

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS

Project: San Diego Convention Center IBank Financing for Repairs to the Sails Pavilion, Escalators, Cooling Towers, and Life Safety
Location(s): 111 West Harbor Drive, San Diego, CA 92101
Convention Way, San Diego, CA 92101
Parcel No.(s): 019-005 and 019-026
Project No.: 2016-69a
Applicant: Mark Emch, VP Finance & CFO, San Diego Convention Center Corporation, 111 W. Harbor Drive, San Diego, CA 92101
Chuck McArthur, Project Manager, San Diego Convention Center Corporation, 111 W. Harbor Drive, San Diego, CA 92101
Date Approved: June 15, 2016 Revised: October 19, 2017

Project Description

The proposed project is the consent to encumbrance, consent to a sublease of certain improvements under a lease-leaseback arrangement, and an amendment to the 1998 Management Agreement to allow for California Infrastructure and Economic Development Bank (IBank) to finance improvements at the San Diego Convention Center (Convention Center).

In December 2015, the City of San Diego (City) and the San Diego Convention Center Corporation (SDCCC) submitted joint applications to the IBank to obtain funding for previously identified Convention Center capital needs, including the replacement of the Sails Pavilion roof, through the Infrastructure State Revolving Fund (ISRF) program. The ISRF program provides financing through the IBank to public agencies and non-profit corporations for a wide variety of infrastructure projects, such as the proposed Convention Center projects described below.

- Sails Pavilion Upgrades - Remove and replace the entire tensioned roof structure. The upgrades also include the replacement of concrete floor, fire cannon, roof-top chillers, and tie-in of two stand-alone roof top chillers into the chilled water system.
- Escalator Modernization - Includes the following components: truss, isolation mounting, incline modules, step band, comb plates, access covers, decks, balustrades, front plates, skirts, interior trim, handrails, controls, wiring, and safety devices.
- Cooling Tower Replacement - Remove and replace the existing five cooling towers and related devices that serve the entire Convention Center. The replacement includes all supports, flashings, pumps, and controls necessary to deliver a complete system.
- Fire Life Safety System Replacement - Replacement of the West Building's existing fire alarm system.

Construction of the proposed Sails Pavilion Upgrades project listed above would require a Right of Entry License Agreement (ROELA) to the SDCCC to enter upon certain property located at Convention Way in the City of San Diego, California. The land proposed for use under this ROELA would be used by SDCCC, its authorized agent(s) and contractor(s), for the purpose of the proposed construction and improvements related to the Sails Pavilion Upgrades, as well as ingress and egress in support of those

activities.

The ROELA is anticipated to commence on November 3, 2017 and terminate on December 31, 2017 or upon completion of the work, whichever occurs earlier. In accordance with the terms of the ROELA, it may be terminated by the District as a matter of right or without cause at any time upon providing twenty-four (24) hours' written notice to Licensee of such termination.

Further discretionary approvals from the District may be required for these projects prior to commencement of construction which District staff would determine at a future date.

The following categorical determinations are based on the draft agenda sheet, SDCCC's project submittal, and all project information known to the District as of the date of this determination.

CEQA DETERMINATION

In accordance with the California Environmental Quality Act (CEQA) statutes, in June 2016, the City of San Diego City Council approved a CEQA Exemption for the San Diego Convention Center IBank Financing for Repairs to the Sails Pavilion, Escalator, Cooling Towers, and Life Safety Systems. The CEQA Exemption identified that the proposed project is determined to be Categorically Exempt pursuant to CEQA Guidelines Section 15301 (Class 1 - Existing Facilities) because the project in question would involve no expansion of use beyond that previously existing. Pursuant to CEQA Guidelines Section 15381, the District is a Responsible Agency because the projects are being carried out by the City of San Diego on District Tidelands. The District has considered the CEQA Exemption and finds that it is sufficient for the proposed project.

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 proposed construction of the Sails Pavilion Upgrades project and the associated ROELA is located in Planning District 3, Center 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 Commercial Recreation, Park/Plaza, Promenade, and Street. The project conforms to the certified Port Master Plan because it is the replacement of the existing Sails Pavilion and an associated ROELA. The project would not change the use of the site nor would it interrupt or significantly expand the existing conforming use of the site. Thus, the proposed project conforms to and is consistent with the existing certified land use designations.

CATEGORICAL DETERMINATION

The proposed encumbrance, consent to a sublease of improvements under a lease-leaseback arrangement, and amendment to the management agreement for the SDCCC between the City of San Diego and the District are not considered "development" under the District's Coastal Development Permit Regulations.

Furthermore, the proposed construction of the Sails Pavilion Upgrades project and the associated ROELA would involve negligible or no expansion of use beyond that previously existing, and will be located on the same site and have substantially the same size, purpose, and capacity as the structures being replaced. This project is consistent with the existing certified land use designations and is Categorically Excluded under Section 8.a. 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.

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.

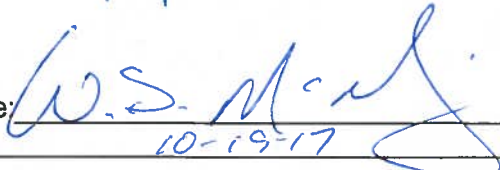
The approval of future development of the improvements under the Coastal Act will be considered by the District at a later date, at which time the District will determine whether the development is "excluded development" or require a Coastal Development Permit pursuant to the District's Coastal Development Permit Regulations.

RANDA CONIGLIO
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Signature: 
Date: 10/19/17.

Deputy General Counsel

Signature: 
Date: 10-19-17