



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

**Project:** Tideland Use and Occupancy Permit to Tesoro Refining and Marketing Company for Motor Vehicle and Convenience Services at Pacific Highway  
**Location:** 2521 Pacific Highway, San Diego, CA 92101  
**Parcel No.:** 016-012  
**Project No.:** 2021-012  
**Applicant:** Colin Foutz, Senior Real Estate Representative, Tesoro Refining and Marketing Company, LLC, 301 East Ocean Suite, Suite 1600, Long Beach, CA 90802  
**Date Approved:** Feb 23, 2021

**PROJECT DESCRIPTION**

The proposed project is the renewal of a Tideland Use and Occupancy Permit (TUOP) to Tesoro Refining and Marketing Company (Tenant) for their use of approximately 15,294 square feet of land area (Parcel Nos. 1, 2, 3, and 4) and approximately 1,242 square feet of joint-use area (Parcel No. 5) (collectively "Leased Premises") located at 2521 Pacific Highway in the City of San Diego, California. Parcels Nos. 1, 2, 3 and 4, the Premises are currently and shall be used only and exclusively for the purpose of motor vehicle service station, including the sale of gasoline, diesel and compressed natural gas and mini-mart convenience store, and or no other purposes whatsoever. Parcel No. 5 ("Joint Use Access Area") is currently and shall be used only for vehicular ingress and egress jointly with others 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. 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 two (2) 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 a renewal of a TUOP for a motor vehicle service station and mini-mark convenience store that would involve no expansion of use beyond that previously existing. 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 Designations: Airport Related Commercial

The portion of the proposed project located within the Coastal Development Permit (CDP) jurisdiction of the District (Parcel Nos. 2 and 5) conforms to the certified Port Master Plan because it would involve renewal of a TUOP for a motor-vehicle service station and minimart convenience store, 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.

A portion of the project site is located in an area that has not been incorporated into the Port Master Plan and is therefore not within the District’s coastal development permitting jurisdiction. The project site is within the coastal development permitting jurisdiction of the California Coastal Commission (CCC) and approval of the project must be obtained from that agency. As such, on January 20, 2016, CCC staff issued an Exemption Letter (No. 6-16-0004-X) with a determination that the proposed project does not constitute ‘development’ as defined in Section 30106 in the Coastal Act.

***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.

For the portion of the proposed project located outside of the District’s CDP jurisdiction, additional approvals may be required from other agencies.

**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 23, 2021

Deputy General Counsel

Signature: Rebecca S. Harrington  
Date: Feb 23, 2021

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT OFFICE  
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**PERMIT EXEMPTION / NO PERMIT REQUIRED**

January 20, 2016

Commission Reference Number: 6-16-0004-X

Applicant Name: Tesoro Refining & Marketing Company LLC, c/o Patrick Foley

Project Location: 2521 Pacific Hwy, San Diego, San Diego County

Project Description: Short-term lease to Tesoro Refining and Marketing Company LLC for its continued use of five parcels for the purpose of a motor-vehicle service station. The proposed project does not include any new development, construction, or increase in the size of the leased premises; therefore, there are no anticipated impacts to coastal resources.

This is to certify that this location and/or proposed project has been reviewed by the staff of the Coastal Commission. A Coastal Development Permit is NOT necessary for the reasons checked below:

- The site is not located within the Coastal Zone as established by the California Coastal Act of 1976, as amended.
- The proposed development is included in categorical Exclusion Number \_\_\_\_ adopted by the California Coastal Commission.
- The proposed development is judged to be repair or maintenance activity not resulting in an addition to or enlargement or expansion of the object of such activities and not involving any risk of substantial adverse environmental impact (Coastal Act Section 30610(d)).
- The proposed development is an improvement to an existing single family residence (Coastal Act Section 30610(a)) and not located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) (Section 13250(b)(4) of 14 Cal. Admin. Code).
- The proposed development is an improvement to an existing single family residence and is located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater), but is not (a) an increase of 10% or more of internal floor area; (b) an increase in height over 10%; or (c) a significant non-attached structure (Coastal Act Section 30610(a) and Section 13250(b)(4) of the Administrative Regulations).
- The proposed development is an interior modification to an existing use with no change in the density or intensity of use (Coastal Act Section 30106).

**PERMIT EXEMPTION / NO PERMIT REQUIRED**

- The proposed development involves the installation, testing, and placement in service of a necessary utility connection between an existing service facility and development approved in accordance with coastal development permit requirements, pursuant to Coastal Act Section 30610(f).
- The proposed development is the rebuilding of a structure, other than a public works facility, destroyed by natural disaster. The replacement conforms to all of the requirements of Coastal Act Section 30610(g).
- Other: The proposed project does not involve any new development and will not result in any change in the intensity of use (Coastal Act Section 30106).

Please be advised that only the project described above is exempt from the permit requirements of the Coastal Act. Any change in the project may cause it to lose its exempt status. This certification is based on information provided by the recipient of this letter. If, at a later date, this information is found to be incorrect or incomplete, this letter will become invalid, and any development occurring at that time must cease until a Coastal Development Permit is obtained.

Sincerely,



Melody Lasiter  
Coastal Program Analyst

cc: File