

San Diego Unified Port District

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

Project: Transportation Services Permit to Ace Parking Management for Shuttle System Operation on Harbor Drive
Location(s): Harbor Drive, San Diego, CA 92101
Parcel No.(s): Various
Project No.: 2018-036
Applicant: Kevin Hernandez, Managing Director, Ace Parking Management, Inc., 645 Ash Street, San Diego, CA 92101
Date Approved: March 7, 2018

Project Description

The proposed project is a Transportation Services Permit (Permit) to Ace Parking Management, Inc. (Permittee) for operation of a shuttle. The shuttle operation would enhance public access as well as facilitate the mobility of tourists and visitors along the San Diego bayfront during the summer months.

The proposed shuttle route would run along Harbor Drive between the Sheraton San Diego Hotel on Harbor Island and the Hilton San Diego Bayfront Hotel in the South Embarcadero, with approximately six stops along the route. All shuttle stops would be located on existing tenant leaseholds, and no new shuttle infrastructure is proposed as part of the project. The shuttle would operate seven days a week with hours of operation running from 10 a.m. to 8 p.m. Sunday to Thursday and 10 a.m. to 10 p.m. Friday to Saturday, with additional hours of operation dependent on demand.

It is anticipated that the Permit would commence on May 1, 2018 and terminate on April 30, 2019, for a total term of one (1) year. The Permit would allow for four (4) optional additional one (1) year terms, which would commence at the expiration of the immediately preceding term, meaning the Permit would have a potential total term of five (5) years and would terminate on April 30, 2023. The Permit may be terminated by the Executive Director of District or her duly authorized representative, or Tenant, as a matter of right and without cause at any time upon the giving of ten (10) days' notice in writing to the other party of such termination.

The following categorical determinations are based on the Permit 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. of the District's *Guidelines for Compliance with CEQA* because the project is a Permit for the purpose of operation of a shuttle service that would involve no expansion of use beyond that previously existing. Section 3.a. 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.

The Categorical Exemption listed above is appropriate for the proposed project because it is a Permit for the purpose of operation of a shuttle service 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.

The proposed project complies with Section 87 of the Port Act, which allows for all commercial and industrial uses and purposes. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine because the issuance of a Permit for the purpose of operation of a shuttle service. Consequently, the proposed project is consistent with the Public Trust Doctrine.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The project would be located in Planning District 2, Harbor Island/Lindbergh Field, which is delineated on Precise Plan Map Figure 9 and Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan. The Port Master Plan land use designations within the limits of the proposed project area are Commercial Recreation and Street. The project conforms to the certified Port Master Plan because it is the issuance of a Permit for the purpose of operation of a shuttle service 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

On April 18, 2011, the California Coastal Commission authorized issuance of a Coastal Development Permit (CDP) (A-6-PSD-11-006) for Phase 1 of the North Embarcadero Visionary Plan. The proposed project is consistent with Special Condition 4(c) of the CDP, which requires implementation of a shuttle service along North Harbor Drive. No further approvals are required pursuant to the California Coastal Act or the District's *Coastal Development Permit Regulations*.

RANDA CONIGLIO
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Signature: Cameron McLeod.
Date: 3/6/2018.

Deputy General Counsel

Signature: W.S. McLeod.
Date: 3-1-18