



CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: Issuance of As-Needed Temporary Parking Placards to Shelter Island Tenants for Overnight Parking on East Shelter Island

Location: Parking Lots and street parking spaces located at the eastern end of Shelter Island Drive

Parcel No.: 001-025; 003-024

Project No.: 2023-061

Applicant: Ken Wallis, Director of Guest Experiences, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101; (619) 686-6361

Date Approved: Apr 26, 2023

PROJECT DESCRIPTION

The District is proposing the issuance of no more than eighty-eight (88) parking placards to certain tenants in Shelter Island to allow for overnight parking located in the parking lots and street parking spaces at the eastern end of Shelter Island Drive, in the city of San Diego, California (see Exhibit 1). The recently adopted Oversized Vehicle Ordinance includes removing the former 3:00 AM - 4:30 AM no parking time limit for Shelter Island and allowing the District to define a new no parking time limit. As a result of the ordinance and due to operational needs of nearby tenants, the District will be issuing these placards (no more than 88) to certain tenants, allowing overnight parking for their staff, patrons, and subtenants. The placards are non-exclusive and are on an unreserved basis allowing placard holders to park at public parking spaces overnight (i.e., during the defined no parking time limit). The placard holders 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. No new development, construction, or increase in the size of the tenant lease hold area is proposed or authorized as part of the project.

The TUP and the associated parking placards will be issued to Shelter Cove Marina and Koehler Kraft Company. Both TUP and the use of the parking placards may be terminated by the District or Tenant as a matter of right and without cause at any time upon providing ninety (90) 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.

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 consists of a TUP for overnight parking for staff, patrons, and subtenants of Shelter Cove Marina and Koehler Kraft Marina which would not 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: 1 - Shelter Island/La Playa (Precise Plan Figure 4)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it consists of a TUP for Shelter Cove Marina and Koehler Kraft Marina overnight parking 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.

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 consists of a TUP for overnight parking for staff, patrons, and subtenants of Shelter Cove Marina and Koehler Kraft Marina and would involve a negligible expansion of use.

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 26, 2023

Deputy/Assistant General Counsel

Signature: Rebecca Harrington
Date: Apr 26, 2023

Exhibit:

1. Project Location



DRAWN JFD

CHECKED

REVIEWED

SAN DIEGO UNIFIED PORT DISTRICT
TEMPORARY USE PERMIT
WITHIN CORPORATE LIMITS OF SAN DIEGO
SHELTER COVE MARINA, LTD

DATE APRIL 26, 2023
SCALE 1"=200'
REF.

DRAWING NO.
SHEET 1 OF 1
003-106