

San Diego Unified Port District

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

Project: Extension of Telecommunication Services by Coxcom, Inc. at Embarcadero Marina Park South
Location(s): 206 Marina Park Way, San Diego, CA 92101
Parcel No.(s): 019-062
Project No.: 2018-069
Applicant: Mario Garcia, Cox Communications, 5159 Federal Blvd., San Diego, CA 92105
Date Approved: May 7, 2018

Project Description

The proposed project would involve the extension of existing Coxcom, Inc. (Coxcom) telecommunication facilities in order to provide telecommunication service to Embarcadero Marina Park South in San Diego, California. The proposed project would extend existing telecommunication service by installing underground conduit and cable to intercept existing telecommunication service at an existing conduit.

The proposed project would involve issuance of an Easement Agreement (agreement) to Coxcom for approximately 929 square feet of tideland area located in the city of San Diego, California. The agreement would be for the purposes of construction, operation, maintenance, repair, replacement, and inspection of cable, data, and telecommunication facilities and appurtenances, as well as ingress and egress in support of those activities. The agreement would have a duration of five (5) years.

It is anticipated that construction would commence mid-2018, and would take approximately ten days to complete, with ongoing maintenance, repair, replacement, and inspection as required. 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 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 proposed project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) and Sections 3.a (4), (6), and (7), 3.b., 3.c., and 3.d. of the District's *Guidelines for Compliance with CEQA* because the proposed project involves the installation and maintenance of utilities. Sections 3.a (4), (6), and (7), 3.b., 3.c., and 3.d. of the 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 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:
 - (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.

the structures are of historical, archaeological, or architectural significance. These include, but are not limited to, commercial, industrial, airport, or marine terminal structures or facilities if designed for an occupancy load of 30 persons or less, and not in conjunction with the demolition of improvements on an entire site. Examples are warehouses, sheds, miscellaneous work buildings, piers, floats, piles, marine ways, electrical, mechanical, or utility systems, railroad improvements, dilapidated vessels, navigation aids, or similar related structures.

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

AND/OR

- 3.b. Replacement or Reconstruction (SG § 15302) (Class 2): Includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced.

AND/OR

- 3.c. New Construction or Conversion of Small Structures (SG 15303) (Class 3): Includes construction of limited numbers 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 structure.

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:

The Categorical Exemptions listed above are appropriate for the proposed project because it involves the installation and maintenance of utilities that would involve negligible expansion of use beyond that previously existing, would not involve the removal of structures of historical, archaeological, or architectural significance, would have substantially the same purpose as the facilities being replaced or reconstructed, would not involve the removal of mature, scenic trees, and would not result in a significant cumulative impact 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 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 proposed 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, and Promenade. The proposed project conforms to the certified Port Master Plan because it involves the

installation and maintenance of utilities that would not change the use of the site nor would it interrupt or expand the existing conforming use of the site.

CATEGORICAL DETERMINATION

The above project proposes the installation and maintenance of utilities that would involve negligible or no expansion of use beyond that previously existing, would be located essentially on the same site and would have substantially the same purpose and capacity as the structure being replaced, would involve no change of the existing use of the property, and would not involve the removal of mature, scenic trees. This proposed project is consistent with the existing certified land use designations and is Categorically Excluded under Sections 8.a. (2) and (9), 8.b., 8.c., 8.d., and 8.f. 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;
 - (9) Demolition and removal of individual small structures, except where structures are of historical, archaeological, or architectural significance.

AND/OR

- 8.b. Replacement or Reconstruction: Replacement or reconstruction of existing structures and facilities where the new structure will be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

AND/OR

- 8.c. New Construction or Conversion of Small Structures: Construction and location of limited number 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.

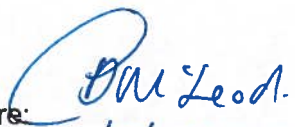
AND/OR

- 8.f. Inspection: Activities limited to inspection, checking or performance or quality of an operation, examining the health and safety of a project, or related activities.


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: 
Date: 5/7/2018

Deputy General Counsel

Signature: 
Date: 5-7-18