

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

Project: Guest Dock Replacement Project by Bali Hai
Location: 2230 Shelter Island Drive, San Diego, CA 92106
Parcel No.: 003-020
Project No.: 2023-161
Applicant: Tom Baumann, Vice President, Shelter Island Inc., 2230 Shelter Island Drive, San Diego, CA 92106; (619) 222-1181
Date Approved: 12/12/2023

PROJECT DESCRIPTION

The proposed project would involve the removal and replacement of an existing guest dock by Shelter Island Inc. dba Bali Hai Restaurant (Applicant) in the city of San Diego, California. Work to specifically complete the proposed project would involve the in-kind replacement of an existing "L"-shaped floating dock measuring approximately 104 feet in length, 10.58' in width with the main walk 84 feet in length by 9.58' in width and secured by 12 piles. The existing dock piles and gangway would remain in place. The proposed project would also involve the replacement of eight (8) existing light pedestals and one (1) existing fire hose box. All utilities would need to be reconnected and run internally between the concrete deck structure and the float system following replacement of the floating dock.

Construction of the proposed project is anticipated to occur in Winter 2024 and would take approximately six (6) weeks to complete, with ongoing maintenance as needed. The prefabricated dock float would be assembled in the Shelter Island Boat Launch Facility parking lot and installed by launching the new float sections of the dock into the water. Similarly, all existing dock floats would be removed at the Shelter Island Boat Launch ramp and disposed of accordingly. Project staging would occur in the Shelter Island Boat Launch Facility parking lot and approximately 12 parking spaces would be temporarily utilized during construction. No ADA or boat trailer stalls shall be used for project staging, and the project staging area shall not extend beyond the stall lines as to not obstruct boat trailer or vehicular traffic.

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.

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 CEQA* as identified above. These are appropriate for the proposed project because it would consist of the in-kind replacement of an existing dock floating structure that would involve a negligible expansion of use beyond that previously existing and the new structure would be located on the same site as the structure replaced. 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: Open Bay/Water; Recreational Boat Berthing; and Park/Plaza

The proposed project conforms to the certified Port Master Plan because it would involve the in-kind replacement of an existing dock float 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 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:

- (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 an existing dock float that would involve a negligible expansion of use beyond that previously existing, would be located on essentially the same site as the structure replaced, and would have substantially the same purpose and capacity as the structure replaced.

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.

RANDA CONIGLIO
Acting President/CEO

Determination by:
Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: 12/12/2023

Deputy/Assistant General Counsel

Signature: Shiraz D. Tangri
Date: 12/12/2023