



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

Project: Vending Permit to Compass Group USA, Inc., for Installation and Operation of Vending Machines
Location: Cities of San Diego, National City, Chula Vista, and Coronado, CA
Parcel No.: Various
Project No.: 2021-079
Applicant: Alishia Zaldivar, Regional Director, Compass Group USA, Inc., 5515 Market Street, San Diego, CA 92114
Date Approved: Jul 1, 2021

PROJECT DESCRIPTION

The proposed project is the renewal of a vending permit (Permit) to Compass Group USA, Inc. (Permittee) to install and operate vending machines located within the Cities of San Diego, National City, Chula Vista, and Coronado, California. The locations proposed for use are currently used for the exclusive privilege and concession right to install and operate approximately twenty-five (25) existing vending machines. Prior to the installation and operation of any additional vending machines, the Tenant shall submit to the Executive Director of District in writing a detailed statement showing the number of machines, location, and type of product or service dispensed. The proposed locations of the vending machines would not encroach or otherwise affect any public areas or views. 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 permit area is proposed or authorized as part of this permit.

It is anticipated that the Permit would have a total term of approximately five (5) years. The Permit 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 exemption 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 permit to install and operate vending machines that would involve no expansion of use beyond that previously existing, would not allow any new development, and would not result in any significant cumulative impacts 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 Districts: 1 - Shelter Island/La Playa (Precise Plan Figure 4); 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9); 3 - Centre City Embarcadero (Precise Plan Figure 11); 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13); 5 - National City Bayfront (Precise Plan Figure 15); and 6 - Coronado Bayfront (Precise Plan Figure 17)

Land Use Designations: Park/Plaza; Marine Terminal; Harbor Services; Industrial Business Park; and Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve renewal of a permit to install and operate vending machines, consistent with the existing certified Land 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 vending permit. 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.

J. STUYVESANT
President/CEO

Determination by:
Michael Paul
Assistant Planner
Development Services

Signature: Michael Paul
Date: Jul 1, 2021

Deputy General Counsel

Signature: Chris Burt
Date: Jul 1, 2021