

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



Project: Tidelands Use and Occupancy Permit to the Federal Aviation Administration for Aviation Equipment at Port Administration Building
Location: 3165 Pacific Highway, San Diego, CA 92101
Parcel No.: 016-007
Project No.: 2018-236
Applicant: Monica Walker, Federal Aviation Administration, 8525 Gibbs Drive, Suite 120, San Diego, California 92123
Date Approved: January 3, 2019

PROJECT DESCRIPTION

The proposed project is a Tidelands Use and Occupancy Permit (TUOP) to the Federal Aviation Administration (Tenant) for their use of approximately thirty-six (36) square feet (sq ft) and nine (9) sq ft of land area located in the city of San Diego, California. The areas proposed for use under this TUOP are currently and are proposed to be used only and exclusively for the purpose of installing and maintaining antennas, remote unit cabinets, and other Airport Surface Detection Equipment (ASDEX) and for no other purpose whatsoever without the prior written consent of the Executive Director of 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 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.

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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemption: SG §15301, Class 1/Section 3.a: Existing Facilities; and SG §15311, Class 11/Section 3.i: Accessory Structures

- 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.

AND/OR

- 3.i. Accessory Structures (SG § 15311) (Class 11): Includes construction, or placement of minor structures accessory to (appurtenant to) existing facilities, including:
 - (2) Construction or placement of minor structures or equipment accessory to (appurtenant to) existing airport or marine terminal facilities.

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

the Section of the District's *Guidelines for Compliance with CEQA* as identified above. This is appropriate for the proposed project because it would involve a TUOP for the installation and maintenance of antennas, remote unit cabinets, and other Airport Surface Detection Equipment (ASDEX) and would involve negligible or 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. 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

PORT MASTER PLAN CONSISTENCY

Planning District: 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9)

Land Use Designation: Harbor Services

The proposed project conforms to the certified Port Master Plan because it would involve a TUOP for the installation and maintenance of antennas, remote unit cabinets, and other Airport Surface Detection Equipment (ASDEX) consistent with the existing certified Land Use designation.

CATEGORICAL DETERMINATION

Categorical Exclusion: Section 8.a: Existing Facilities

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.

The proposed project is determined to be Categorically Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it would involve a TUOP for the installation and maintenance of antennas, remote unit cabinets, and other Airport Surface Detection Equipment (ASDEX) that would involve negligible or no expansion of use beyond that previously existing.

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.


CALIFORNIA PUBLIC TRUST DOCTRINE

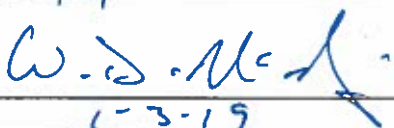
The proposed project complies with Section 87.(a)(3) of the Port Act, which allows for the establishment, improvement, and conduct of airport and heliport or aviation facilities, including, but not limited to, approach, takeoff, and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance, and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of air commerce and air navigation. 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: 
Date: 1/3/19.

Signature: 
Date: 1-3-19