



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

Project: Lease Amendment to Koehler Kraft Company, Inc. for Charter Operations
Location: 2302 Shelter Island Drive, San Diego, CA 92106
Parcel No.: 003-025
Project No.: 2023-082
Applicant: CF Koehler, President, Koehler Kraft Company, Inc., 2303 Shelter Island Drive, San Diego, CA 92106; (619) 222-9051
Date Approved: 06/26/2023

PROJECT DESCRIPTION

The proposed project is a Lease Amendment to Koehler Kraft Company, Inc. (Lessee) for their continued use of approximately 30,003 square feet (sq ft) of land area and 45,521 sq ft of water area located in the city of San Diego, California. The areas proposed for use under this Lease Amendment are currently and are proposed to be used only and exclusively for the purpose of construction, maintenance, repair, painting, mooring and sale of boats as well as the sale and installation of marine engines, supplies, equipment, machinery and accessories on said boats and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The proposed project would involve a Lease Amendment to include the use of boat charters/boat rentals provided that all boat rentals and charters must comply with Port Code Section 4.37. The Lessee 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, including those regulating stormwater and hazardous materials.

As described in the Port Master Plan, the water use designation for Marine Services Berthing explains that “slips [shall be] used to temporarily berth boats being serviced at boat building and repair yards, boat sales and rentals, fueling docks, and marine accessory sales... These berthing areas should be provided with navigable water to accommodate the largest recreational and commercial vessels... Leasing for the purposes of residential living afloat is prohibited by the Port District Act.” The proposed Lease Amendment to include charter operations as an allowed use would not involve the expansion of the existing slip configuration and would not result in an increase in the number of vessels berthed within the leasehold. No new development, construction, or increase in the size of the property is proposed or authorized as part of the Lease Amendment.

The existing Koehler Kraft Company, Inc. Lease commenced March 1, 2007 and expires February 28, 2037 (Clerk’s Document No. 51544). There would be no proposed change to extend the current term of the Lease.

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 would consist of a lease amendment to include charter operations as an allowed use which would not involve the expansion of the existing slip configuration and would not result in

an increase in the number of vessels berthed within the leasehold. 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 and Water Use Designations: Marine Sales and Services and Marine Services Berthing

The proposed project conforms to the certified Port Master Plan because it would involve a lease amendment to Koehler Kraft Company, Inc. to allow for charter operations consistent with the existing certified Land and Water 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 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 would consist of a lease amendment that would involve a negligible expansion of use beyond that previously existing. The addition of charter operations as an allowed use would not involve the expansion of the existing slip configuration and would not result in an increase in the number of vessels berthed within the leasehold.

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: 06/26/2023

Deputy/Assistant General Counsel

Signature: [Signature]
Date: 06/26/2023