

**San Diego Unified Port District**

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

Project: Tidelands Use and Occupancy Permit to Pasha Automotive Services for Temporary Automobile and Cargo Storage in National City  
Location(s): 3000 Tidelands Avenue, National City, San Diego, CA 91950  
Parcel No.(s): 027-029  
Project No.: 2018-038  
Applicant: Sophie Silvestri, Pasha Automotive Services, 1309 Bay Marina Drive, National City, CA 91950  
Date Approved: March 7, 2018

Project Description

The proposed project is a Tidelands Use and Occupancy Permit (TUOP) to Pasha Automotive Services (Tenant) for their use of approximately 273,166 square feet of land area located in the city of National City, California. The area proposed for use under this TUOP is currently and is proposed to be used only and exclusively for the purpose of import, export, handling, and storage of motor vehicles, cargo transported aboard vessels owned, operated or chartered by Pasha Hawaii Transport Lines, LLC (PHTL) or any company affiliated with PHTL, and other general cargo as may be agreed to by the parties, 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 commence early 2018 and terminate early 2022 for a total term of approximately four (4) 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 ninety (90) 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**

In accordance with the California Environmental Quality Act (CEQA), the potential environmental impacts of the proposed project were analyzed in the Final Environmental Impact Report (EIR) for the "National City Marine Terminal Tank Farm Paving and Street Closures Project" (SCH No. 2014121046), which was certified by the Board of Port Commissioners on September 8, 2016 by Resolution 2016-140. The Final EIR documented, described, disclosed, and analyzed the environmental impacts of the proposed project.

Pursuant to Section 15378(c) of the State CEQA Guidelines, the term "project" refers to the activity being approved, which may be subject to several discretionary approvals by governmental agencies, and does not mean each separate governmental approval. Accordingly, the proposed TUOP is a subsequent discretionary approval of a previously approved project. Therefore, no further environmental review is required pursuant to CEQA. Section 34 of the TUOP requires compliance with all applicable mitigation measures included in the Final EIR.

The proposed project complies with Section 87 of the Port Act, which allows for the

establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operations of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. 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 Planning District 5, National City Bayfront, which is delineated on Precise Plan Map Figure 15 of the certified Port Master Plan. The Port Master Plan land use designation within the limits of the proposed project is Marine Related Industrial. The project conforms to the certified Port Master Plan because it is a TUOP for temporary vehicle and cargo storage consistent with the existing certified land 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 temporary vehicle and cargo storage that would involve no expansion of use beyond that previously existing and would not involve the removal of mature, scenic trees. This project is consistent with the existing certified land use designation and is Categorically Excluded under Sections 8.a. and/or 8.d. (5) 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.

AND/OR

- 8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, including but not limited to:

- (5) Minor temporary uses of land and water having negligible or no permanent effects on the environment, including festivals, boating activities, parades, and running or bicycling events.

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

Deputy General Counsel

Signature: 

Date: 3/7/2018

Signature: 

Date: 3-8-18