

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

Project: Right of Entry License Agreement to Stay Open, Inc. for Site Inspections and Assessments
Location: 3165 Pacific Highway, San Diego, CA 92109
Parcel No.: 016-007, 016-046, and 016-066
Project No.: 2019-093
Applicant: Andrew Swerdloff, Stay Open, Inc., 10474 Santa Monica Blvd. Suite 301, Los Angeles, CA 90025
Date Approved: June 4, 2019

Project Description

The proposed project is a Right of Entry License Agreement (ROELA) to STAY OPEN, Inc., a Delaware Corporation (Licensee), its authorized agent(s), and contractor(s) to enter upon that certain property located at 3165 Pacific Highway, San Diego, California. The area proposed for use under this ROELA would be used by the Licensee, its authorized agent(s), and contractor(s) for the purpose of conducting due diligence for a proposed development, including conducting site inspections and assessments (Work). In addition, the ROELA would provide ingress and egress of the Licensee.

Work to complete the project would include:

- Site walks for general building condition assessment;
- Soil testing, consisting of no more than 10 borings and core penetration test soundings;
- Preliminary seismic evaluation and study;
- Material testing for existing concrete and rebar strength; and
- Additional inspections and assessments as needed.

The ROELA is anticipated to commence in June 2019 for a total duration of ninety (90) days, or upon completion of the Work, whichever occurs earlier. Due to its nature and limited scope, construction of the proposed project would generate a minor amount of vehicle and truck trips and would require limited use of construction equipment. Vehicle and truck trips would be associated with transport of inspectors and equipment. Therefore, no impacts would occur. Any disturbed surfaces would be restored to pre-project conditions. Furthermore, the Licensee would be responsible for abiding by and conforming to all laws and regulations associated with the activities on or in connection with the above-described premises, including hazards and hazardous materials and stormwater.

The following categorical determinations are based on the ROELA and all project information known to the District as of the date of this determination.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities, SG §15304, Class 4/Section 3.d: Minor Alternations to Land and, SG §15306, Class 6/Section 3.f: Information Collection

- 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:

AND/OR

3.d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including, but not limited to:

(7) Minor trenching and backfilling where the surface is restored.

AND/OR

3.f. Information Collection (SG § 15306) (Class 6): Includes basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for information gathering purposes, or as part of a study leading to an action which has not yet been approved, adopted or funded.

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. This is appropriate for the proposed project because it involves conducting site inspections and assessments, including soil borings, at an existing facility that involves no expansion of use and does not result in a serious or major disturbance to an environmental resource. 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: 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9).

Land Use Designations: Harbor Services; Port Administration Building; and Aviation Related Industrial

The proposed project conforms to the certified Port Master Plan because it would involve site inspections and assessments, including soil borings consistent with the existing certified Land Use designations.

CATEGORICAL DETERMINATION

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Categorical Exclusion: Section 8.a: Existing Facilities, Section 8.d: Minor Alternations to Land, Section 8.e: Information Collection, and Section 8.f: Inspections.

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:

AND/OR

8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, including but not limited to:

(6) Minor trenching or backfilling where the surface is restored.

AND/OR

8.e. Information Collection: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major significant disturbance to an environmental resource.

AND/OR

8.f. Inspections: Activities limited to inspection, checking or performance or quality of an operation,

examining the health and safety of a project, or related activities.

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:
Juliette Orozco
Associate Planner
Development Services

Deputy General Counsel

Signature: Juliette Orozco
Date: 6/4/19
Signature: [Handwritten Signature]
Date: 6/4/19