

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

Project: Operating Agreement with ABM Parking Services for B Street Pier Parking Lot
Location: 1140 N Harbor Drive, San Diego, CA 92101
Parcel No.: 018-148
Project No.: 2018-228
Applicant: Liza Anderson, SDUPD Port as a Service, 3165 Pacific Highway, San Diego, CA 92101
Date Approved: December 3, 2018

PROJECT DESCRIPTION

The proposed project involves the renewal of an existing Operating Agreement with ABM Parking Services (Operator) for the operation of public parking spaces located at the B Street Pier (Pier) in San Diego, CA. On January 10, 2014, San Diego Unified Port District (District) entered into an Operating Agreement, which is on file with the Office of the District Clerk (Clerk Document No. 61132). The proposed project is the renewal of the existing Operating Agreement including allowable automobile parking areas and associated improvements.

The Operating Agreement states that the area shall be used only and exclusively for the continued operation of an attended automobile parking lot and for no other purpose whatsoever. Operator shall make no changes or alterations in the Interior and/or Exterior Parking Lot, nor make, erect, or install any buildings, structures, signs, machines, or other improvements therein without the prior express written consent of the Executive Director of District or his/her duly authorized representative. All operations would remain consistent with what is currently allowed and required under the existing Operating Agreement. The Executive Director of District or his duly authorized representative have authority to determine adequate hours and days of operations necessary for the operation to best serve the needs of the District.

It is anticipated the Operating Agreement will commence December 19, 2018 and terminate on December 18, 2019 for a total period of approximately one (1) years. The District has the option to extend the term of this Operating Agreement four (4) additional (1) year periods for a total period of approximately five (5) years.

The following categorical determinations are based on the draft Operating Agreement with ABM Parking Services 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.

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 the project involves the renewal of an existing Operating Agreement of an existing parking area that would involve a negligible expansion of use beyond that previously existing, a minor alteration of an existing public structure, and would not involve the removal of mature, scenic trees. 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: Park/Plaza.

The proposed project conforms to the certified Port Master Plan because it would involve the project is the renewal of an existing Operating Agreement of an existing parking area consistent with the existing certified Land use designation.

CATEGORICAL DETERMINATION

Categorical Exclusion: Section 8.a: Existing Facilities.

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 the project involves the renewal of an existing Operating Agreement of an existing parking area

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.

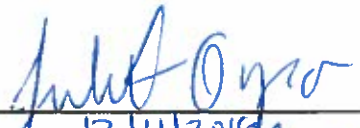
CALIFORNIA PUBLIC TRUST DOCTRINE

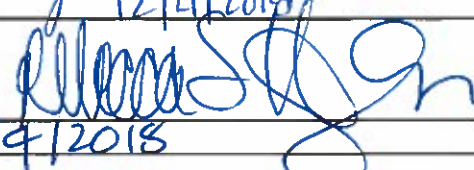
The proposed project complies with Section 87.(a)(5) of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and 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:
Juliette Orozco
Associate Planner
Development Services

Deputy General Counsel

Signature: 
Date: 12/4/2018

Signature: 
Date: 12/4/2018