

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

**Project:** Lease to the United States of America (United States Coast Guard) for the Operation of a Rear Range Light on Shelter Island  
**Location:** 1401 Shelter Island Drive, San Diego, CA 92106  
**Parcel No.:** 001-014  
**Project No.:** 2018-163  
**Applicant:** David Brumley, Realty Specialist Contracting Officer, United States Coast Guard, 1301 Clay Street, Suite 700N, Oakland, CA 94612  
**Date Approved:** September 17, 2018

**PROJECT DESCRIPTION**

The proposed project is a Lease to the United States Coast Guard (Leasee) for their use of approximately 324 square feet (sq ft) of land area located in the city of San Diego, California. The area proposed for use under this Lease is currently and is proposed to be used only and exclusively for the purpose of the operation, repair, maintenance, and minor alteration of an existing Aid to Navigation (ATON) facility, specifically a rear range light, as well as ingress and egress in support of those activities, and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The Leasee 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, or increase in the size of the property is proposed or authorized as part of the Lease.

It is anticipated that the Lease would have a total term of approximately twenty (20) years. The Lease may be terminated by the District or Leasee as a matter of right and without cause at any time upon providing sixty (60) days' notice in writing to the other party of such termination.

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.

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

***CATEGORICAL DETERMINATION***

Categorical Exemptions: 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.

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 would involve a lease allowing for operation, repair, maintenance, and minor alteration of an existing ATON facility that would involve no expansion of use beyond that previously existing. 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: 1 - Shelter Island/La Playa (Precise Plan Figure 4)  
Land Use Designation: Harbor Services

The proposed project conforms to the certified Port Master Plan because it would involve operation, repair, maintenance, and minor alteration of an existing ATON facility consistent with the existing certified Land use designation.

**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

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 would involve a lease allowing for operation, repair, maintenance, and minor alteration of an existing ATON facility that would involve 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)(4) of the Port Act, which allows for the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in Section 87. 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:  
Cameron McLeod  
Assistant Planner  
Development Services

Deputy General Counsel

Signature: C. McLeod.  
Date: 9/17/18.

Signature: W.S. McLeod.  
Date: 9-13-18