

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



Project: Operating Agreement with ACE Parking for the San Diego Convention Center Parking Garage
Location: 111 W. Harbor Drive, San Diego, CA 92101
Parcel No.: 019-046
Project No.: 2018-204
Applicant: Keith Jones, Ace Parking III, LLC, 3705 North Harbor Drive, San Diego, CA 92101
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 950,000 square feet of area in the San Diego Convention Center Public Parking Facility 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 identifies that the District will pay Ace 27 percent of the annual income below \$3.6 million and 19 percent of annual gross income above \$3.6 million. These percentages are only in effect as long as the Big Bay Shuttle is operated by Ace, consistent with the Waterfront Summer Shuttle Transportation Services Permit (Clerk Document No. 67915).

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.

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 Marriott Hotel's valet and guest room key program (Marriott Marquis)
 - Add exit gates to the San Diego Convention Center Garage (Harbor Drive and Marriott side)
 - Utilize automated exiting technology for San Diego Convention Center 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:
 - Lighting upgrades
 - Wall paint (paint to match the level colors) – each level elevator area on both 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 both 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 requirements once Operator provides final copies of all paid invoices for this work. The estimated cost of the painting upgrades is \$20,966.00

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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemption: SG §15301, Class 1/Section 3.a: Existing Facilities; and 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:
 - (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 of 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 Categorical 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 Categorical Excluded pursuant to the Sections 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: Cameron McLeod.
Date: 12/7/18

Signature: W.S. McA...
Date: 12-7-18