



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

Project: Tideland Use and Occupancy Permit to U.S. Coast Guard for Investigative Services Operations at Harbor Police Headquarters
Location: 3380 North Harbor Drive, San Diego, CA 92101
Parcel No.: 007-028
Project No.: 2020-103
Applicant: Dan Sanders, Chief Planning/Real Estate, United States Coast Guard, 1301 Clay Street, Oakland, CA 94612
Date Approved: September 30, 2020

PROJECT DESCRIPTION

The proposed project is a Tideland Use and Occupancy Permit (TUOP) to United State of America Coast Guard Investigative Service (Tenant) for their use of approximately 839.74 Gross Square Feet (GSF) of land area within the Harbor Police Department Investigations and Intelligence Services Unit, including exclusive use of approximately 480.55 GSF office space and the non-exclusive use of 359.19 GSF of shared office space, including kitchen, storage, breakroom and hallway area in the District's Harbor Police Headquarters, located in the City of San Diego, California. The area proposed for use under this TUOP is currently and is proposed to be used only and exclusively for the purpose of U.S. Coast Guard Investigative Services operations and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The co-location of the U.S. Coast Guard Investigative Services and the Harbor Police Department Investigations and Intelligence Unit is of mutual benefit to the agencies. The co-location creates greater efficiencies in conducting investigations, gathering intelligence and securing funding for additional resources, therefore, resulting in enhanced security in and around San Diego Bay. 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. 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 have a total term of approximately five (5) years. The TUOP may be terminated by the District or Tenant as a matter of right and without cause at any time upon providing 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.

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 Coast Guard Investigative Services offices and would involve not expansion of use beyond previously existing 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: Industrial Business Park

The proposed project conforms to the certified Port Master Plan because it would involve a TUOP for Coast Guard Investigative Services offices, 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 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 Coast Guard Investigative Services offices and would involve no 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)(1) of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and 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: Sep 30, 2020

Deputy General Counsel

Signature: Chris Burt
Date: Sep 30, 2020