

San Diego Unified Port District
CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: Right of Entry Permit to the San Diego Unified Port District
Location(s): Tenth Avenue Marine Terminal, 1824 Crosby Road, San Diego, CA 92101
Parcel No.(s): Various
Project No.: 2017-143a
Applicant: Isabel Ortega, Asset Manager, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101
Date Approved: August 15, 2017 Revised: October 18, 2017

Project Description

The proposed project is a Right of Entry Permit (ROE) to the San Diego Unified Port District (Permittee) and its authorized contractor to enter upon that certain property located at 1824 Crosby Road on Tenth Avenue Marine Terminal in the City of San Diego, California. The area proposed for use under this ROE would be used by the Permittee and its contractor for the purpose of inspection, maintenance, and repair related to the communications, fire alarm, and security systems. In addition, the ROE would provide ingress and egress of the Permittee. Furthermore, the Permittee would be responsible for abiding by and conforming to all laws and regulations associated with the activities on or in connection with the above-described premises, including hazards and hazardous materials and stormwater.

The ROE is anticipated to commence on November 1, 2017 and terminate October 31, 2022, for a total term of five (5) years, or at the time Permittor's rights to the Permit Area under a License Agreement including any holdover terminates, whichever occurs earlier. The ROE may be terminated earlier by mutual agreement of the Permittee and Permittor.

The following categorical determinations are based on the ROE and all project information known to the District as of the date of this determination.

CEQA DETERMINATION

Based upon the above description, the proposed project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and Section 3.a. (1) and 3.a. (10) of the District's *Guidelines for Compliance with CEQA* because the proposed project is an ROE for the purpose of maintenance related to the communications, fire alarm, and security systems that would not result in a serious or major disturbance to an environmental resource. Section 3.a. (1) and 3.a. (10) 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 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:
- (1) Repair, maintenance or minor alteration of existing mooring facilities, floats, piers, piles, wharves, bulkhead, revetment, buoys, or similar structures; marine terminal facilities; airport facilities; and commercial industrial, or recreational facilities.
 - (10) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices.

The Categorical Exemptions listed above are appropriate for the proposed project because it is an ROE for maintenance related to the communications, fire alarm, and security systems that would involve no expansion of use beyond that previously existing. Furthermore, the ROE 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 proposed 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 designation within the limits of the proposed project is Marine Terminal. The proposed project conforms to the certified Port Master Plan because it is an ROE for the purpose of maintenance related to the communications, fire alarm, and security systems 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 use of the site.

CATEGORICAL DETERMINATION

The above project proposes an ROE for the purpose of maintenance related to the communications, fire alarm, and security systems that would not result in a serious or major significant disturbance to an environmental resource. The proposed project is consistent with the existing certified land use designation and is Categorical Excluded under Section 8.e 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: C.M. McLeod.
Date: 10/17/17.

Deputy General Counsel

Signature: W.S. McLeod.
Date: 10-16-17