



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

**Project:** Tideland Use and Occupancy Permit to National University for Commercial Dive School at Tenth Avenue Marine Terminal and Centre City Embarcadero  
**Location:** 1800 Crosby Rd, San Diego, CA 92101; and Tuna Harbor, 600 Embarcadero, San Diego, CA 92101  
**Parcel No.:** 018-060 and 020-036  
**Project No.:** 2020-003  
**Applicant:** William Hyder, General Manager, National University Polytechnic Institute, 3570 Aero Court, San Diego, CA 92123  
**Date Approved:** January 31, 2020

**PROJECT DESCRIPTION**

The proposed project is a Tideland Use and Occupancy Permit (TUOP) to National University (Tenant) for their continued use of approximately 1,000 square feet (sq. ft.) of pier and water area located in the City of San Diego, California. The areas proposed for use under this TUOP are currently and proposed to be used only and exclusively for the non-exclusive operation of Tenant's commercial dive school to conduct diving operations for training and program certifications. Operations proposed that would continue under this TUOP include surface supplied diving operations utilizing commercial dive helmets, umbilical hoses to provide air to the divers helmet, topside compressor to make air for the diver to breath and a rack box console assembly to control air to the diver and to display divers depth; two HP cylinders of air as a standby secondary source of air for the diver; a small diesel powered generator to send power to the communication boxes; divers working in the water to develop skills working with tools in the water to complete projects; 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 approximately three (3) years. The TUOP may be terminated by the District or Tenant as a matter of right and without cause at any time upon providing twenty-four (24) hours notice in writing to the other party 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.

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**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 consists of a TUOP authorizing the continuation of commercial dive school to conduct diving operations for training and program certifications, would involve

continuation of the existing use. 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: Planning District: 3 - Centre City Embarcadero (Precise Plan Figure 11); and 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land and Water Use Designations: Commercial Fishing Berthing; Commercial Fishing; Terminal Berthing; and Specialized Berthing

The proposed project conforms to the certified Port Master Plan because it consists of a TUOP for commercial dive school to conduct diving operations for training and program certifications, 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 use of the site.

***CATEGORICAL DETERMINATION***

Categorical Exclusion: Section 8.a: Existing Facilities

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.

The proposed project is determined to be Categorically Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it consists of a TUOP for commercial dive school to conduct diving operations for training and program certifications and would involve no expansion of use beyond that previously existing.

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)(1) of the Port Act, which allows for 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: 1/31/20

Signature:   
Date: 1/31/20