CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project:  Tideland Use and Occupancy Permit to San Diego Mooring Company, LLC for Storage, Parking, and Vessel Berthing
Location:  North side of Grape Street Pier and North Harbor Drive, San Diego, CA 92101
Parcel No.:  017-052, 017-053, 017-054, and 017-093
Project No.:  2016-66a
Applicant:  San Diego Mooring Company, LLC, 4980 North Harbor Drive, Suite 200, San Diego, CA 92106
Date Approved:  June 5, 2020

PROJECT DESCRIPTION

The proposed project is an extension of an existing Tideland Use and Occupancy Permit (TUOP) to San Diego Mooring Company, LLC (Tenant) for their continued use of two utility enclosures (approximately 179 square feet and approximately 340 square feet) for storage uses located on North Harbor Drive, two on-street parking spaces located on North Harbor Drive adjacent to the Grape Street Pier, and water area for vessel berthing (approximately 1,280 square feet) located on the north side of Grape Street Pier, in the City of San Diego. The areas proposed for use under this TUOP would be used only and exclusively for the purpose of two utility enclosures for storage, parking spaces, and vessel berthing and support area used for emergency response, inspection, construction, and maintenance of mooring buoys and other marine and shoreline accessible structures, and for no other purpose whatsoever without prior written consent of the Executive Director of District in each instance. No new development, construction, or increase in the size of the property is proposed or authorized as part of the TUOP.

The existing short-term lease commenced on August 1, 2016, and would be extended to terminate on July 31, 2021, for a total term of five (5) years. The TUOP may be terminated by the Executive Director of District or his or her duly authorized representative, or Tenant, as a matter of right and without cause at any time upon the giving of thirty (30) days’ notice in writing to the other party 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: SG §15301, Class 1/Section 3.a: Existing Facilities

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:

(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 conditions 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 of the District’s Guidelines for Compliance with CEQA as identified above. This is appropriate for the proposed project because it is a TUOP for storage, parking, and vessel berthing that would involve no expansion of use beyond that previously existing and would not result in significant cumulative impacts due to the continuation of existing uses. 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 and Water Use Designations: Park/Plaza; and Specialized Berthing

The proposed project conforms to the certified Port Master Plan because it would involve issuance of a TUOP for storage, parking, and vessel 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 use 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.

The proposed project is determined to be Categorically 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 consists of issuance of a TUOP for storage, parking, and vessel berthing and would involve negligible or 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)(2) of the Port Act, which allows for all 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.

RANDA CONIGLIO
President/CEO

**Determination by:**

Michael Paul  
Assistant Planner  
Development Services

Deputy General Counsel

**Signature:** Michael Paul
**Date:** June 5, 2020

**Signature:** Cliff Paul  
**Date:** June 5, 2020