



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

Project: Tideland Use and Occupancy Permit to Santa Monica Seafood for Commercial Fish and Seafood Processing
Location: 535-555 Harbor Lane, San Diego, CA 92101
Parcel No.: 104-105
Project No.: 2021-072
Applicant: Shevis K. Shima, Senior Vice President, Santa Monica Seafood, 18531 South Broadwick Street, Rancho Dominguez, CA 90220
Date Approved: Jun 29, 2021

PROJECT DESCRIPTION

The proposed project is the renewal of a Tideland Use and Occupancy Permit (TUOP) to Santa Monica Seafood (Tenant) for their use of approximately 16,779 square feet of building area (Harbor Seafood Mart building) and approximately 51,864 square feet of joint-use land and water area, and 842 square feet of joint-use building area located at 535-555 Harbor Lane in the City of San Diego. The building area proposed for use under this TUOP would be used only and exclusively for commercial fish and seafood processing, storage and packaging, related wholesale business activities, loading and unloading of fish and seafood from trucks and marine vessels, and for no other purpose whatsoever without prior written consent of the Executive Director of District. The joint-use land and water area would be used as a loading dock, truck delivery area, and wharf and would be used by the Tenant and other tenants of the Harbor Seafood Mart building. Currently, there is a vacant space within the Harbor Seafood Mart building adjacent to the 842 square foot joint-use area. Pursuant to the TUOP, in the event part of the joint-use building area becomes part of a new occupant exclusive-use area, the Tenant's premises would be amended to reflect the remaining joint-use area and the removal of the joint-use building area from the Tenant's Premises. The joint-use area shall be maintained and kept in good repair and condition by the Tenant at their sole cost and expense.

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. The Tenant shall take every reasonable precaution to prevent foreign material and debris from falling into or otherwise reaching the bay during its operations. Any foreign materials or equipment, buoyant or nonbuoyant that reaches the bay shall be removed by the Tenant. No new development, construction, or increase in the size of the Tenant's TUOP area is proposed or authorized as part of this TUOP. The site is currently and is proposed to be used for commercial fish and seafood processing, storage and packaging, related wholesale business activities, loading and unloading of fish and seafood from trucks and marine vessels.

The TUOP is anticipated to commence on July 1, 2021, and terminate on June 30, 2026, for a total term of approximately five (5) years. The TUOP may be canceled by the Executive Director of District or his or her duly authorized representative, or Tenant, by giving thirty (90) 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 the renewal of a TUOP for commercial fish and seafood processing, storage and packaging, related wholesale business activities, loading and unloading of fish and seafood from trucks and marine vessels that would involve no expansion of use beyond that previously existing and would not allow for new development. 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 and Water Use Designations: Commercial Recreation; Commercial Fishing; and Commercial Fishing Berthing

The proposed project conforms to the certified Port Master Plan because it would involve the renewal of a TUOP for commercial fish and seafood processing, storage and packaging, related wholesale business activities, loading and unloading of fish and seafood from trucks and marine vessels that would involve no expansion of use beyond that previously existing and would not allow for new development, 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. 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)(2) of the Port Act, which allows for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. 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: Jun 29, 2021

Deputy General Counsel

Signature: Rebecca Harrington
Date: Jun 29, 2021