



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

Project: Tideland Use and Occupancy Permit to Wyatt Driscoll for Recreational Piers, Ramps, Floats, and Berthing at Shelter Island
Location: 929 Scott Street, San Diego, CA 92106
Parcel No.: 002-005
Project No.: 2025-052
Applicant: Laurie Wyatt Driscoll, 929 Scott Street, San Diego, CA 92106
Date Approved: 5/7/2025

PROJECT DESCRIPTION

The proposed project is a renewal of a Tideland Use and Occupancy Permits (TUOP) to Laurie Wyatt Driscoll (Tenant) for their continued use of approximately 3,729 sq. ft. of tideland and water areas (Premises) located southerly of 929 Scott Street, located in the City of San Diego, California. The proposed project renewal is not a separate project for CEQA purposes, but it is a subsequent approval related to the previously approved TUOP issued in July 2020 and expired December 2022 (Project No. 2020-079). No new development, construction, or increase in the size of the properties is proposed or authorized as part of this TUOP renewal. The area proposed for use under this TUOP is currently and is proposed to be used only and exclusively for the purpose of a recreational pier, associated ramp and float, berthing of recreational boats, and such other non-exclusive uses as may be approved by the Executive Director of the San Diego Unified Port District (District) and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. Boats to be berthed at the piers would be owned by the Tenant as evidenced by proof of documentation and restricted to the boundaries of the permitted Premises; the Executive Director of District may approve the berthing of other recreational boats owned by guests or invitees of the Tenant. Activities of Tenant would not interfere with the use and enjoyment by the general public of those portions of the piers as designated by for public use including the unrestricted right of access on all portions of the pier beginning from the foot of the pier adjacent to the land, to the gate near the pierhead. The Tenant shall post legible and visible signs stating that the public portions of each pier are open to the public. The Tenant, however, may restrict the general public's right of access to public portions of the piers to daylight hours only, from one hour before sunrise to one hour after sunset (according to the National Weather Service) and to non-public portions of the piers via a locked gate. The Tenant 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.

It is anticipated that the TUOP would have a total term of approximately five (5) years. The TUOP may be terminated by the District or Tenant as a matter of right and without cause at any time upon providing thirty (30) days' notice in writing to the other part of such termination.

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(s): Class 1 - Existing Facilities (CEQA Guidelines § 15301; District Guidelines § 3.a.)

Class 1 - Existing Facilities (CEQA Guidelines § 15301; District Guidelines § 3.a.): 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 condition 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(s) of the District's *Guidelines for Compliance with CEQA* as identified above. This is appropriate for the proposed project because consist of a TUOP for piers, ramps, floats, and boat berthing, and would involve no expansion of use beyond that previously existing and would not result in a significant cumulative impact due to the continuation of the existing use. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines § 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(s): 1 - Shelter Island/La Playa (Precise Plan Figure 4)

Land and Water Use Designation(s): Open Bay/Water and Open Space

The proposed project conforms to the certified Port Master Plan because it would involve a TUOP for piers, ramps, floats, and boat berthing, 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

The proposed project would renew an existing real estate agreement through issuance of a TUOP. The proposed project does not allow for "development" as defined in Section 30106 of the California Coastal Act, or "new development" pursuant to Section 1.a. of the District's Coastal Development Regulations. Therefore, issuance of a Coastal Development Permit or categorical exclusion is not required.

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.

SCOTT CHADWICK
President/CEO

Determination by:
Betsy Viramontes
Assistant Planner
Development Services

Signature: Betsy Viramontes
Date: 5/7/2025

Assistant/Deputy General Counsel

Signature: Shiraz Tangri
Date: 5/7/2025