

San Diego Unified Port District

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

Project: Easement Agreement to Cox Communications for Utility Works in Chula Vista
Location(s): Marina Parkway, Chula Vista, CA 91910
Sandpiper Way, Chula Vista, CA 91910
Parcel No.(s): 031-000 and 032-003
Project No.: 2018-084
Applicant: Rahima Clevers, Right of Way Agent, Cox Communications San Diego, 5159
Federal Boulevard, San Diego, CA 92105
Date Approved: May 7, 2018

Project Description

The proposed project is the renewal of an existing Easement Agreement (Easement) to Cox Communications (Grantee) for the continued use of an existing Easement that covers approximately 6,199 square feet of tideland area located in the City of Chula Vista, California. The area proposed for use under this Easement would continue to be used by the Grantee for the purposes of construction, operation, maintenance, repair, replacement, and inspection of cable television facilities and appurtenances. The Easement further grants the Grantee the right of ingress and egress to, from, and along said easement area via practical routes across the adjacent District lands.

The term of the Easement is five years unless terminated earlier. The Grantee may be required to demolish any or all facilities, structures, installations, or improvements within 60 days after the expiration of the term of the Easement or sooner.

The following categorical determinations are based on the Easement 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), 3.b., 3.c., and 3.d. of the District's *Guidelines for Compliance with CEQA* because the proposed project is for the renewal of an existing Easement for utility works. Sections 3.a (4), (6), 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.
 - (6) Demolition and removal of individual structures listed in the subsection except where 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.

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.

The Categorical Exemptions listed above are appropriate for the proposed project because it involves renewal of an existing Easement for utility works that would involve negligible expansion of use beyond that previously existing, 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 7, Chula Vista Bayfront, which is delineated on Precise Plan Map Figure 19 of the certified Port Master Plan. The Port Master Plan land use designation within the limits of the proposed project is Street. The proposed project conforms to the certified Port Master Plan because the proposed project is the renewal of an existing Easement for utility works 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 renewal of an existing Easement for utility works that would involve negligible or no expansion of use beyond that previously existing. This proposed project is consistent with the existing certified land use designations and is Categorical Excluded under Sections 8.a. (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:

- (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.

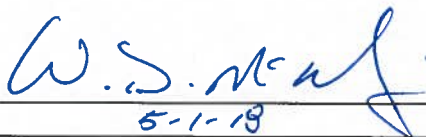
Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

RANDA CONIGLIO
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Signature: 
Date: 5/1/2018

Deputy General Counsel

Signature: 
Date: 5-1-18