

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: Tideland Use and Occupancy Permit to Metron, Inc. for Berthing, Office Space, Parking, and Watercraft Operation at Tenth Avenue Marine Terminal
Location(s): Tenth Avenue Marine Terminal
Parcel No.(s): 020-000, 020-036, 020-037, and 021-001
Project No.: 2017-069a
Applicant: Michael Atamian, Director, Operations Analysis and Simulation Sciences (OASiS) Division, Metron, Inc., 12250 El Camino Real, STE 260, San Diego, CA 92130
Date Approved: May 23, 2017 Revised: May 7, 2018

Project Description

The proposed project is a Tideland Use and Occupancy Permit (TUOP) to Metron, Inc. (Tenant) for their use of approximately 10,000 square feet (sf) of water area and 2,390 sf of tideland area located in the City of San Diego, California. The areas proposed for use under this TUOP are currently and are proposed to be used only and exclusively for the non-exclusive purpose of berthing, employee parking, associated office space, and the operation of one or more Large Diameter Unmanned Underwater Vehicles (LDUUV) from modular barges temporarily secured to the premises in support of a United States Navy Unmanned Underwater Vehicle program, up to four, eleven-meter Rigid Hull Inflatable Boats (RHIB), and two mobile pin barges and for no other purpose whatsoever without the prior written consent of the District in each instance. The District may relocate the tenant's employee parking to other locations on the Tenth Avenue Marine Terminal at any time with at least a ten (10) day written advance notice. The Tenant would be responsible for compliance with all laws and regulations associated with the activities on or in connection with the above-described premises, and in all uses thereof, including those regulating stormwater and hazardous materials. No new development, construction, uses, or increase in the size of the Tenant's leasehold or the TUOP area is proposed or authorized as part of this TUOP.

It is anticipated that the TUOP would have a total term of five (5) years. The TUOP may be terminated by the Executive Director of District 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 TUOP 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. (4) of the District's *Guidelines for Compliance with CEQA* because the project is a TUOP for the purpose of berthing, parking, office space, and the operation of watercraft that would involve no expansion of use beyond that previously existing. Section 3.a. (4) of the 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:
 - (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 exemption is also inapplicable if the cumulative

impact of continuing the existing use or conditions in the same place, over time, is significant.

The Categorical Exemption listed above is appropriate for the proposed project because it is a TUOP for the purpose of berthing, parking, office space, and the operation of watercraft that would involve no expansion of use beyond that previously existing. Furthermore, the TUOP would not result in any significant cumulative impacts 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 all 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 site is located in Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 13 of the certified Port Master Plan. The Port Master Plan land use designations within the limits of the proposed project are Marine Related, Specialized Berthing, and Terminal Berthing. The project conforms to the certified Port Master Plan because it is issuance of a TUOP for the purpose of berthing, parking, office space, and the operation of watercraft consistent with the existing certified land use designations. The project would not change the uses of the site nor would it interrupt or expand the existing conforming uses of the site.

CATEGORICAL DETERMINATION

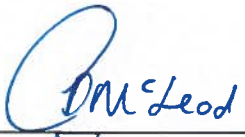
The above project proposes a TUOP for the purpose of berthing, parking, office space, and the operation of watercraft that would involve no expansion of use beyond that previously existing. This project is consistent with the existing certified land use designations and is Categorically Excluded under Section 8.a. 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.

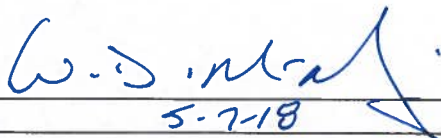
Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

RANDA CONIGLIO
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Signature: 
Date: 5/7/2018

Deputy General Counsel

Signature: 
Date: 5-7-18