



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

Project: Tideland Use and Occupancy Permit to United States Coast Guard for Operation and Maintenance of Radios, Supporting Electronics, and Associated Antennas at the District Administration Building

Location: 3165 Pacific Highway, San Diego, CA 92101

Parcel No.: 016-007 and 016-008

Project No.: 2021-042

Applicant: Dan Sanders, Real Estate Specialist, USCG SEU Oakland, 1301 Clay Street, Suite 700N, Oakland, CA 94612-5203

Date Approved: May 4, 2021

PROJECT DESCRIPTION

The proposed project is the renewal of a Tideland Use and Occupancy Permit (TUOP) to the United States Coast Guard (Tenant) for their continued use of a portion of the eighth floor and roof of the San Diego Unified Port District (District) Administration Building located in the City of San Diego. The area proposed for use under this TUOP is currently is and is proposed to be used only and exclusively for the purpose of operation and maintenance of radios and supporting electronics into existing racks on the eighth floor and associated antennas on the roof (Premises) and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. Further, the TUOP would provide for the ingress and egress of the Tenant to the Premises. Unless otherwise agreed to by the parties, the Tenant's access to the Premises shall be in the company of assigned District personnel. Access to Tenant's equipment is restricted to Tenant or to others that are designated in writing by Tenant. The Tenant shall annually provide to District an access list of personnel to maintain the equipment at the Premises in advance of needing access to the equipment. 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 ninety (90) days' notice in writing to the other party of such termination. In addition, the District reserves the right to require the Tenant to cease all radio transmissions on the Premises in the event that Tenant's equipment causes or appears to cause unacceptable interference with the District's or other communication systems.

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 a renewal of an existing TUOP for radio operations, 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: 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9)

Land Use Designation: Harbor Services

The proposed project conforms to the certified Port Master Plan because it would involve the renewal of an existing TUOP for radio operations, 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)(4) of the Port Act, which allows for the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section. 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.

J. STUYVESANT
President/CEO

Determination by:
Michael Paul
Assistant Planner
Development Services

Signature: Michael Paul
Date: May 4, 2021

Deputy General Counsel

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