

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS  
and  
NOTICE OF APPROVAL

Project: Tidelands Use and Occupancy Permit to City of Imperial Beach for Public Parking at the Elkwood Lot  
Location(s): Elkwood Lot, Elkwood Avenue and Seacoast Drive, Imperial Beach, CA, 91950  
Parcel No.(s): 069-009 and 069-012  
Project No.: 2018-081  
Applicant: Andy Hall, City Manager, City of Imperial Beach, 825 Imperial Beach Boulevard, Imperial Beach, CA 91932  
Date Approved: April 27, 2018

Project Description

The proposed project is a Tidelands Use and Occupancy Permit (TUOP) to City of Imperial Beach (Tenant) for their use of approximately 23,802 square feet of land located in the city of Imperial Beach, California. The area proposed for use under this TUOP is currently and is proposed to be used only and exclusively for the purpose of free public parking and reserved non-public use of lots for pre-approved District Tideland Activation Program (TAP) Imperial Beach events and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. 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 Executive Director of the Port District or their duly authorized representative, or Tenant, as a matter of right and without cause at any time upon the giving of sixty (60) days' notice in writing to 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.

**CEQA DETERMINATION**

Based upon the above description, the project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and Section 3.a. (4) of the District's *Guidelines for Compliance with CEQA* because the project is a TUOP for the purpose of parking that would involve no expansion of use beyond that previously existing and would not result in change in the existing use. Section 3.a. (4) of the District's CEQA Guidelines is as follows:

- 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 Categorical Exemption listed above is appropriate for the proposed project because it is a TUOP for the purpose of parking that would involve no expansion of use beyond that previously existing and would not result in change in the existing use. Furthermore, the TUOP 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.

The proposed project complies with Section 87 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.

**CALIFORNIA COASTAL ACT**

**PORT MASTER PLAN**

The project site is located in Imperial Beach Oceanfront, which is delineated on Precise Plan Map Figure 25 of the certified Port Master Plan. The Port Master Plan land use designation within the limits of the proposed project is Commercial Recreation. The project conforms to the certified Port Master Plan because it is a TUOP for mooring consistent with the existing certified water use designation. The 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 consists of a TUOP for the purpose of parking that would involve no expansion of use beyond that previously existing. This project is consistent with the existing certified land use designation and is Categorical Excluded under Section 8.a. of the *District's Coastal Development Permit Regulations*, as follows:

- 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.

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.

RANDA CONIGLIO  
President/CEO

Determination by:  
Cameron McLeod  
Assistant Planner  
Development Services

Signature: Cameron McLeod  
Date: 4/27/2018

Deputy General Counsel

Signature: W.S. McLeod  
Date: 4/27/18