



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

Project: Tideland Use and Occupancy Permit to Solar Turbines Inc. for Parking  
Location: West of Pacific Highway, corner of Hawthorn Street to corner of Grape Street, San Diego, CA 92101  
Parcel No.: 017-055  
Project No.: 2020-034  
Applicant: Solar Turbines, Inc., 2200 Pacific Highway, San Diego, CA 92101  
Date Approved: March 26, 2020

**PROJECT DESCRIPTION**

The proposed project is the renewal of a Tideland Use and Occupancy Permit (TUOP) to Solar Turbines, Inc. (Tenant) for their continued use of approximately 33,095 square feet of land area for 98 parking spaces located on the west side of Pacific Highway, from the corner of Hawthorne Street to the corner of Grape Street in San Diego, California. The area proposed for use under this TUOP will be used only and exclusively for the purpose of vehicle parking by employees, guests, customers, and invitees of the Tenant and its Subtenants, including invitees for special events and for no other purpose whatsoever without the prior written consent of the Executive Director of the District. The Tenant will 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 Tenant's leasehold or the TUOP area is proposed or authorized as part of this TUOP. The site is currently and is proposed to be used exclusively for the purpose of employee and invitee of the Tenant's parking spaces.

The TUOP is anticipated to commence on September 1, 2020, and terminate on August 31, 2025, for a total term of five years. The TUOP may be terminated by the Executive Director of District or his duly authorized representative, or Tenant, as a matter of right and without cause at any time upon giving of 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.

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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 involves the renewal of an existing real estate agreement for parking, would involve no expansion of use beyond that previously existing, and would not result in a significant cumulative impact due to the 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 District: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it involves the renewal of an existing real estate agreement for parking, 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 use 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)(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.

RANDA CONIGLIO  
President/CEO

Determination by:  
Michael Paul  
Assistant Planner  
Development Services

Signature: Michael Paul  
Date: Mar 26, 2020

Deputy General Counsel

Signature: Rebecca Harrington  
Date: Mar 26, 2020