



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

Project: Tideland Use and Occupancy Permit to Crowley Marine Services, Inc.
Location: Tenth Avenue Marine Terminal, 1800 Crosby Rd. San Diego, CA 92101
Parcel No.: 020-023
Project No.: 2019-132
Applicant: Aaron Gowin, Crowley Marine Services, Inc. 1102 SW Massachusetts Street, Seattle, WA 98134-1030
Date Approved: Jul 26, 2021

PROJECT DESCRIPTION

The proposed project is the renewal of an existing Tideland Use and Occupancy Permit (TUOP) to permit Crowley Marine Services Inc. to continue their use of approximately 10,000 square feet of water area adjacent to the Crosby Street Pier (Parcel No. 1); approximately 2,337 square feet for electrical conduit (Parcel No. 2); approximately 249 square feet of an electrical transformer area (Parcel No. 3) and 8 parking spaces located at the Tenth Avenue Marine Terminal in San Diego, California. The area proposed for use under the TUOP is currently and will continue to be used only and exclusively for the purpose of mooring, crewing, provisioning, maintaining tugboats, parking and using, maintaining and repairing electrical conduit and related equipment 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 or on 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 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 TUOP 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 the renewal of an existing TUOP for the purpose of mooring, crewing, provisioning, maintaining tugboats, parking and using, maintaining and repairing electrical conduit and related equipment. 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).

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

Planning District: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land and Water Use Designations: Marine Related Industrial; and Specialized Berthing

The proposed project conforms to the certified Port Master Plan because it would consist of the renewal of an existing TUOP for the purpose of mooring, crewing, provisioning, maintaining tugboats, parking and using, maintaining and repairing electrical conduit and related equipment consistent with the existing certified Land and Water use designations. The proposed 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. The proposed project does not constitute "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)(6) of the Port Act, which allows 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.

JOE STUYVESANT
President/CEO

Determination by:
Peter Eichar
Senior Planner
Development Services

Deputy General Counsel

Signature: Peter Eichar
Date: Jul 26, 2021

Signature: Christopher Burt
Date: Jul 26, 2021