

F I L E D

Ernest J. Dronenburg, Jr. Recorder County Clerk

FEB 25 2019

C. Mendoza Dominguez

BY _____
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Notice of Exemption

CEQA Guidelines Appendix E

To: ■ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: (Public Agency)
San Diego Unified Port District
Development Services Department
3165 Pacific Highway
San Diego, CA 92101

■ San Diego County Recorder/County Clerk
1600 Pacific Highway, Suite 260
San Diego, CA 92101-2480

Project Title: *Tidelands Use and Occupancy Permit to Sound of Beach for a Retail Store at Imperial Beach Oceanfront*

Project Location – Specific: *10 Evergreen Avenue, Imperial Beach, CA 91932*

Project Location – City: *Imperial Beach*

Project Location – County: *San Diego*

Description of Nature, Purpose, and Beneficiaries of Project: *The proposed project is a Tidelands Use and Occupancy Permit (TUOP) to Sound of Beach (Tenant) for their use of approximately 371 square feet of land area 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 a beach-oriented retail store including the sale and rental of beach-oriented equipment; the sale of soft drinks and coffee; the sale of hot food such as hamburgers, hot dogs, tacos, chili, and soup; the sale of prepackaged food and sandwiches, candy and cookies; and the sale of sundries such as novelties, souvenirs, clothing, and beach-oriented incidentals, and for no other purpose whatsoever without the prior written consent of the Executive Director of the District in each instance. 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, 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 up to approximately five (5) years. The TUOP 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.

Name of Public Agency Approving Project: *San Diego Unified Port District (SDUPD)*

Name of Person or Agency Carrying Out Project: *Suk Kim, Sound of Beach, 10 Evergreen Avenue, Suite C, Imperial Beach, CA 91932; (619) 424-7060*

Exempt Status: (Check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemptions: Existing Facilities (SG § 15301) (Class 1)**
- Statutory Exemption. State code number:

Reason Why Project is Exempt: *The proposed 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 it would involve renewal of a TUOP for a retail store that would involve no expansion of use beyond that previously existing and would not result in a significant cumulative impact due to the continuation of 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 or private structures, facilities, mechanical equipment, or topographical features; involving

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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 exception is also inapplicable if the cumulative impact of continuing the existing use or conditions in the same place, over time, is significant.

Lead Agency Contact Person and Telephone Number: Cameron McLeod, (619) 686-6273

Signature: Cameron McLeod Date: 2/13/19 Title: Assistant Planner

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR/Clerk:

Governor's Office of Planning & Research

FEB 26 2019

STATE CLEARINGHOUSE

FILED IN THE OFFICE OF THE COUNTY CLERK

San Diego County on FEB 25 2019

Posted FEB 25 2019 Removed

Returned to agency on

Deputy C. Mendoza Dominguez