



CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: Tidelands Use and Occupancy Permit to the American Tunaboat Association Inc. and Fish Market Restaurants Inc. for Administrative Offices at Tuna Harbor
Location: 1 Tuna Lane, San Diego, CA 92101
Parcel No.: 018-041
Project No.: 2019-131
Applicant: Peter Flournoy, Maritime Attorney, International Law Offices, 740 North Harbor Drive, San Diego, California 92101-5806
Date Approved: August 6, 2019

PROJECT DESCRIPTION

The proposed project is a renewal of a Tideland Use and Occupancy Permit (TUOP) to the American Tunaboat Association Inc. and Fish Market Restaurants Inc. (Tenant) for their use of approximately 8,528 square feet (sq ft) of tideland area, including an approximately 3,085 sq ft building and three parking stalls, 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 operating administrative offices and parking for Tenant's employees 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 sixty (60) days' notice in writing to the other part 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:

- (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 consist of a TUOP for operating administrative offices and tenant 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 and would result in no permanent effects on the environment. 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 Designations: Commercial Fishing; and Commercial Recreation.

The proposed project conforms to the certified Port Master Plan because it would involve operation of administrative offices to support fishing and restaurant operations, which is consistent with the existing certified Land use designations. The propose project would not change the use of the site nor would it interrupt or expand the existing conforming uses of the site.

CATEGORICAL DETERMINATION

The proposed project would renew an existing real estate agreement through issuance of a TUOP. 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

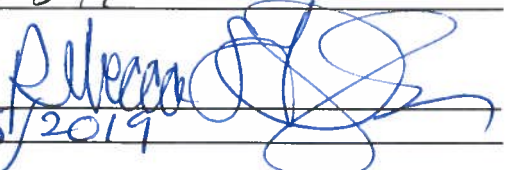
The proposed project complies with Sections 87.(a)(2) and 87.(a)(6) of the Port Act, which allows for all commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities and for the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses, including, but not limited to, snack bars, cafes, restaurants, motels, launching ramps, and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways, and landscaped areas. 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:
Michael Paul
Assistant Planner
Development Services

Deputy General Counsel

Signature: 
Date: 8-6-19

Signature: 
Date: 8/5/2019