

San Diego Unified Port District

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

Project: Humphrey's Restaurant Parking Lot Repaving
Location(s): 2303 Shelter Island Drive, San Diego, California 92106
Parcel No.(s): 003-010
Project No.: 2018-021
Applicant: Richard Bartell, Bartell Hotels, 2051 Shelter Island Drive, San Diego, California 92106
Date Approved: March 5, 2018

Project Description

The proposed project is the repaving of an existing parking lot located at 2303 Shelter Island Drive in San Diego, California.

The following work was completed without the benefit of District-issued permits or approvals on the project site:

- Removal of approximately 15,595 square feet (sf) of 3-inch thick asphalt pavement, including hauling of approximately 60 truckloads of construction debris.

The District became aware of the unpermitted work through a site inspection and on February 7, 2018, the District, in accordance with its authority under the law, Sections 0.13, 10.09(b) and 10.09(e) of the San Diego Unified Port District Code and its Coastal Development Permit regulations issued the permittee/applicant an administrative citation and stop, cease and desist order.

The proposed project would not expand the existing parking lot or change the number or layout of parking spaces within the existing main parking lot. Work to complete the proposed project would include the following:

- Removal of approximately four truckloads of construction debris;
- Repave previously existing approximately 15,595 sf parking lot with approximately 3-inch thick asphalt; and
- Restripe the parking lot consistent with the existing layout.

Continued construction of the proposed project is anticipated to commence in March 2018, and take approximately two weeks to complete. It is anticipated that the proposed project would generate approximately fifteen vehicle and truck trips per day during construction. Vehicle and truck trips are associated with deliveries, transport of construction workers, and hauling of construction demolition debris. Due to its nature and limited scope, construction of the proposed project will generate a minor amount of vehicle and truck trips and will require limited use of construction equipment, and will not result in impacts. During construction of the proposed project, the adjacent open-air promenade will remain open and accessible to the public at all times. Furthermore, the applicant is responsible for complying with all applicable federal, state, and local laws regulating, among other items, construction demolition debris, hazards and hazardous materials, noise, and stormwater.

The following categorical determinations are based on the project submittal for the proposed project and all project information known to the District as of the date of this determination.

CEQA DETERMINATION

Based upon the above description, the project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and Section 3.a (8) of the District's *Guidelines for Compliance with CEQA* because it is the repaving of an existing parking lot that would involve no expansion of use beyond that previously existing. Section 3.a (8) of District's CEQA Guidelines is as follows:

- 3.a. Existing Facilities (SG § 15301) (Class 1): Includes operation, repair, maintenance, or minor alteration of existing public and private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:
- (8) Existing highways, streets, sidewalks, bicycle and pedestrian trails, and similar facilities, except where the activity would involve removal of a scenic resource including a stand of trees, a rock outcropping, or an historic building.

The Categorical Exemption listed above is appropriate for the proposed project because it is the repaving of an existing parking lot that would involve no expansion of use beyond that previously existing and would not remove a scenic resource, including a stand of trees, a rock outcropping, or a historic building. 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), because the location of this project would not result in an impact that would ordinarily be considered insignificant, no cumulative impacts would result from this projects, as the facilities would have substantially the same purpose and capacity, there is no reasonable possibility that the project would result in a significant impact, the project site would not result in damage to scenic resources, especially within a state scenic highway, the project site is not located on within a hazardous waste site, and the project would not result in a substantial adverse change in the significance of a historical resource.

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.

The proposed project complies with Section 87 of the Port Act, which allows for 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.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The project is located in Planning District 1, Shelter Island/La Playa, which is delineated on Precise Plan Map Figure 4 of the certified Port Master Plan. The Port Master Plan land use designation within the limits of the proposed project is Commercial Recreation. The project conforms to the certified Port Master Plan because it is the repaving of an existing parking lot consistent with the existing certified land use designation. The project would not change the use of the site nor would it interrupt or expand the existing conforming use of the site.

CATEGORICAL DETERMINATION

The above project proposes the repaving of an existing parking lot that would involve no expansion of use beyond that previously existing. This project is consistent with the existing certified land use

designation and is Categorically Excluded under Section 8.a (3) of the District's *Coastal Development Permit Regulations*, as follows:

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:

(3) Streets, sidewalks, gutters, bicycle and pedestrian paths, and similar facilities.

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.

RANDA CONIGLIO
President/CEO

Determination by:
Juliette Orozco
Associate Planner
Development Services

Signature: Juliette Orozco
Date: 3-5-18

Deputy General Counsel

Signature: W.S. McNeil
Date: 3-5-18