Project: Tideland Use and Occupancy Permit to Quality Coast Inc. for Operation of Café Concession, Food Cart and Bait at Centre City Embarcadero
Location: 200 Marina Park Way, San Diego, CA 92101
Parcel No.: 019-009
Project No.: 2020-087
Applicant: Rich Rosengreen, Owner and Manager, Quality Coast, Inc., 14965 Driftwood Creek Road, El Cajon, CA 92021
Date Approved: August 4, 2020

PROJECT DESCRIPTION

The proposed project is a Tideland Use and Occupancy Permit (TUOP) to Quality Coast Inc. (Tenant) for their use of approximately 427 square feet (sq. ft.) of building area, 3,500 sq. ft. of outdoor seating area, and 60 sq. ft. in the telecommunications equipment room located in the City of San Diego, California. The areas proposed for use under this TUOP are currently and are proposed to be used only and exclusively for the purpose of operating a café concession, food cart, bait and tackle retail rentals, and sales shop, and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. 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 four (4) years. The TUOP may be terminated by the District or Tenant as a matter of right and without cause at any time upon providing 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 §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 operating a café concession, food cart, bait and tackle retail rentals, and sales shop, 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designations: Park/Plaza; and Promenade

The proposed project conforms to the certified Port Master Plan because it would involve a TUOP for operating a café concession, food cart, bait and tackle retail rentals, and sales shop, consistent with the existing certified Land use designations. 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 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 operating a café concession, food cart, bait and tackle retail rentals, and sales shop, 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.

CALIFORNIA PUBLIC TRUST DOCTRINE

The proposed project complies with Section 87.(a)(6) of the Port Act, which allows for the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses, including, but not limited to, snack bars, cafes, restaurants, motels, launching ramps, and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways, and landscaped areas. 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: Aug 4, 2020

Chris Forst
Deputy General Counsel

Signature: Chris Forst
Date: Aug 4, 2020