



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

Project: Vending Permit to Moody's Lunch Services, Inc., for Operation of Food Vending Vehicles
Location(s): National City Marine Terminal, 1400 Terminal Street, National City, CA 91954
 Tenth Avenue Marine Terminal, 1800 Crosby Road, San Diego, CA 92101
Parcel No.(s): 020-025 and 027-003
Project No.: 2021-125
Applicant: Dennis Moody, Moody's Lunch service, LLC, 4637 Market Street, San Diego, CA 92102
Date Approved: Oct 12, 2021

PROJECT DESCRIPTION

The proposed project is a Vending Permit (Permit) to Moody's Lunch Service, Inc. (Tenant) to conduct food vending activities at National City Marine Terminal and Tenth Avenue Marine Terminal, California. Moody's Lunch Service, Inc., is an existing Tenant and this permit would continue the existing operation without new development, construction, uses, or increase in the size of the Tenant's permit area is proposed or authorized as part of this Permit. The areas proposed for use under this Permit are proposed to be used only and exclusively for the purpose of the non-exclusive operation of a food vending vehicle. The locations where the food vehicle would operate are restricted to two locations at the National City Marine Terminal and other areas as designated by the Director of Maritime Operations or his designated representative and at the Tenth Avenue Marine Terminal in San Diego, California, in areas designated from time to time by the Director of Maritime Operations or his designated representative. 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.

It is anticipated that the Permit would commence in October 2021 and terminate September 2025, for a total term of four (4) years. The Permit may be terminated by the Executive Director of District or their duly authorized representative, or Tenant, as a matter of right and without cause at any time upon the giving of twenty-four (24) hours' 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 and 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 is a Permit for the purpose of the operation of a food vending vehicle that would involve no expansion of use beyond that previously existing. Furthermore,

the Permit would not result in any significant cumulative impacts due to the continuation of the existing use.

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: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13); and 5 - National City Bayfront (Precise Plan Figure 15)

Land Use Designation: Marine Related Industrial

The proposed project conforms to the certified Port Master Plan because it consists of amending an existing lease for existing space within the Industrial Center and Marine Terminal for the purpose of the operation of a food vending vehicle, 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

Categorical Exclusion: Section 8.a: Existing Facilities

8.a. Existing Facilities: The 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.

The proposed project is determined to be Categorically Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above. The project proposes a Vending Permit for the purpose of the operation of food vending vehicle that would involve no expansion of use beyond that previously existing.

Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

CALIFORNIA PUBLIC TRUST DOCTRINE

The proposed project complies with Section 87.(a)(1) of the Port Act, which allows for visitor-serving commercial and industrial uses and purposes. 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:
Peter Eichar, AICP
Senior Planner
Development Services

Deputy General Counsel

Signature: Peter Eichar
Date: oct 12, 2021

Signature: Christopher Burt
Date: oct 12, 2021