CEQA and COASTAL DETERMINATIONS and
NOTICE OF APPROVAL

Project: Easement to San Diego Gas and Electric Company for Underground Utilities
Location: Tenth Avenue Marine Terminal, 687 Switzer Street, San Diego, CA 92101
Parcel No.: Various
Project No.: 2020-021
Applicant: Bennet Corbilla, Business Analyst-Real Estate & Planning, 8335 Century Park Court, CP12A, San Diego, CA 92123
Date Approved: March 3, 2020

PROJECT DESCRIPTION

The proposed project is a renewal of an existing Easement to San Diego Gas & Electric Company (Grantee) for utility purposes in, on, over, under, across, and through approximately 1,090 square feet (Parcel No. 1) and approximately 3,742 square feet (Parcel No. 2) of subsurface tideland area located at the east and west sides of the Harbor Drive Bridge and within the Fuel Farm at the Tenth Avenue Marine Terminal in San Diego, California. The area proposed for use under this Easement will be used by Grantee to excavate for, lay, erect, construct, build, install, modify, improve, rebuild, reconstruct, relocate, reconfigure, repair, replace, substitute, change the size of, upgrade, maintain, patrol, inspect, test, operate, use, and remove facilities consisting of underground facilities for the transmission and distribution of natural gas and related public utility purposes, together with all fixtures, equipment, and appurtenances necessary or convenient for the maintenance, operation, and use thereof. The Easement further grants Grantee the right of ingress and egress to, from, and along the Easement area via practical routes across the adjacent District lands. The Easement expressly prohibits Grantee from granting third parties any right to attach or install telecommunications, wireless, or other communications facilities within the Easement area. The Easement area is currently and is proposed to be used for the purpose of underground utilities.

The Easement shall be construed, interpreted, and determined in accordance with the laws of the State of California. The Easement term shall be for a period of five (5) years and is anticipated to commence on June 1, 2020, and end on May 31, 2025, unless sooner terminated. The following categorical determinations are based on the Easement and all project information known to the District as of the date of this determination.

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

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 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 consists of a renewal of an Easement for underground utilities that would involve no expansion of use beyond that previously existing, would not allow for new
development, and would not result in any significant cumulative impacts due to the continuation of an 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: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land Use Designation: Marine Related Industrial

The proposed project conforms to the certified Port Master Plan because it would involve a renewal of an Easement for underground utilities, consistent with the existing certified Land use designation. The proposed project would not change the use of the site nor would it interrupt or expand the existing conforming use of the site.

CATEGORICAL DETERMINATION

The proposed project would renew an existing real estate agreement through issuance of an Easement. The proposed project does not allow for "development" as defined in Section 30106 of the California Coastal Act, or "new development" pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or categorical exclusion is not required.

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 this section. 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:
Michael Paul
Assistant Planner
Development Services

Deputy General Counsel

Signature: [Signature]
Date: 3/3/20

Signature: [Signature]
Date: 3/2/20