

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

**Project:** Tidelands Use and Occupancy Permit to Paramour Pretzel for a Concession Store at Imperial Beach Oceanfront  
**Location:** 10 Evergreen Avenue, Imperial Beach, CA 91932  
**Parcel No.:** 061-024  
**Project No.:** 2018-201  
**Applicant:** Marc Desmas, Mabelle dba Paramour Pretzel, 207 Elkwood Avenue, Suite 2, Imperial Beach, CA 91932  
**Date Approved:** December 6, 2018

**PROJECT DESCRIPTION**

The proposed project is a Tidelands Use and Occupancy Permit (TUOP) to Paramour Pretzel (Tenant) for their use of approximately 371 square feet of land area located in the city of Imperial Beach, 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 concession store and soft pretzel shop, which may include the sale of a variety of hot and cold foods, such as pretzels, salads, soups, desserts, prepackaged food and sandwiches and hot and cold drinks, such as drip coffee, teas and cold drinks, and for no other purpose whatsoever without the prior written consent of the Executive Director of the 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, or increase in the size of the property is proposed or authorized as part of the TUOP.

It is anticipated that the TUOP would have a total term of up to approximately five (5) years. The TUOP may be terminated by the District or Tenant as a matter of right and without cause at any time upon providing thirty (30) 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 Exemption: 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, 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.

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 renewal of a TUOP for a concession store that would involve no expansion of use beyond that previously existing 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.

**CALIFORNIA COASTAL ACT**

***PORT MASTER PLAN CONSISTENCY***

Planning District: Imperial Beach Oceanfront (Precise Plan Figure 25)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve renewal of a TUOP for a concession store 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 renewal of a TUOP for a concession store 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.

For the portion of the proposed project located outside of the District's CDP jurisdiction, additional approvals may be required from other agencies.

**CALIFORNIA PUBLIC TRUST DOCTRINE**


The proposed project complies with Section 87.(a)(2) of the Port Act which allows for all visitor-serving 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.

RANDA CONIGLIO  
President/CEO

Determination by:  
Cameron McLeod  
Assistant Planner  
Development Services

Deputy General Counsel

Signature:   
Date: 12/6/18

Signature:   
Date: 12-3-18