



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

Project: Tideland Use and Occupancy Permit to Roger F. Hortinela for Retail Sales and Storage at Centre City Embarcadero, and Tenth Avenue and National City Marine Terminals
Location: B Street Pier, 1140 Harbor Drive, San Diego, CA 92101; and Tenth Avenue Marine Terminal; and National City Marine Terminal
Parcel No.: 104-031
Project No.: 2019-135
Applicant: Roger Hortinela, Owner, Eagle Import Export, 711 East Fourth Street, National City, CA 91950
Date Approved: July 31, 2019

PROJECT DESCRIPTION

The proposed project is a Tidelands Use and Occupancy Permit (TUOP) to Roger F. Hortinela dba USA Eagle Import Export (Tenant) for the use of approximately 625 square feet of office space on the B Street Pier Cruise Ship Terminal and, on a nonexclusive, nonpreferential basis, portions of the B Street Pier and Port Pavilion on Broadway Pier located in the City of San Diego (Joint-Use Area) (Location A) and within the boundaries of the Tenth Avenue Marine Terminal in the City of San Diego and the National City Marine Terminal in the City of National City (Location B). The areas proposed for use under this TUOP would be used only and exclusively for the following: Location A shall be used only and exclusively for the purposes of (a) retail sale of personal services and products for cruise ship crew members including telephone cards, telephone line usage, internet, sundries, lottery sales (per District policy), facsimile and photocopy usage, postage, packaging and mailing money wiring, flower ordering services, prepackaged food and beverages, secretarial services, and other ancillary services to accommodate the need of cruise ship crew members and (b) storage of provisions and equipment in connection with Tenant's operation. Location B shall be used only and nonexclusively for the purpose of conducting general merchandise such as ship supplies and vending activities within the designated boundaries of the Tenth Avenue Marine Terminal and the National City Marine Terminal. 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 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 would consist of a TUOP for operating retail sales, storage, and sale of general ship merchandise 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 Districts: 3 - Centre City Embarcadero (Precise Plan Figure 11); 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13); and 5 - National City Bayfront (Precise Plan Figure 15).

Land Use Designation: Marine Terminal

The proposed project conforms to the certified Port Master Plan because it would involve operating retail sales, storage, and sale of general ship merchandise, consistent with the existing certified Land use designation. 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 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

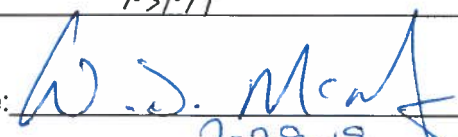
The proposed project complies with Section 87.(a)(1) of the Port Act, which allows the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, 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:
Michael Paul
Assistant Planner
Development Services

Deputy General Counsel

Signature: 
Date: 7-31-19

Signature: 
Date: 7-29-19