



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

Project: Cork and Batter Renovation at Seaport Village  
Location: 807 West Harbor Drive, San Diego, CA 92101  
Parcel No.: 018-054  
Project No.: 2023-168  
Applicant: Freddy Braidy, Manager, 807 Seaport LLC, 6925 Hollywood Boulevard, Los Angeles, CA 90028; (818) 261-7091  
Date Approved: 05/16/2024

**PROJECT DESCRIPTION**

The proposed project would involve improvements to an existing restaurant facility by 807 Seaport LLC (Applicant) in the city of San Diego, California. Work to specifically complete the proposed project would consist of interior and exterior improvements to renovate the former Buster's Beach House to a new restaurant concept, Cork and Batter.

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

- Refinish all interior floor, wall, and ceiling surfaces, including doors and windows.
- Replace existing south facing windows with floor to ceiling windows.
- Install "Juliet" balcony on the ground floor to match second floor including new wrought iron railings to replace existing exterior railings.
- Install four (4) small "Juliet" balconies at existing exterior windows.
- Raise floor heights in "sunken" areas of ground floor to match surrounding elevation.
- Removal of existing non-bearing interior walls.
- Removal of existing millwork/cabinets and bar counters.
- Removal and replacement of existing food service equipment and walk-in cooler/freezer.
- Removal and replacement of mechanical hood and HVAC equipment.
- Install handicap accessible restrooms at ground floor and second floor.
- Install new main entrance on North building façade with code required 48" roof overhang integrated into existing pitched roof structure.
- Extend existing roof slope over "to go" pickup window located adjacent to new main entrance.
- Install exterior signage, including two (2) full size name signs and two (2) small logo signs.
- Add new furniture, fixtures, and equipment (FF&E).
- Install natural gas fire pit at east exterior patio.
- Remove "faux" shutter doors at north building face, match all exterior wall surfaces to existing clapboard siding finish, and paint entire building exterior.
- Replacement of existing landscaping with a tree and plant palette that would be drought-tolerant and/or water wise, and either native or non-invasive plant species. No existing trees on the premises are proposed to be removed.

Construction of the proposed project is anticipated to occur in approximately Fall 2024 and would take approximately ten (10) months to complete with ongoing maintenance as needed. There would be no increase to seating capacity and no change or expansion of existing use due to the proposed project. All exterior signage would be reviewed and approved pursuant to the District's Tenant Signage Guidelines (updated January 2012 per Clerk Doc No. 513334).

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 Applicant 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.

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## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

### *CATEGORICAL DETERMINATION*

Categorical Exemptions: CEQA Guidelines Section 15301 (Class 1)/District Guidelines for Compliance with Section 3.a: Existing Facilities; CEQA Guidelines Section 15303 (Class 3)/District Guidelines for Compliance with CEQA Section 3.c: New Construction or Conversion of Small Structures; and CEQA Guidelines Section 15304 (Class 4)/District Guidelines for Compliance with CEQA Section 3.d: Minor Alterations to Land

- 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:
- (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.
  - (5) Minor exterior or interior alterations to incorporate architectural changes.
  - (11) Existing on and off-premise signs.

AND/OR

- 3.c. New Construction or Conversion of Small Structures: Includes construction of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another with minor modifications to the exterior of the structure.

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 improvements to an existing restaurant facility that would not involve an expansion of use or change in use, would consist of installation of small new equipment, would result in no permanent effects on the environment, and would not involve the removal of mature, scenic trees. 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 improvements

to an existing restaurant facility 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; Section 8.c: New Construction or Conversion of Small Structures; 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:

- (1) Interior or exterior alterations involving such things as partitions, plumbing, and electrical conveyances
- (7) New copy on existing on- and off-premise signs
- (12) Interior and exterior remodeling of airport facilities, marine terminal facilities, existing marine-oriented industrial structures, and commercial or recreational facilities

AND/OR

8.c. New Construction or Conversion of Small Structures: Construction and location of limited numbers of new, small facilities or structures and installation of small, new equipment and facilities, involving negligible or no change of existing use of the property.

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 improvements to an existing restaurant facility that would involve a negligible expansion of use beyond that previously existing, would involve no change of existing use of property, 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)(2) of the Port Act, which allows for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. 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  
Associate Planner  
Development Services

Signature: Lillian Mattes  
Date: 05/16/2024

Deputy/Assistant General Counsel

Signature: [Signature]  
Date: 05/16/2024