



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

Document No. **76479**Filed **03/14/2024**

Office of the District Clerk

Project: Tidelands Use and Occupancy Permit to Flagship Cruises and Events to Relocate a Waste Enclosure from Navy Pier
Location: 32.714, -117.173
Parcel No.: 018-009
Project No.: 2024-027
Applicant: Brad Engel, President, Flagship Cruises and Events, 990 N. Harbor Drive, San Diego, CA 92101
Date Approved: 03/14/2024

PROJECT DESCRIPTION

The proposed project is for a Tidelands Use and Occupancy Permit (TUOP) to Flagship Cruises and Events (Tenant) for their use of approximately 210 square feet of tideland area in the City of San Diego, California. The area proposed for use under this TUOP would be for the relocation of a waste enclosure that is currently located on Navy Pier to avoid conflicts with the Navy Pier Head House demolition. The site for the proposed relocation is east of the entrance to Navy Pier, and the relocated enclosure would be configured in a way that would not impede existing driving aisles. The purpose of this use under the TUOP would be exclusively for the purpose of an enclosure for trash, recycling, and grease receptacles and for no other purpose whatsoever without the prior written consent of the Executive Director of the District in each instance. At the relocation site, the receptacles would be enclosed by a fence, which is how the receptacles are enclosed at the current location. It is anticipated that it would take between 1-2 days to relocate the waste enclosure.

It is anticipated that the TUOP would have a total term of approximately two (2) years. The TUOP may be terminated by the Executive Director of the Port District or their duly authorized representative, or Tenant, as a matter of right without cause at any time upon the giving of thirty (30) days' notice in writing to other party of such termination.

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: SG §15303, Class 3/Section 3.c: New Construction or Conversion of Small Structures; and SG §15311, Class 11/Section 3.i: Accessory Structures

3.c. New Construction of Conversion of Small Structures (SG § 15303) (Class 3): 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.i. Accessory Structures (SG § 15311) (Class 11): Includes construction, or placement of minor structures accessory to (appurtenant to) existing facilities.

The proposed project is determined to be Categorical 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 include the installation and relocation of a small structure (i.e., waste enclosure) and include the placement of a minor structure (i.e., waste enclosure) accessory to existing facilities. 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: Park/Plaza

The proposed project conforms to the certified Port Master Plan because it would involve the relocation of a waste enclosure that would continue to support existing facilities on Navy Pier, 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.c: New Construction or Conversion of Small Structures

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

The proposed project is determined to be Categorical 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 involves the installation and relocation of a small structure.

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)(1) of the Port Act, which allows the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation . 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:
Lily Tsukayama
Senior Planner, Planning & Environment

Assistant/Deputy General Counsel

Signature: 
Date: 03/14/2024

Signature: 
Date: 03/14/2024