



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

Project: Tideland Use and Occupancy Permit to JAMR Properties for Parking at Harbor Island  
Location: 3405 and 3275 Pacific Highway, San Diego, CA 92109  
Parcel No.: 016-062  
Project No.: 2020-069  
Applicant: Rene and Alberto Cruz, JAMR Properties, LLC dba San Diego Park Shuttle and Fly,  
P.O. Box 81263, San Diego, CA 92138  
Date Approved: June 15, 2020

**PROJECT DESCRIPTION**

The proposed project is a Tideland Use and Occupancy Permit (TUOP) to JAMR Properties (Applicant) for their use of approximately 204,135 square feet (sq. ft.) of parking lot area located in the City of San Diego, California. Specifically, the parking lot area would consist of Lot 4 (A and B): approximately 20,100 sq. ft. of land known as Lot 4A, approximately 72,295 sq. ft. of exclusive-use area known as Lot 4B-1, and 28,033 sq. ft. of joint-use area known as Lot 4B-2; and Lot 5 (A and B): approximately 56,100 sq. ft. of Lot 5A and approximately 27,607 sq. ft. of Lot 5B. The areas proposed for use under this TUOP are currently and proposed to be used only and exclusively for the purpose of general use parking, airport parking, cruise parking, shuttle operations, vehicle storage and parking for nearby attractions and businesses and for no other purpose whatever without the prior written consent of the Executive Director of District in each instance. The Tenant would offer and provide cruise parking and shuttle to and from the cruise terminals during each cruise season during the term of this TUOP; typical cruise season is between September and May of each year and some cruises during the summer months. 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.

The TUOP would have a maximum total term of five (5) years, and would commence on July 1, 2020 and terminate on June 30, 2025. The TUOP may be terminated by the District or Tenant as a matter of right and without cause at any time upon providing ninety (90) 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 a TUOP for parking, shuttle operations, and storage, 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: 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9)

Land Use Designation: Aviation Related Industrial

The proposed project conforms to the certified Port Master Plan because it would involve a TUOP for parking, shuttle operations, and storage, 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.a: Existing Facilities

8.a. Existing Facilities: The 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.

The portion of the proposed project located within the Coastal Development Permit (CDP) jurisdiction of the District 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 parking, shuttle operations, and storage, and would involve negligible expansion of use beyond that previously existing.

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.

For the portion of the proposed project located outside of the District's CDP jurisdiction, additional approvals may be required from other agencies.

**CALIFORNIA PUBLIC TRUST DOCTRINE**

The proposed project complies with Section 87.(a)(3) of the Port Act, which allows for the establishment, improvement, and conduct of airport and heliport or aviation facilities, including, but not limited to, approach, takeoff, and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance, and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of air commerce and air navigation. 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: Rebecca Harrington  
Date: Jun 15, 2020