



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

Project: Tideland Use and Occupancy Permit to Maritime Museum Association of San Diego for Parking  
Location: 1492 North Harbor Drive, San Diego, CA 92101  
Parcel No.: 017-046  
Project No.: 2020-040  
Applicant: Maritime Museum Association of San Diego, 1492 North Harbor Drive, San Diego, CA 92101  
Date Approved: April 6, 2020

**PROJECT DESCRIPTION**

The proposed project is a renewal of a Tideland Use and Occupancy Permit (TUOP) to the Maritime Museum Association of San Diego (Tenant) for the use of seven (7) parking spaces at 1492 North Harbor Drive in San Diego, California. The area proposed for use under this TUOP will be used only and exclusively for the purpose of reserved parking for employees and invitees 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 parking spaces.

The TUOP is anticipated to commence on May 1, 2020, and terminate on April 30, 2025, for a total of five (5) years. The TUOP may be terminated by the Director or Tenant, as a matter of right and without cause at any time upon the giving of 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.

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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 the renewal of a TUOP for employee and invitee parking that would involve no expansion of use beyond that previously existing. Parking in the surrounding area consists of a combination of metered and reserved parking for a variety of uses, including but not limited to restaurants, recreational, and office. The parking spaces on the project site are currently reserved spaces for the Tenant's use and are not public parking. The Tenant's utilization of the seven parking spaces would continue to meet the existing and proposed parking demand of the Tenant; thus, the TUOP would not result in any significant cumulative impacts 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: Streets

The proposed project conforms to the certified Port Master Plan because it consists of the renewal of a TUOP for employee and invitee 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)(4) of the Port Act, which allows for the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section. 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: Apr 6, 2020

Deputy General Counsel

Signature: Chris Burt  
Date: Apr 6, 2020