



CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: Tidelands Use and Occupancy Permit to Pasha Automotive Services for Temporary Automobile Storage in Chula Vista
Location: South of H Street, West of Bay Boulevard, North of I Street, Chula Vista, CA 91910
Parcel No.: 031-040
Project No.: 2020-039
Applicant: Pasha Automotive Services, 1309 Bay Marina Drive, National City, CA 91950
Date Approved: March 26, 2020

PROJECT DESCRIPTION

The proposed project is a Tidelands Use and Occupancy Permit (TUOP) to Pasha Automotive Services (Tenant) for their temporary use of approximately 410,920 square feet of land area located south of H Street, west of Bay Boulevard, north of I Street, in the City of Chula Vista, California (Premises). The above-described Premises shall be used only and exclusively for the purpose of temporary automobile storage associated with Tenant's automobile operation at District's National City Marine Terminal and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The hours of operation for the Permit shall be between 8:00 a.m. and 8:00 p.m., seven days a week.

The Tenant shall not utilize H Street to access the Premises. Additionally, Tenant's vehicular access shall be through entrance gate(s) designated by the District. Vehicle entrances to the Premises may be relocated from time to time as designated by the Director of Real Estate or his or her duly authorized representative.

The Premise was previously used by Tenant for temporary vehicle storage pursuant to a TUOP (Project No. 2014-199) that expired December 19, 2019. The prior TUOP permitted the temporary storage of automobiles on-site and subsequent transport of automobiles off-site. The activities permitted by the proposed TOUP would be substantially the same as those previously authorized.

Additionally, from time to time, the District, its agents and/or contractors, shall have the ability to access the Premises for pre-development activities associated with the Chula Vista Bayfront Master Plan (CVBMP) project. Pre-development activities may include large equipment and minor excavation and/or exploratory work that may cause dust and require the relocation of specific automobiles. The District will provide reasonable advance notice of its work on the Premises and any request to relocate automobiles. If any pre-development activities occur on the Premises, those activities would be subject to independent CEQA and environmental compliance. Also, the Premises are within the area of the CVBMP EIR, certified by the District's Board of Commissioners on May 18, 2010 (Resolution No. 2010-78). At no time will the District be responsible for any damage to the Tenant's vehicles or to clean any vehicles resulting from dust/dirt generated from the District's pre-development activities on the Premises or adjacent construction activities associated with CVBMP. 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.

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 thirty (30) days 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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemption: SG §15304, Class 4/Section 3.d: Minor Alterations to Land

3.d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including, but not limited to:

(6) Minor temporary use of land having negligible or no permanent effects on the environment.

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 for temporary vehicle storage on a commercial site that would not involve the removal of mature, scenic trees, having negligible or 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 District: 7 - Chula Vista Bayfront (Precise Plan Figure 19)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve a TUOP for temporary vehicle storage on a commercial site, 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

Categorical Exclusion: Section 8.d: Minor Alterations to Land

8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees.

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 temporary vehicle storage on a commercial site and would not involve the removal of mature, scenic trees.

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)(2) of the Port Act, which allows for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. 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: Chris Burt
Date: Mar 26, 2020