

San Diego Unified Port District
CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: Installation and Repair of Fiber Facilities to Extend Service to Grape Street Pier
Location(s): Grape Street Pier, San Diego, CA 92101
N. Harbor Drive, San Diego, CA 92101
W. Grape Street, San Diego, CA 92101
1800 N. Harbor Drive, San Diego, CA 92101
Parcel No.(s): 017-012, 017-018, 017-050, and 506-004
Project No.: 2017-174a
Applicant: Tom Hallauer, Right of Way Manager, AT&T, 7337 Trade Street Room 5685,
San Diego, CA 92121
Date Approved: November 29, 2017 Revised: December 20, 2017

Project Description

The proposed project involves the installation and repair of fiber facilities to service an existing building located at 1800 N. Harbor Drive in San Diego, California. The proposed project would extend fiber service by repairing existing fiber lines and installing new fiber lines. Work to specifically complete the proposed project includes the following:

- Excavate three 4-foot (ft)-long by 4-ft-wide by 4-ft-high assist pits;
- Remove and replace two handholes with two new 2-ft-long by 3-ft-wide handholes;
- Trench 6 inches (in) by 177 ft by 2 ft;
- Place 177 ft of new 4-in conduit and fiber cable; and
- Repair existing conduit and fiber cable.

It is anticipated that construction would commence early 2018 and take approximately three days to complete. Due to its nature and limited scope, construction of the proposed project would generate a minor amount of vehicle trips and would require limited use of construction equipment. Finally, the Applicant would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris, hazards and hazardous materials, and stormwater.

The proposed project would require a Right of Entry permit (ROE) to AT&T to enter upon certain property located at N. Harbor Drive and W. Grape Street in the City of San Diego, California. The land proposed for use under this ROE would be used by AT&T, its authorized agent(s) and contractor(s), for the purpose of installation and repair of fiber facilities, as well as ingress and egress in support of those activities.

The ROE is anticipated to commence on January 15, 2018 and terminate on February 15, 2018 or upon completion of the work, whichever occurs earlier. In accordance with the terms of the ROE, it may be terminated by the District as a matter of right or without cause at any time upon providing twenty-four (24) hours' written notice to AT&T 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 Sections 15301 (Existing Facilities)

and/or 15303 (New Construction or Conversion of Small Structures) and Sections 3.a (7), 3.c (3), and/or 3.d. (7) of the District's *Guidelines for Compliance with CEQA* because the project involves the installation and repair of fiber facilities that would involve no expansion of use beyond that previously existing, would have no permanent effects on the environment, and would not involve the removal of mature, scenic trees. Sections 3.a (7), 3.c (3), and 3.d. (7) of District's CEQA Guidelines are 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:

- (7) Existing facilities used to provide electric power, natural gas, sewerage, or other public utility service.

AND/OR

3.c. New Construction or Conversion of Small Structures (SG S 15303) (Class 3): Includes construction of a limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another with minor modifications to the exterior of the structure. Examples of this exemption include:

- (3) Water, sewer, electrical, gas, telephone, and other utility structures or facilities.

AND/OR

3.d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including but not limited to:

- (7) Minor trenching and backfilling where the surface is restored.

The Categorical Exemptions listed above are appropriate for the proposed project because the project involves the installation and repair of fiber facilities that would involve no expansion of use beyond that previously existing, would have no permanent effects on the environment, and would not involve the removal of mature, scenic trees. 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 Section 87. 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 is located in 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 are Commercial Recreation, Park/Plaza, Promenade, and Street. The project conforms to the certified Port Master Plan because it is the installation and repair of fiber facilities. Utilities are an allowable use in the above land use designations. The project would not change the use of the site nor would it interrupt or significantly expand the existing conforming use of the site.

CATEGORICAL DETERMINATION

The above project involves the installation and repair of fiber facilities, which would involve no expansion of use beyond that previously existing, would involve no change of existing use of the property, and would not involve the removal of mature, scenic trees. This project is consistent with the existing certified land use designations and is Categorically Excluded under Sections 8.a. (2), 8.c., and/or 8.d. (6) 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, including but not limited to:

- (2) Public and private utilities used to provide electric power, natural gas, sewer, or other utility services.

AND/OR

8.c. New Construction or Conversion of Small Structures: Construction and location of limited numbers of new, small facilities or structures and installation of small, new equipment and facilities, involving negligible or no change of existing use of the property.

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:

- (6) Minor trenching or backfilling where the surface is restored.

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: 12/20/2017.

Deputy General Counsel

Signature: W.S. McLeod.
Date: 12-20-17