

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

**Project:** Tidelands Use and Occupancy Permit to the City of Imperial Beach for Public Parking at the Palm Street Parking Lot  
**Location:** 105 Palm Avenue, Imperial Beach, CA 91932  
**Parcel No.:** 060-003  
**Project No.:** 2018-208  
**Applicant:** Andy Hall, City Manager, City of Imperial Beach, 825 Imperial Beach Boulevard, Imperial Beach, CA 91932  
**Date Approved:** December 6, 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 13,130 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 free public parking and reserved non-public use of lots for pre-approved yearly District Tideland Activation Program (TAP) Imperial Beach events, 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 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 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 is a TUOP for the use of an existing parking lot 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**

The above project proposes the use of existing public parking at the Palm Street Parking Lot for the same purpose and would not change the existing use of the site. The project site is located in an area that has not been incorporated into the Port Master Plan and is therefore not within the District's coastal development permitting jurisdiction. The project site is within the coastal development permitting jurisdiction of the California Coastal Commission (CCC) and approval of the project must be obtained from that agency. As such, on October 11, 2018 CCC issued a waiver (6-18-0734-W) with a determination that the proposed project is 'de minimis' as defined in Section 30624.7 of the Coastal Act.

**CALIFORNIA PUBLIC TRUST DOCTRINE**

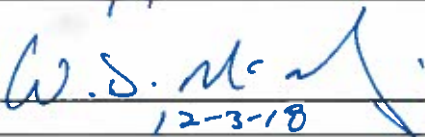
The proposed project complies with Section 87.(a)(5) of the Port Act, which if for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing 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.

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