

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

**Project:** Amendment No. 3 to Telecommunications License Agreement with The Irvine Company, LLC for Telecommunications Equipment  
**Location:** One America Plaza, 600 West Broadway, San Diego, CA 92101  
**Parcel No.:** N/A  
**Project No.:** 2018-161  
**Applicant:** Isabel Ortega, Asset Manager, Real Estate, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101  
**Date Approved:** September 17, 2018

**PROJECT DESCRIPTION**

The proposed project is Amendment No. 2 to a Telecommunications License Agreement (agreement amendment) with The Irvine Company, LLC for the District's continued operation of existing antennas, equipment, cabling, and appurtenances located on the One America Plaza Building in the City of San Diego. The agreement amendment would allow the District to continue operating three (3) existing antennas, equipment, cabling, and appurtenances located on the 35th and 36th floors of the building. The agreement amendment is required because the antennas continue to be needed for security purposes of the District and the current agreement is set to expire. The proposed agreement amendment would extend the agreement term for approximately three years. No new development, construction, or increase in the size of property is proposed or authorized as part of this amendment to the agreement.

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.

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

***CATEGORICAL DETERMINATION***

Categorical Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities and SG §15304, Class 4/Section 3.d: Minor Alterations to Land

- 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 exemption is also inapplicable if the cumulative impact of continuing the existing use or conditions in the same place, over time, is significant.
  - (7) Existing facilities used to provide electric power, natural gas, sewerage, or other public utility service.

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:
- (6) Minor temporary use of land having negligible or no permanent effects on the environment.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and

the Sections of the District's *Guidelines for Compliance with CEQA* as identified above. These are appropriate for the proposed project because it would involve a short term tenancy agreement for existing facilities use to provide a public utility service, that would involve no expansion of use beyond that previously existing, would not result in a significant cumulative impact due to the continuation of the existing use, would not involve the removal of mature, scenic trees, and would have no permanent effects on the environment. 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.

### **CALIFORNIA COASTAL ACT**

The above project proposes an agreement amendment for the continued operation of existing antennas, equipment, cabling, and appurtenances that will involve no expansion of use beyond that previously existing and will result in no permanent effects on the environment. However, the proposed project is not within the District's Coastal Development Permit jurisdiction and not located in an area that is in the Coastal Zone; therefore, no further approvals are required pursuant to the District's Coastal Development Permit Regulations and/or the California Coastal Act.

### **CALIFORNIA PUBLIC TRUST DOCTRINE**

The proposed project complies with Section 87.(a)(4) 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.

RANDA CONIGLIO  
President/CEO

Determination by:  
Cameron McLeod  
Assistant Planner  
Development Services

Deputy General Counsel

Signature: CM200d.  
Date: 9/17/18.

Signature: W.S. McLeod  
Date: 9-13-18