

**San Diego Unified Port District**

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

Project: Vending Permit to Moody's Lunch Services, Inc., for Operation of a Food Vending Vehicle  
Location(s): National City Marine Terminal, 1400 Terminal Street, National City, CA 91954  
Tenth Avenue Marine Terminal, 1800 Crosby Road, San Diego, CA 92101  
Parcel No.(s): 020-025 and 027-003  
Project No.: 2017-149  
Applicant: Dennis Moody, Moody's Lunch service, LLC, 4637 Market Street, San Diego, CA 92102  
Date Approved: August 28, 2017

Project Description

The proposed project is a Vending Permit (Permit) to Moody's Lunch Service, Inc. (Tenant) to conduct food vending activities at National City Marine Terminal and Tenth Avenue Marine Terminal, California. The areas proposed for use under this Permit are currently and are proposed to be used only and exclusively for the purpose of the non-exclusive operation of a food vending vehicle. The locations where the food vehicle would operate are restricted to two locations at the National City Marine Terminal and other areas as designated by the Director of Maritime Operations. 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 permit area is proposed or authorized as part of this Permit.

It is anticipated that the Permit would commence on October 1, 2017 and terminate on September 30, 2021, for a total term of four (4) years. The Permit 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 twenty-four (24) hours' notice in writing to the other party of such termination.

The following categorical determinations are based on the Permit 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 Permit for the purpose of the operation of a food vending vehicle 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 Permit for the purpose of the operation of a food vending vehicle that would involve no expansion of use beyond that previously existing. Furthermore, the Permit would not result in any significant cumulative impacts due to the continuation of the existing use.

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. 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 and Planning District 5, National City Bayfront, which is delineated on Precise Plan Map Figure 15 of the certified Port Master Plan. The Port Master Plan land use designations within the limits of the proposed project are Marine Related and Marine Terminal. The project conforms to the certified Port Master Plan because it is issuance of a Permit for the purpose of the operation of a food vending vehicle, consistent with the existing certified land use designations. The 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 a TUOP for the purpose of the operation of a food vending vehicle 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.

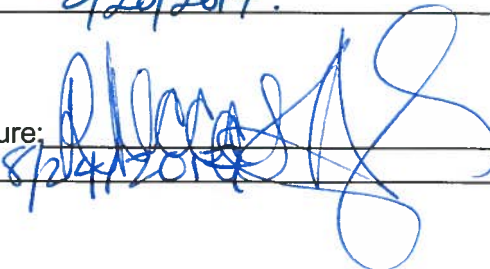
Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

RANDA CONIGLIO  
President/CEO

Determination by:  
Cameron McLeod  
Assistant Planner  
Development Services

Signature:   
Date: 8/28/2017

Deputy General Counsel

Signature:   
Date: 8/24/2017