



CEQA and COASTAL DETERMINATIONS  
and  
NOTICE OF APPROVAL

**Project:** Tideland Use and Occupancy Permit to Marine Spill Response Corporation for Berthing, Parking, and Storage at Tenth Avenue Marine Terminal and Tuna Harbor  
**Location:** 837 W. Harbor Drive, Suite D, San Diego, CA 92101  
**Parcel No.:** 018-044 and 020-223  
**Project No.:** 2019-076  
**Applicant:** Marine Spill Response Corporation, 702 National Court #1, Richmond, CA 94803  
**Date Approved:** May 15, 2019

**PROJECT DESCRIPTION**

The proposed project is the renewal of a Tideland Use and Occupancy Permit (TUOP) to Marine Spill Response Corporation (Tenant) for their continued use of approximately 600 square feet (sq ft) of land area at the Tenth Avenue Marine Terminal and 2,400 sq ft of water area and two parking spaces at Tuna Harbor, to be designated by the District's Marine Terminal Supervisor, located in the city of San Diego, California. The areas proposed for use under this TUOP are currently and are proposed to be used only and exclusively for the purpose of storage, berthing, and parking and for no other purpose whatsoever without the prior written consent of the Executive Director of 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 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.

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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 existing facilities for storage, berthing, and parking that would result in no expansion of use beyond that previously existing or 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) and 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land and Water Use Designations: Commercial Fishing; Commercial Fishing Berthing; Commercial Recreation; Marine Related Industrial; and Marine Terminal

The proposed project conforms to the certified Port Master Plan because it would involve a TUOP for the use of existing facilities for storage, berthing, and parking, which is consistent with the existing certified Land and Water use designations. The proposed project would not change the use of the sites nor would it interrupt or expand the existing conforming uses of the sites.

**CATEGORICAL DETERMINATION**

The proposed project would renew an existing real estate agreement through issuance of TUOP that would not result in any physical changes. The proposed project does not allow for "development" as defined in Section 30106 of the California Coastal Act, or "new development" pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or categorical exclusion is not required.

**CALIFORNIA PUBLIC TRUST DOCTRINE**

The proposed project complies with Section 87.(a)(1) of the Port Act, which allows the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. 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: 5/15/2019  
Signature: [Signature]  
Date: 5/13/2019