

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: TUOP to the City of Imperial Beach for Fitness Equipment at Dunes Park
Location(s): 790 Seacoast Drive, Imperial Beach, CA 91932
Parcel No.(s): 061-001
Project No.: 2018-089
Applicant: Aaron Borngaber, Associate Planner, City of Imperial Beach, 825 Imperial Beach Boulevard, Imperial Beach, CA 91932
Date Approved: May 15, 2018

Project Description

The proposed project is a Tidelands Use and Occupancy Permit (TUOP) to the City of Imperial Beach (Tenant) for their use of approximately 1,406 square feet of land area located in the city of Imperial Beach, California. The area proposed for use under this TUOP is proposed to be used only and exclusively for the purpose of the installation, operation, maintenance, and removal of fitness equipment, and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance.

It is anticipated that the TUOP would have a total term of up to five (5) years. The TUOP may be terminated by the Executive Director of the Port 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 other party of such termination.

The proposed project would involve installation of fitness equipment. It is anticipated that construction would commence mid-2018, and would take approximately one day to complete, with ongoing maintenance, repair, replacement, and inspection as required. Due to its nature and limited scope, construction of the proposed project would generate a minor amount of vehicle trips and would require limited use of construction equipment. Finally, the Applicant would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris, hazards and hazardous materials, and stormwater.

The following categorical determinations are based on the project submittal 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 Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) and Sections 3.a (4) and (6), 3.b., 3.c., and 3.d. of the District's *Guidelines for Compliance with CEQA* because the proposed project involves the installation, operation, maintenance, and removal of fitness equipment and an associated TUOP. Sections 3.a (4) and (6), 3.b., 3.c., and 3.d. 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 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.

- (6) Demolition and removal of individual structures listed in the subsection except where the structures are of historical, archaeological, or architectural significance. These include, but are not limited to, commercial, industrial, airport, or marine terminal structures or facilities if designed for an occupancy load of 30 persons or less, and not in conjunction with the demolition of improvements on an entire site. Examples are warehouses, sheds, miscellaneous work buildings, piers, floats, piles, marine ways, electrical, mechanical, or utility systems, railroad improvements, dilapidated vessels, navigation aids, or similar related structures.

AND/OR

- 3.b. Replacement or Reconstruction (SG § 15302) (Class 2): Includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced.

AND/OR

- 3.c. New Construction or Conversion of Small Structures (SG 15303) (Class 3): Includes construction of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another with minor modifications to the exterior structure.

AND/OR

- 3.d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including, but not limited to:

The Categorical Exemptions listed above are appropriate for the proposed project because it involves the installation, operation, maintenance, and removal of fitness equipment and an associated TUOP that would involve negligible expansion of use beyond that previously existing, would not involve the removal of structures of historical, archaeological, or architectural significance, would have substantially the same purpose as the facilities being replaced or reconstructed, would not involve the removal of mature, scenic trees, 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.

The proposed project complies with Section 87 of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. 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 is located in Planning District 10, Imperial Beach Oceanfront, which is delineated on Precise Plan Map Figure 25 of the certified Port Master Plan. The Port Master Plan land use designation within the limits of the proposed project is Park. The proposed project conforms to the

certified Port Master Plan because it would involve the installation, operation, maintenance, and removal of fitness equipment and an associated TUOP, thereby encouraging recreational opportunities and promoting public access along the waterfront.

CATEGORICAL DETERMINATION

The above project proposes the installation, operation, maintenance, and removal of fitness equipment and an associated TUOP that would involve negligible or no expansion of use beyond that previously existing, would be located essentially on the same site and would have substantially the same purpose and capacity as the structure being replaced, would involve no change of the existing use of the property, and would not involve the removal of mature, scenic trees. This proposed project is consistent with the existing certified land use designations and is Categorical Excluded under Sections 8.a. (9), 8.b., 8.c., 8.d., and 8.f. 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, including but not limited to:

(9) Demolition and removal of individual small structures, except where structures are of historical, archaeological, or architectural significance.

AND/OR

8.b. Replacement or Reconstruction: Replacement or reconstruction of existing structures and facilities where the new structure will be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

AND/OR

8.c. New Construction or Conversion of Small Structures: Construction and location of limited number of new, small facilities or structures and installation of small, new equipment and facilities, involving negligible or no change of existing use of the property.

AND/OR

8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees.

AND/OR

8.f. Inspection: Activities limited to inspection, checking or performance or quality of an operation, examining the health and safety of a project, or related activities.

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: Cameron McLeod
Date: 5/11/18

Deputy General Counsel

Signature: W.S. McLeod
Date: 5-11-18