



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

**Project:** Tideland Use and Occupancy Permit to Juniper-Front Community Garden, Inc. for a Recreational Garden  
**Location:** Southeast corner of Juniper Street and Front Street, San Diego, CA 92101  
**Parcel No.:** 016-022  
**Project No.:** 2020-067  
**Applicant:** Juniper-Front Community Garden, Inc. 2260 Front Street, San Diego, CA 92101  
**Date Approved:** June 15, 2020

**PROJECT DESCRIPTION**

The proposed project is a renewal of a Tideland Use and Occupancy Permit (TUOP) to Juniper-Front Community Garden, Inc (Tenant) for their continued use of approximately 20,000 square feet of tideland area located in City of San Diego. The area proposed for use under this TUOP would be used only and exclusively for the purpose of recreational gardening and for no other purpose whatsoever without prior written consent of the Executive Director of District in each instance. The area proposed for use under this TUOP is currently used for recreational gardening. 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 commence on July 1, 2020, and terminate on June 30, 2025, for a total term of five (5) 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 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 the purpose of recreational gardening and would involve no expansion of use beyond that previously existing. 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**

This project site is not in the Coastal Zone; therefore, no further approvals are required pursuant to the California Coastal Act or the District's *CDP Regulations*.

## **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:  
Michael Paul  
Assistant Planner  
Development Services

Signature: Michael Paul  
Date: Jun 15, 2020

Deputy General Counsel

Signature: Chris Burt  
Date: Jun 15, 2020