8) Maintenance and control of existing vegetation

(12) Interior and exterior remodeling of airport facilities, marine terminal facilities, existing marine-oriented industrial structures, and commercial or recreational facilities

AND/OR

8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, including but not limited to:

(2) New gardening or landscaping

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 consist of interior and exterior remodeling to an existing restaurant that would have a negligible expansion of use beyond previously existing and would not involve the removal of mature, scenic trees.

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:
Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: Apr 12, 2023

Deputy/Assistant General Counsel

Signature: Rebecca Harrington
Date: Apr 12, 2023