



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

**Project:** Tideland Use and Occupancy Permit to O'Neill Wetsuits, LLC, for Storage at National Distribution Center  
**Location:** 1022 Bay Marina Drive, National City CA 91950  
**Parcel No.:** 027-058  
**Project No.:** 2021-006  
**Applicant:** John Pope, Chief Operating Officer, O'Neill Wetsuits, LLC, 1071 41<sup>st</sup> Avenue, Santa Cruz, CA 95062  
**Date Approved:** Feb 2, 2021

**PROJECT DESCRIPTION**

The proposed project is the renewal of an existing Tideland Use and Occupancy Permit (TUOP) to O'Neill Wetsuits, LLC (Tenant) for their continued use of approximately 43,930 square feet (sq. ft.) of land area (Premises) and use of non-exclusive common areas located within an industrial center commonly known as the National Distribution Center (NDC) in the City of National City, California. The warehouse space area proposed for use under this TUOP would be used only and exclusively for the purpose of general storage, distribution, warehouse, repair of wet suits and related products, and other such standard operations as may be directly related to the foregoing and for no other purpose whatsoever without the prior written consent of the Executive Director of the District in each instance. The Tenant's parking is in a joint-use area with other tenants at the NDC.

The non-exclusive common areas include all areas and facilities outside the Premises and within the exterior boundary line of the NDC and interior utility raceways within the Premises that are provided and designated by the District for the general non-exclusive use of District, Tenant and other leases of the NDC and their respective employees, suppliers, shippers, customers, contractors and invitees, including parking areas, loading and unloading areas, trash areas, roadways, sidewalks, walkways, parkways, driveways and landscaped areas. 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 NDC common areas, and in all uses thereof, including those regulating stormwater and hazardous materials. No new development, construction, uses, or increase in the size of the Tenant's leasehold or the TUOP area is proposed or authorized as part of this TUOP. The site is currently and is proposed to be used exclusively for the purpose of general storage, distribution, warehouse, repair of wet suits and related products, and other such standard operations.

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 sixty (60) 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 Categorical 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 renewal of an existing TUOP for storage and warehouse purposes, would involve no expansion of use beyond that 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: 5 - National City Bayfront (Precise Plan Figure 15)

Land Use Designation: Marine Related Industrial

The proposed project conforms to the certified Port Master Plan because it consists of renewal of an existing TUOP for storage and warehouse purposes, 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***

The proposed project would renew an existing real estate agreement through issuance of a TUOP. The proposed project does not allow for "development" as defined in Section 30106 of the California Coastal Act, or "new development" pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or categorical exclusion is not required.

**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.

JOE STUYVESANT  
President/CEO

Determination by:  
Michael Paul  
Assistant Planner  
Development Services

Signature: Michael Paul  
Date: Feb 2, 2021

Deputy General Counsel

Signature: Chris Burt  
Date: Feb 2, 2021