

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS  
and  
NOTICE OF APPROVAL

Project: Tideland Use and Occupancy Permit to Pearson Marine Fuels, Inc. for Marine Services and Delicatessen at Shelter Island  
Location(s): 2435 Shelter Island Drive, San Diego, CA 92106  
Parcel No.(s): 003-006  
Project No.: 2017-189  
Applicant: Theodore Griffith, Pearson Marine Fuels, Inc., 2435 Shelter Island Drive, San Diego, CA 92106  
Date Approved: January 4, 2018

Project Description

The proposed project is a Tideland Use and Occupancy Permit (TUOP) to Pearson Marine Fuels, Inc. (Tenant) for their use of approximately 36,900 square feet of tideland and water area located in the City of San Diego, California. The area proposed for use under this TUOP is currently and is proposed to be used only and exclusively for the purpose of a marine service station and sandwich shop/delicatessen including alcoholic beverage sales and ice sales and for no other purpose whatsoever by Tenant 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 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 commence on January 20, 2018 and terminate on January 19, 2021, for a total term of three (3) 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 a marine service station and sandwich shop/delicatessen including alcoholic beverage sales and ice sales 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 a marine service station and sandwich shop/delicatessen including alcoholic beverage sales and ice sales 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 the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses, including, but not limited to, snack bars, cafes, restaurants, motels, launching ramps, and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways, and landscaped areas. 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 1, Shelter Island/La Playa, which is delineated on Precise Plan Map Figure 4 of the certified Port Master Plan. The Port Master Plan land and water use designations within the limits of the proposed project are Marine Sales/Services, Marine Services Berthing, and Promenade. The project conforms to the certified Port Master Plan because it is issuance of a TUOP for the purpose of a marine service station and sandwich shop/delicatessen including alcoholic beverage sales and ice sales consistent with the existing certified land and water 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 a marine service station and sandwich shop/delicatessen including alcoholic beverage sales and ice sales that would involve no expansion of use beyond that previously existing. This project is consistent with the existing certified land and water use designations and is Categorically Excluded under Section 8.a. of the District's *Coastal Development Permit Regulations*, as follows:

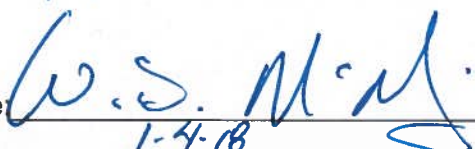
- 8.a. Existing Facilities: The operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing.

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: 1/4/2018.

Signature:   
Date: 1-4-18

Deputy General Counsel