

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



**Project:** Operating Agreement with ACE Parking for the Bayfront Parking Garage  
**Location:** 333 W. Harbor Drive, San Diego, CA 92101  
**Parcel No.:** 019-050  
**Project No.:** 2018-203  
**Applicant:** Ace Parking III, LLC, 3705 North Harbor Drive, San Diego, CA 92101 (TBC)  
**Date Approved:** December 10, 2018

**PROJECT DESCRIPTION**

The proposed project is the renewal of an Operating Agreement (Agreement) to Ace Parking III, LLC (Operator) to continue to operate an automobile Parking Garage in the city of San Diego, California. The Agreement is for the continued use of approximately 619,000 square feet of area in the Bayfront Parking Garage for the purpose of an automobile parking garage to serve the general public. No increase in the size of the property is proposed or authorized as part of this Agreement.

The Agreement would require that the Operator provide the Hilton Hotel (Hotel) an allotment of 894 parking spaces, which number may be adjusted by District in its sole and absolute discretion. If any of the Hotel's allotted parking spaces are not needed for a period of time, the spaces could be utilized by others at the reasonable discretion of the Operator.

In addition, the Agreement identifies the parking fees, charges, and rates to be charged shall be those fees now in effect currently at the Convention Center parking facility, which are in conformance with the parking rate schedule that was adopted by the District on April 14, 2016 (Ordinance No. 2856). The new Operating Contract would not directly increase the number of vehicles or capacity at the existing parking facility above that which currently exists.

The District may at its sole discretion utilize parking spaces on the top level of the parking garage for up to two telecommunication cell sites. One telecommunication site currently exists on the parking garage, which was approved by the District in May 2014 by California Environmental Quality Act and California Coastal Act Categorical Determinations and Notice of Approval No. 2014-64 (Clerk Document No. 61868). Any future telecommunications site on the parking garage would require subsequent review and approval by the District.

It is anticipated that the Agreement would have a total term of five (5) years. The Agreement may be terminated by the District giving one-hundred and eighty (180) days' notice in writing to the Operator.

The Operator would also construct the following improvements:

1. New technology to be installed at the Parking Garage would include a new parking control system (PARC's) utilizing existing access points, Harbor Drive and Marriott side of the Parking Garage:
  - System to be integrated into Hilton Bayfront Hotel's valet and guest room key program
  - Utilize automated exiting technology for Bayfront Garage
  - Add License Plate Recognition (LPR) technology for all entry/exit points
  - Open operating system/platform for future expansions and technologies
  - Reporting system accessible to District for self-generating report capabilities (District must have full access to reporting during term of the agreements and ownership of data upon termination of agreements)
  
2. Aesthetic upgrades to specified aspects of the parking area to include the San Diego Convention Center Garage elevator lobby (3 areas) and stairwells:
  - Wall paint (paint to match the level colors) – each level elevator area on all seven (7) levels will have all columns painted for its coordinated color for that level.

- Flooring (surface coating with non-slip texture) – in each elevator area on all seven (7) levels.
  - Painting upgrades noted above may be completed prior to the commencement of this Operating Agreement via written approval of the District and will fulfill the requirement once Operator provides final copies of all paid invoices for this work. The estimated cost of the Upgrades is \$62,884.00.
3. Additional improvements to the parking operations including:
- Main Entry LED signs for both locations with ability to change messaging, such as OPEN, FULL or # AVAILABLE OR ADDITIONAL PARKING AT “TBD”
  - Signage upgrades throughout the Parking Garage to expand current messaging to enhance directional communications in the parking areas utilizing existing sign platforms with select areas for additional sign opportunities

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; and SG §15303, Class 3/Section 3.c: New Construction or Conversion of Small Structures

- 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:
- (1) Repair, maintenance or minor alteration of existing mooring facilities, floats, piers, piles, wharves, bulkhead, revetment, buoys, or similar structures; marine terminal facilities; airport facilities; and commercial industrial, or recreational facilities.
  - (3) Interior and exterior remodeling or alterations, involving negligible or no expansion of use beyond that previously existing, including, but not limited to, marine terminal facilities, and marine-oriented commercial, industrial, and public and commercial recreational facilities, including buildings, piers, wharves, marine ways; railroads; airport facilities, runways, taxiways, aprons, and ancillary structures to those facilities; or mechanical systems and equipment.
  - (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.
  - (8) Existing highways, streets, sidewalks, bicycle and pedestrian trails, and similar facilities, except where the activity will involve removal of a scenic resource including a stand of trees, a rock outcropping, or an historic building.

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 of the structure. Examples of this exemption include:

- (2) Accessory (appurtenant) structures and mechanical equipment including, but not limited to, garages, sheds, railway spur tracks, pilings, temporary trailers, industrial equipment enclosures, fences, parking, on-site roadways, walkways and health and safety devices.
- (3) Water, sewer, electrical, gas, telephone, and other utility structures or facilities.

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. These are appropriate for the proposed project because it would involve renewal of an operating agreement for an existing parking garage and minor improvements 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve renewal of an operating agreement for an existing parking garage and minor improvements, consistent with the existing certified Land use designation.

#### ***CATEGORICAL DETERMINATION***

Categorical Exclusion: Section 8.a: Existing Facilities; and Section 8.c: New Construction or Conversion of Small Structures

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:

- (12) Interior and exterior remodeling of airport facilities, marine terminal facilities, existing marine-oriented industrial structures, and commercial or recreational facilities.

AND/OR

8.c. New Construction or Conversion of Small Structures: Construction and location of limited numbers 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, including but not limited to:

- (3) Accessory structures, including, but not limited to, on-premise signs, small parking lots, fences, walkways, swimming pools, miscellaneous work buildings, temporary trailers, small accessory piers, minor mooring facilities, buoys, floats, pilings, or similar structures; and seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar structures.

The proposed project is determined to be Categorically Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above. These are appropriate for the proposed project because it would involve renewal of an operating agreement for an existing parking garage and minor improvements that would involve no expansion of use beyond that previously existing and no change of the existing use of the property.

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**

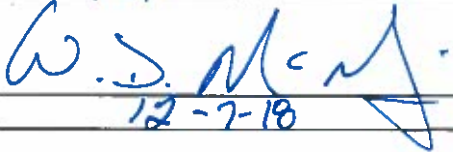
The proposed project complies with Section 87.(a)(2) of the Port Act, which allows for all commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. The Port Act was enacted by the California 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: 12/7/18

Signature:   
Date: 12-7-18