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PORT of SAN DIEGO
Waterfront of Opportunity

CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: Removal of Waterside Infrastructure at Driscoll's Wharf
Location: 4918 North Harbor Drive, San Diego, CA 92106
Parcel No.: 003-060
Project No.: 2026-136
Applicant: Tom Driscoll, President, Driscoll Marina, Ltd (dba Driscoll's Wharf), 4918 North Harbor Drive, Unit 203, San Diego, CA 92106; (619) 787-6260
Date Approved: 11/5/2026

PROJECT DESCRIPTION

The proposed project would include the removal of certain waterside commercial fishing infrastructure by Driscoll Marina, Ltd. (Tenant) at Driscoll's Wharf in the city of San Diego, California. The proposed project would be implemented as a hazard-abating effort due to the deteriorated state of the electrical systems and horizontal structures (i.e., loose decking on the piers) at Piers 5, 6, 7, and 8 (see Attachment 1) at Driscoll's Wharf as a result of elevated tide and storm surge conditions, as well as a preventative effort for any further deterioration resulting from the additional anticipated super tides and storm surges anticipated to occur in the coming months.

Since 2024, commercial fishing operations have been consolidated onto Pier 5, while Piers 6 and 8 have been removed from active service; Pier 7 has maintained limited service for site security purposes. There are currently 11 commercial fishing vessels and two (2) City of San Diego vessels berthed at Driscoll's Wharf, which would need to be relocated in order to commence the proposed project. These vessels may be relocated to alternative location(s) where feasible in San Diego Bay. While Piers 5, 6, 7, and 8 would be decommissioned as a result of the proposed project, the fish offloading pier (Pier 4) at Driscoll's Wharf would remain in place and continue to operate throughout and following completion of the proposed project, as it provides critical infrastructure to commercial fishing operations and the on-site seafood processing businesses. Maintaining access to the fish offloading pier would ensure that, if commercial fishing vessels are temporarily relocated to an alternative location, fishermen may still access Driscoll's Wharf to store, load, and unload fishing gear and equipment that cannot be readily accommodated at an alternative location, such as Tuna Harbor.

In October 2026, Pier 5 experienced significant failures of its electrical system due to extreme high tides. The extreme high tides resulted in saltwater intrusion into below-deck electrical infrastructure, arcing, and repeated breaker failures; the electrical system has since been de-energized and remains locked due to life-safety concerns. Other concerns due to the deteriorated conditions of timber decking and supporting structural components include potential fire, electrical, structural, public safety, and marine debris hazards, which are anticipated to worsen as a result of the upcoming El Niño season if left unattended. Work to specifically complete the proposed project would include the following at Piers 5, 6, 7, and 8:

- Removal of electrical pedestals, wiring, conduit, and related equipment associated with the four berthing piers;
- Removal of gangways, ladders, timber deck planking, beams, and other horizontal superstructures that create and immediate access, structural, or marine-debris hazard; and
- Maintaining of site controls during the proposed project to prevent unauthorized access and to protect adjacent waters.

The proposed project will not remove vertical support piles or include any other sediment-disturbing work; the limited scope of the proposed project would address the immediate hazard presented by the failed electrical system and deteriorated decking and superstructure of Piers 5, 6, 7, and 8, and does not include and/or permit the Tenant's remaining end-of-term obligations.

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Additionally, the Tenant has initiated conversations with the U.S. Coast Guard on how to ensure the temporarily leftover piles do not create a navigational hazard in America's Cup Harbor. A potential solution to avoid creating a navigational hazard may be the proposed project adding navigational beacons to the end of each piling to help notify boaters of the navigational hazards.

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

Based upon the above description, the proposed project is determined to be statutorily exempt pursuant to CEQA Guidelines Section 15269 (Emergency Projects) and/or categorically exempt pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and Sections 2.f. and/or 3.a. of the District's *Guidelines for Compliance with CEQA*. Sections 2.f. and 3.a. of the District's CEQA Guidelines are as follows:

2.f. Emergency Projects (SG § 15269): Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been declared; emergency repairs necessary to maintain service; and specific actions necessary to prevent or mitigate an emergency, are exempt from CEQA requirements.

AND/OR

3.a. Existing Facilities (SG § 15301) (Class 1): 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.

(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.

(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 damages was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.

(10) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices.

The proposed project is determined to be Statutorily and/or Categorically Exempt pursuant to the CEQA Guidelines and the Section(s) of the District's *Guidelines for Compliance with CEQA* as identified above because it is a project necessary to prevent or mitigate any emergency that consists of the removal of limited waterside commercial fishing infrastructure, including electrical systems and deteriorated

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horizontal structures, that 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 Section 15300.2).

Further, the Tenant's remaining end-of-term obligations and the District's proposed redevelopment of the commercial fishing piers (collectively "Demolition and Redevelopment Project") are part of a separate project under environmental review by the District. The proposed project has independent utility from the Demolition and Redevelopment Project because neither project is dependent on the other, or necessary for the other in order for either project to proceed.

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);

Water Use Designation: Commercial Fishing Berthing

The proposed project conforms to the certified Port Master Plan because it would involve the removal of limited waterside commercial fishing infrastructure, including electrical systems and deteriorated horizontal structures, consistent with the existing certified Water 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.a: Existing Facilities

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;

(6) Addition of safety or health protection devices for use during construction of, or in conjunction with, existing structures, facilities, or mechanical equipment, or topographical features, including navigational devices;

(9) Demolition and removal of individual small structures, except where structures are of historical, archeological, or architectural significance;

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

The proposed project is determined to be Categorically Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above because it consists of the removal of limited waterside commercial fishing infrastructure, including electrical systems and deteriorated horizontal structures, that would involve no 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)(1) of the Port Act, which allows for 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.

SCOTT CHADWICK
President/CEO

Determination by:
Davin Cox
Planner I
Development Services

Signature: _____
Date: 11/5/2026

Assistant/Deputy General Counsel

Signature: Shiraz Tangri
Date: 11/5/2026

Attachments:

1. Driscoll's Wharf Site Plan

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Attachment 1

Existing Driscoll's Wharf



Note: aerial does not depict existing conditions