



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

Project: Tideland Use and Occupancy Permit to Metron, Inc., for Berthing, Parking, and Watercraft Operation at Tenth Avenue Marine Terminal
Location: Tenth Avenue Marine Terminal, 1800 Crosby Road, San Diego, CA 92101
Parcel No.: 020-000, 020-036, and 021-001
Project No.: 2021-022
Applicant: Erin Augustyniak, Contracts Administrator, Metron Inc., 1818 Library Street Suite 600, Reston, VA 20190
Date Approved: Mar 11, 2021

PROJECT DESCRIPTION

The proposed project is the renewal of a Tideland Use and Occupancy Permit (TUOP) to Metron, Inc. (Tenant) for their use of approximately 10,000 square feet (sq. ft.) of water area at the Crosby Street Pier (Parcel No. 1), ten (10) parking spaces (Parcel No. 2) and 320 sq. ft. of office space in a single-wide trailer (Parcel No. 3) located on Water Street at the Tenth Avenue Marine Terminal located in the City of San Diego, California. The areas proposed for use under this TUOP are currently and are proposed to be used only and exclusively for the non-exclusive purpose of berthing and the operation of one (1) or more Large Diameter Unmanned Underwater Vehicles (LDUUV) from modular barges temporarily secured to the Premises in support of a United States Navy Unmanned Underwater Vehicle (UUV) program, up to four (4), eleven-meter Rigid Hull Inflatable Boats (RHIB) and two (2) mobile pin barges and employee parking and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The District may relocate Tenant's assigned parking spaces to other locations on the Tenth Avenue Marine Terminal to accommodate cargo and operational needs as determined by the Marine Terminal Supervisor. District shall provide ten (10) days' advance written notice to Tenant of Tenant's newly assigned parking spaces. 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, uses, or increase in the size of the Tenant's leasehold or the TUOP area is proposed or authorized as part of this TUOP, and no expansion of use would occur.

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 the renewal of a TUOP for berthing, parking, and watercraft operation 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: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land and Water Use Designations: Marine Related Industrial; Specialized Berthing; and Terminal Berthing

The proposed project conforms to the certified Port Master Plan because it would involve the renewal of a TUOP for berthing, parking, and watercraft operation, and would result in no expansion of use beyond that previously existing, consistent with the existing certified Land and Water use designations. 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 and would involve no expansion of use beyond that previously existing. 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: Mar 11, 2021

Deputy General Counsel

Signature: Rebecca S. Harrington
Date: Mar 11, 2021