

**San Diego Unified Port District**

**CEQA and COASTAL DETERMINATION  
and  
NOTICE OF APPROVAL**

**Project:** Installation of Fencing by Hornblower Yachts on Grape Street Pier  
**Location(s):** 1800 N. Harbor Drive, San Diego, CA 92101  
**Parcel No.(s):** 017-050  
**Project No.:** 2018-039  
**Applicant:** Jim Unger, General Manager, Hornblower Yachts, LLC, 2825 5<sup>th</sup> Avenue, San Diego, CA 92103  
**Date Approved:** April 23, 2018

**Project Description**

The proposed project involves the installation of a fence, and the modification, maintenance, and removal of the proposed and existing fences on Grape Street Pier, in the city of San Diego, California. The installation of the proposed fence would improve customer safety and site aesthetics. The extension would be fabricated out of the same materials as the existing fence, and the height of the new fence would be the same as the existing fence. The installation would take approximately four days to complete, with ongoing modifications, maintenance, and removal to occur as needed.

Due to its limited scope, construction of the proposed project would generate a minor amount of vehicle trips and would therefore not result in any significant impacts including, but not limited to, air quality, greenhouse gas emissions, noise, or transportation and traffic. Furthermore, the project applicant would be responsible for complying with all applicable federal, state, and local laws regulating construction demolition debris recycling.

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.

***CEQA DETERMINATION***

Based upon the above description, the project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and/or Section 15311 (Accessory Structures) and 3.a., 3.b., 3.c. (2), 3.d. (7), and/or 3.i. of the District's *Guidelines for Compliance with CEQA* because the project proposes installation of and works on an accessory structure to a pier. Sections 3.a., 3.b., 3.c. (2), 3.d. (7) and 3.i. of the District's CEQA Guidelines are as follows:

- 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.

AND/OR

- 3.b. Replacement or Reconstruction (SG § 15302) (Class 2): Includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced.

AND/OR

- 3.c. New Construction or 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 structure.

- (2) Accessory (appurtenant) structures and mechanical equipment including, but not limited to, garages, sheds, railway spur tracks, pilings, temporary trailers, industrial equipment enclosures, fences, parking, on-site roadways, walkways and health and safety devices.

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:

- (7) Minor trenching and backfilling where the surface is restored.

AND/OR

- 3.i. Accessory Structures (SG § 15311) (Class 11): Includes construction, or placement of minor structures accessory to (appurtenant to) existing facilities.

The Categorical Exemptions listed above are appropriate for the proposed project because it is installation of and works on an accessory structure to a pier that would involve negligible expansion of use beyond that previously existing, would have substantially the same purpose as the facilities being replaced or reconstructed, and would not involve the removal of mature, scenic trees, 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).

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 the establishment, improvement, and conduct of a harbor, and for the construction, 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.

## **CALIFORNIA COASTAL ACT**

### **PORT MASTER PLAN**

The project site is located in Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan. The Port Master Plan land use designations within the limits of the proposed project are Park/Plaza and Commercial Recreation. The project conforms to the certified Port Master Plan because the project proposes installation of and works on an accessory structure to a pier and is consistent with the certified land use designation. The project would not change the use of the site nor would it interrupt the existing conforming use of the site.

### **CATEGORICAL DETERMINATION**

The above project proposes installation of and works on an accessory structure to a pier that would involve negligible expansion of use beyond that previously existing, would have substantially the same purpose and capacity as the structure replaced, would involve no change of the existing use of the property, and would not involve the removal of mature, scenic trees. The project is consistent with the existing certified land use designations and is Categorically Excluded under

Categorically Excluded under Sections 8.a., 8.b., 8.c. (3), and 8.d. (6) of the Districts Coastal Development Permit Regulations:

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.

AND/OR

8.b. Replacement or Reconstruction: Replacement or reconstruction of existing structures and facilities where the new structure will be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

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, including but not limited to:

- (3) Accessory structures, including, but not limited to, on-premise signs, small parking lots, fences, walkways, swimming pools, miscellaneous work buildings, temporary trailers, small accessory piers, minor mooring facilities, buoys, floats, pilings, or similar structures; and seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar structures.

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:

- (6) Minor trenching or backfilling where the surface is restored.

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 J. CONIGLIO  
President/CEO

Determination by:  
Cameron McLeod  
Assistant Planner  
Development Services

Signature: Cameron McLeod  
Date: 4/23/2018

Deputy General Counsel

Signature: Randa J. Coniglio  
Date: 4-23-18