

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

Project: Tidelands Use and Occupancy Permit to Quality Coast for Food and Retail Sales
Location: B Street Pier, 1140 N. Harbor Drive, San Diego, CA 92101
Broadway Pier, 1000 N. Harbor Drive, San Diego, CA 92101
Cesar Chavez Park, 1449 Cesar E. Chavez Parkway, San Diego, CA 92101
Chula Vista Bayside Park, 999 Bayside Parkway, Chula Vista, CA 91910
Coronado Tidelands Park, 2000 Mullinex Drive, Coronado, CA 92118
District Administration Building, 3165 Pacific Highway, San Diego, CA 92101
Ruocco Park, 585 Harbor Lane, San Diego, CA 92101
Tuna Harbor Park, 3 Tuna Lane, San Diego, CA 92101

Parcel No.: Various
Project No.: 2018-237
Applicant: Rich Rosengreen, Quality Coast, Inc., 2462 Main Street, Suite H, Chula Vista, CA 91911
Date: January 3, 2019

PROJECT DESCRIPTION

The proposed project is a Tidelands Use and Occupancy Permit (TUOP) to Quality Coast, Inc. (Tenant) for their use of land area located in the cities of Chula Vista, Coronado, and San Diego, California. The areas proposed for use under this TUOP include eight locations on District tidelands: Tuna Harbor Park, Coronado Tidelands Park, Chula Vista Bayside Park, Cesar Chavez Park, and Ruocco Park, collectively referred to as "Parks;" Broadway Pier and the foot of "B" Street Pier, collectively referred to as "Piers;" and the District Administration Building.

The areas proposed for use under this TUOP at the Parks and Piers would be used only and exclusively for the purpose of food and retail sales from concession carts and facilities and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. Concession items at the Parks and Piers could include food, beverages, souvenirs, tickets to local attractions, and tourist sundries such as disposable cameras and sunscreen (excluding liquor, tobacco, and lottery products).

The areas proposed for use under this TUOP at the District Administration Building would be used for the non-exclusive privilege and concession right to provide food and beverage service from the permitted locations which would include the shared-use areas of the employee lounge and adjacent patio area on the second floor, lobby areas on the first floor, and conference rooms within the building. Tenant agrees that it would, at a minimum, provide food and beverage service in Tenant's designated area on the second floor adjacent to the employee lounge between the office hours of 7:30 a.m. to 4:00 p.m., Monday through Friday with the exception of District observed Holidays and closed alternative Fridays. Tenant understands and agrees that the District would continue to have in the District Building, coin-activated food and beverage vending machines in such numbers and at such locations as may be authorized and designated in writing by the Executive Director of District and District employee groups selling food from time-to-time. The Tenant may have up to two (2) signs on the first floor to direct District visitors to the food and beverage services available on the second floor. The District must review and approve all signs prior to installation. Proper maintenance of the sign(s) would remain the responsibility of the Tenant. Any change to the sign(s) would need to be reviewed and approved by the District prior to posting.

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 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.

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:

- (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.

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 issuance of a TUOP for the use of existing facilities (including portable concession carts) for food, beverage and retail sales at eight locations on District tidelands, and 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 Districts: 3 - Centre City Embarcadero (Precise Plan Figure 11); 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13); 6 - Coronado Bayfront (Precise Plan Figure 17); and 7 - Chula Vista Bayfront (Precise Plan Figure 19)

Land Use Designations: Commercial Recreation; Harbor Services; and Park/Plaza

The proposed project conforms to the certified Port Master Plan because it would involve issuance of a TUOP for use of existing facilities (including portable concession carts) for food, beverage and retail sales, and would involve no expansion of use beyond that previously existing consistent with the existing certified Land use designations.

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 Categorical 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 issuance of a TUOP for use of existing facilities (including portable concession carts) for food, beverage and retail sales and would involve negligible or no change of 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)(6) 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:
Cameron McLeod
Assistant Planner
Development Services

Deputy General Counsel

Signature: C. McLeod.
Date: 1/3/19.

Signature: W.D. McLeod
Date: 1-3-19