

JAN 13 2020

BY K. BAKER
DEPUTY

Notice of Exemption

CEQA Guidelines Appendix E

To: ■ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

■ San Diego County Recorder/County Clerk
1600 Pacific Highway, Suite 260
San Diego, CA 92101-2480

From: (Public Agency)
San Diego Unified Port District
Development Services Department
3165 Pacific Highway
San Diego, CA 92101

Project Title: *Tidelands Use and Occupancy Permit to Cow-A-Bunga Micro Ice Creamery and Espresso at Imperial Beach Oceanfront*

Project Location – Specific: *10 Evergreen Avenue, Imperial Beach, CA 91932*

Project Location – City: *Imperial Beach*

Project Location – County: *San Diego*

Description of Nature, Purpose, and Beneficiaries of Project: *The proposed project is a renewal of a Tidelands Use and Occupancy Permit (TUOP) to The Kika Company, LLC, dba Cow-A-Bunga Micro Ice Creamery and Espresso (Tenant) for their use of approximately 442 square feet of land area in the City of Imperial Beach, California. The area proposed for use under this TUOP is currently and is proposed to be used only for operation of the sale of ice cream, frozen confections, snacks, sandwiches, soups, salads, coffee, desserts, cookies, T-shirts, hats, and other novelty items bearing only the Tenant's business name and/or logo, and for no other purpose whatsoever without the prior written consent of the Executive Director of the 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 up to 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.

Name of Public Agency Approving Project: *San Diego Unified Port District (SDUPD)*

Name of Person or Agency Carrying Out Project: *Jennifer Crumley, Owner, 755 Bear Valley Parkway, Escondido, CA 92025; (858) 247-2459*

Exempt Status: (Check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemptions: Existing Facilities (SG § 15301) (Class 1)**
- Statutory Exemption. State code number:

Reason Why Project is Exempt: *The proposed project is determined to be Categorical Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and Section 3.a. of the District's Guidelines for Compliance with CEQA because it would consist of renewal of a TUOP for food and novelty retail store 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. Section 3.a. of the District's CEQA Guidelines is as follows:*

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.*

(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.*

Lead Agency Contact Person and Telephone Number: *Michael Paul, (619) 686-8112*

Signature:  **Date:** 1-9-20 **Title:** Assistant Planner

- Signed by Lead Agency
- Signed by Applicant

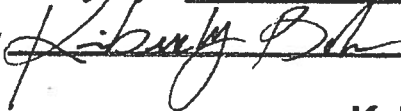
Date received for filing at OPR/Clerk:

FILED IN THE OFFICE OF THE COUNTY CLERK

San Diego County on JAN 13 2020

Posted JAN 13 2020 Removed

Returned to agency on

Deputy 

K. BAKER

