



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

Project: Tideland Use and Occupancy Permit to Pepper Oil Company, Inc.
Location: 2300 Tidelands Avenue, National City, CA 91950
Parcel No.: 026-011
Project No.: 2017-142a
Applicant: Dave Pepper, Jr., Vice President, Pepper Oil Company, Inc., 2300 Tidelands Avenue, National City, CA 91950
Date Approved: September 15, 2020

PROJECT DESCRIPTION

The proposed project is an extension of an existing Tideland Use and Occupancy Permit (TUOP) to Pepper Oil Company, Inc. (Tenant) for their continued use of approximately 111,833 square feet of tideland located in the City of National City, California. The area proposed for use under this TUOP is currently and is proposed to be used only and exclusively for the purpose of receiving, storing, transporting, and dispensing wholesale and retail petroleum products and maintaining, repairing, and operating all existing equipment and facilities, and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The Tenant would be responsible for compliance with all laws and regulations associated with the activities or in connection with the above-described premises, and in all uses thereof, including those regulating storm water 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.

The proposed project would extend an existing TUOP that would commence on December 1, 2020 and terminate on November 30, 2022, for an extension of two (2) years and a total term of five (5) years. The TUOP may be terminated by the Executive Director of District or their 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.

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's an extension of a TUOP for an existing retail petroleum products facility that would involve no expansion of use beyond that previously existing 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.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

Planning District: 5 - National City Bayfront (Precise Plan Figure 15)

Land Use Designation: Marine Related Industrial

The proposed project conforms to the certified Port Master Plan because it is an extension of a TUOP for an existing retail petroleum products facility that would involve receiving, storing, transporting, and dispensing wholesale and retail petroleum products and maintaining, repairing, and operating all existing equipment and facilities that would involve no expansion of use beyond that previously existing, consistent with the existing certified Land use designation. The proposed project would not change the use of the site nor would it interrupt or expand the existing conforming uses 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, including but not limited to:

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 is an extension of a TUOP for an existing retail petroleum products facility that would involve receiving, storing, transporting, and dispensing wholesale and retail petroleum products and maintaining, repairing, and operating all existing equipment and facilities, 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)(1) 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

Signature: Michael Paul
Date: Sep 15, 2020

Deputy General Counsel

Signature: Chris Burt
Date: Sep 15, 2020