



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

Project: Tideland Use and Occupancy Permit to Specialty Produce for Storage
Location: 1550 West Palm Street, San Diego, CA 92101
Parcel No.: 016-064
Project No.: 2020-136
Applicant: Angela Cheng, Chief Financial Officer, Tomatoes Extraordinaire Inc. dba Specialty Produce, P.O. Box 82066 San Diego, CA 92138
Date Approved: Dec 14, 2020

PROJECT DESCRIPTION

The proposed project is a Tideland Use and Occupancy Permit (TUOP) to Specialty Produce (Tenant) for their use of approximately 58,621 square feet (sq. ft.) of land area located in the City of San Diego, California. The area proposed for use under this TUOP was previously used for parking and is currently vacant, and is proposed to be used only and exclusively for the purpose of vehicle storage, storage of materials and small equipment to support the vehicle storage, employee parking, and all uses which are normally and customarily ancillary or incidental to the those listed above, and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The project would also include restriping of the existing lot and replacement of the existing parking control arm with a sliding gate. 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 five (5) years. The TUOP may be terminated by the District or Tenant as a matter of right and without cause at any time after the first (1st) year of this Permit upon providing six (6) months' 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; and SG §15302, Class 2/Section 3.b: Replacement or Reconstruction

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.

AND/OR

3.b. Replacement or Reconstruction (SG § 15302) (Class 2): Includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Sections of the District's *Guidelines for Compliance with CEQA* as identified above. These are appropriate for the proposed project because it consists of a TUOP for vehicle, material, equipment

storage, and restriping and gate installation, would not result in a significant cumulative impact due to the continuation of the existing use, would consist of the replacement of an existing facility, would be located on the same site as the structure replaced, and would have substantially the same purpose and capacity. 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: Airport Related Commercial

The proposed project conforms to the certified Port Master Plan because it would involve a TUOP for vehicle, material, equipment storage, and restriping and gate installation, 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; and Section 8.b: Replacement or Reconstruction

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.

AND/OR

8.b. Replacement or Reconstruction: Replacement or reconstruction of existing structures and facilities where the new structure will be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

The proposed project is determined to be Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above. These are appropriate for the proposed project because it consists of a TUOP for vehicle, materials, equipment storage, and restriping and gate installation, would involve negligible expansion of use beyond that previously existing, would be located essentially on the same site as the structure replaced, and will have substantially the same purpose and capacity as the structure replaced.

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)(2) of the Port Act, which allows for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. 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: Dec 14, 2020

Deputy General Counsel

Signature: Rebecca S. Harrington
Date: Dec 14, 2020