

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

Project: Fender Repairs to Grape Street Pier by Hornblower Yachts, LLC
Location: 1800 North Harbor Drive, San Diego, CA 92101
Parcel No.: 017-050
Project No.: 2023-108
Applicant: Kevin Lorton, Regional Vice President, City Cruises, 2825 Fifth Avenue, San Diego, CA 92103
Date Approved: 08/08/2023

PROJECT DESCRIPTION

The proposed project would involve repairs to Grape Street Pier by Hornblower Yachts, LLC (Applicant) in the city of San Diego, California. Due to vessel impact, the corner of Grape Street Pier was damaged, and the existing 14x14 timber fender was broken and now in need of replacement. The proposed project involves removing the remaining section of timber fender and replacing it in-kind with a new section to match the existing as well as repairing and reinstalling the existing steel pile bracket.

Work to specifically complete the proposed project would consist of the following:

- Remove broken section of 14x14 timber fender.
- Remove existing steel plates, as needed.
- Install new 14x14 timber fender and reinstall existing steel plates.
- Repair and reinstall existing pile bracket.
- Reinstall hardware after removing straps that are temporarily securing timber fenders.

Construction of the proposed project is anticipated to occur in approximately Summer 2023 and would take approximately five (5) days to complete, with ongoing inspections as needed. All project staging would occur landside within the Tenant's leasehold, and a 24'x10' construction laydown area would be established near the damaged area at the end of the pier. The proposed project will utilize a forklift to lower the new fender into place, and a crew of three (3) people would be required to complete the proposed work. Any contractor parking needed outside of the Tenant's leasehold would be required to coordinate with the District's Department of Guest Experiences – Parking.

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 Tenant 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 Exemptions: CEQA Guidelines Section 15301 (Class 1)/District Guidelines for Compliance with the CEQA Section 3.a: Existing Facilities and CEQA Guidelines Section 15302 (Class 2)/District Guidelines for Compliance with the CEQA Section 3.b: Replacement or Reconstruction

- 3.a. Existing Facilities: 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:
- (1) Repair, maintenance or minor alteration of existing mooring facilities, floats, piers, piles, wharves, bulkhead, revetment, buoys, or similar structures; marine terminal facilities;

airport facilities; and commercial industrial, or recreational facilities.

- (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.

AND/OR

3.b. Replacement or Reconstruction: Includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced. This exemption includes, but is not limited to:

- (1) Replacement or reconstruction of mooring facilities, piles, floats, piers, wharves, marine ways, bulkhead, revetment, buoys, or similar structures where the new structure will be on essentially the same site as the structure replaced and will have substantially the same size, purpose and capacity as the structure replaced.

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 the CEQA* as identified above. These are appropriate for the proposed project because it would consist of the in-kind replacement of damaged facilities 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: 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 the in-kind replacement of damaged pier facilities 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.b: Replacement or Reconstruction

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
- (10) Repair, maintenance, or minor alteration of existing mooring facilities, floats, piers, bulkhead, revetment, buoys, or similar structures

AND/OR

8.b. Replacement or Reconstruction: Replacement or reconstruction of existing structures and facilities where the new structure will be located essentially on the same site as the structure

replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (3) Replacement, stabilization, or reconstruction of mooring facilities, floats, piers, bulkhead, revetment, shoreline protection, buoys, or similar structures.

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 the in-kind replacement of damaged structures 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.

RANDA CONIGLIO
Acting President/CEO

Determination by:
Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: 08/08/2023

Deputy/Assistant General Counsel

Signature: Shiraz D. Tangri
Date: 08/08/2023