



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

**Project:** Tideland Use and Occupancy Permit to Fish Market for Valet at Centre City Embarcadero  
**Location:** 1 Tuna Lane, San Diego, CA 92101  
**Parcel No.:** 018-040 and 018-039  
**Project No.:** 2021-009  
**Applicant:** Dwight Colton, President, Fish Market Restaurants, Inc., 1 Tuna Lane #3, San Diego, CA 92101  
**Date Approved:** Feb 4, 2021

**PROJECT DESCRIPTION**

The proposed project is the renewal of a Tideland Use and Occupancy Permit (TUOP) to Fish Market Restaurants, Inc., (Tenant) for their continued use of approximately 602 square feet of tideland area (along the curb in the driveway area directly in front of and east of the Fish Market Restaurant) located at 1 Tuna Lane, in the City of San Diego, California. The area proposed for use under this TUOP is currently is proposed to be used only and exclusively for the purpose of conducting valet parking services for customers of the adjacent Fish Market Restaurant and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The permit area is a non-exclusive area, which the valet parking service may utilize to temporarily park vehicles until they valet them to spaces within the parking lot. The valet mobile booth shall be located on the sidewalk area directly west of the permit area and cannot be placed in the driveway area. The Tenant shall closely monitor their valet service provider and will adhere to the following conditions for utilizing parking spaces within the parking lot:

- a) Valet service may not utilize the metered parking stalls exclusively or prevent the public from using any metered space in the lot;
- b) Valet service cannot demand payment from individuals who park in the metered stalls;
- c) Valet service will utilize the spaces under agreement with the Fish Market Restaurant (25 permit only stalls) first, prior to valet parking cars in open metered spaces;
- d) Valet service shall not place signs, cones or temporary valet booth in the driveways directing the public away from metered parking spaces;
- e) When metered parking stalls are utilized by valet parking during meter enforcement hours, the Tenant or valet service shall pay the correct amount at the meter for the period of time the vehicle is parked.

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.

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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 renewal of a TUOP for restaurant valet services, 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve renewal of a TUOP for restaurant valet services, 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)(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.

JOE STUYVESANT  
President/CEO

Determination by:  
Michael Paul  
Assistant Planner  
Development Services

Signature: Michael Paul  
Date: Feb 4, 2021

Deputy General Counsel

Signature: Rebecca S. Harrington  
Date: Feb 4, 2021