



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

Document No. 71065

Filed 04/01/2020

Office of the District Clerk

Project: Emergency Temporary Homeless Shelter at San Diego Convention Center
Location: 111 West Harbor Drive, San Diego, CA 92101
Parcel No.: 019-005 and 019-017
Project No.: 2020-041
Applicant: City of San Diego, San Diego Convention Center Corporation, 111 W Harbor Dr, San Diego, CA 92101
Date Approved: April 1, 2020

PROJECT DESCRIPTION

The City of San Diego is completing the temporary conversion of the San Diego Convention Center to an emergency homeless shelter in order to preserve social distancing requirements and slow the spread of the COVID-19 virus. This emergency development is requested on the basis that immediate action was necessary for the purpose of protecting public health from imminent danger in the wake of the COVID-19 outbreak. The emergency development consists of the temporary conversion of convention areas and meeting space to accommodate approximately 3,000 people ("project"). The project is intended for the temporary conversion of existing meeting space areas and does not proposed to expand the size or use of the convention center. Locating homeless individuals within the convention center, as proposed, would be consistent with Governor Gavin Newsom's Executive Order N-33-20, County of San Diego Public Health Officer orders, and would facilitate social distancing, which is integral to minimize the spread of COVID-19 among the San Diego area's homeless population and the population at large.

EMERGENCY STATUS

On March 23, 2020, the Board of Port Commissioners approved BPC Resolution No. 2020-033, Confirming and Ratifying Resolution Proclaiming Existence of a Local Emergency by the Executive Director/Chief Executive Officer of the San Diego Unified Port District. The temporary conversion of meeting space to a temporary homeless shelter is necessary for the purpose of protecting public health from imminent danger in the wake of the COVID-19 outbreak.

The following categorical determinations are based on all project information known to the District as of the date of this determination.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Statutory Exemption: SG §15269/Section 2.f: Emergency Projects

SG §15269[c]

Specific actions necessary to prevent or mitigate an emergency. This does not include long term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.

AND/OR

- 2.f. Emergency Projects: Projects to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been declared; emergency repairs necessary to maintain services; and specific actions necessary to prevent or mitigate an emergency, are exempt from CEQA

requirements.

The proposed project is determined to be Statutorily 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 an emergency use of a temporary nature. The exclusion listed in SG § 15269(c) is inapplicable here, where a state of emergency regarding the spread of COVID-19 is on-going, as evidenced by various declarations of emergency at the federal, state, and local levels.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

Planning District: 3 - Centre City Embarcadero (Precise Plan Figure 11).

Land Use Designation: Commercial Recreation

The project is located in Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan. The Port Master Plan land use designation within the limits of the proposed project is Commercial Recreation. The proposed project conforms to the certified Port Master Plan because it would involve an emergency use of a temporary nature.

CATEGORICAL DETERMINATION

The above project proposes the emergency conversion of the San Diego Convention Center to a temporary homeless shelter necessary to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. This project is determined to be an "emergency development" under section 7.d.(2) (Emergency Development) of the District's *Coastal Development Permit Regulations*:

Emergency developments are those necessary to maintain, repair, restore, demolish, protect, or replace property or facilities damaged, destroyed, or threatened by imminent danger from a sudden, unexpected occurrence, which demands immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes, but is not limited to, such occurrences as fire, flood, windstorm, earthquake, or other soil or geologic movements as well as occurrences as riot, accident, or sabotage.

Pursuant to the District's Coastal Development Permit Regulations, the Executive Director granted an emergency permit for this development, finding that: (1) an emergency exists that requires immediate action, and (2) the work is temporary in nature. The permit will authorize these activities to proceed, as necessary, and only while BPC Resolution No. 2020-033, Confirming and Ratifying Resolution Proclaiming Existence of a Local Emergency by the Executive Director/Chief Executive Officer of the San Diego Unified Port District, dated March 23, 2020, is in effect.

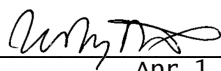
CALIFORNIA PUBLIC TRUST DOCTRINE

The proposed project complies with Section 87.(a)(5) of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. 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.

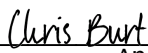
RANDA CONIGLIO
President/CEO

Determination by:

Lesley Nishihira
Director, Planning Department

Signature: 
Date: Apr 1, 2020

Deputy General Counsel

Signature: 
Date: Apr 1, 2020