



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

**Project:** Sublease to Mobilitie for Multi-Carrier Neutral Host Distributed Antenna System at Centre City Embarcadero  
**Location:** 333 West Harbor Drive, City of San Diego, CA 92101  
**Parcel No.:** 019-003  
**Project No.:** 2020-086  
**Applicant:** Sarah Valdez, Director, Wireless Solutions, 660 Newport Center Drive, Suite 200, Newport Beach, CA 92660  
**Date Approved:** August 26, 2020

**PROJECT DESCRIPTION**

The proposed project is a Sublease to Mobilitie (Lessee) for their use of approximately 83 square feet of the Marriott Marquis San Diego Marina Hotel (Hotel) as equipment space and additional areas located within and around the hotel in the City of San Diego, California. The areas proposed for use under the lease are proposed to be used only and exclusively for the purpose of installation, construction, use, and maintenance of a multi-carrier, neutral host distributed antenna system and/or a similar system such as a small cell antenna system (System), and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The System will be installed at various locations within, around, and on top of the building(s) within the leased premises. The System and associated equipment details are unknown at this time; therefore, additional approvals from the San Diego Unified Port District (District) and any other applicable governmental approvals would be required for any future associated physical improvements with this Sublease. The Sublease would specifically consent to Mobilitie's sublease or sublicense of the System to specific cellular carriers (AT&T, Verizon, T-Mobile or Sprint) through a Carrier Agreement. If the District determines that a Carrier Agreement is not in substantial conformance with the Form Carrier Agreement, the Carrier Agreement shall be void and the District's consent would be required. No new development, construction, or increase in the size of the property is proposed or authorized as part of the Sublease.

It is anticipated that the Sublease would have a total term of approximately ten (10) years with one ten-year option. The Sublease 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.

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

***CATEGORICAL DETERMINATION***

Categorical Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities; and SG §15303, Class 3/Section 3.c: New Construction or Conversion of Small 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.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 of the structure.

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. This is appropriate for the proposed project because it consists of a sublease for potential development of a Multi-Carrier Neutral Host Distributed Antenna System, 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, and would consist of construction and location of new, small facilities. 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve a sublease for potential development of a Multi-Carrier Neutral Host Distributed Antenna System, 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***

Categorical Exclusion: Section 8.a: Existing Facilities; and Section 8.c: New Construction or Conversion of Small Structures

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.

AND/OR

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

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 consists of a sublease for potential development of a Multi-Carrier Neutral Host Distributed Antenna System and would involve no expansion of use beyond that previously existing and would involve negligible change of existing use of the property.

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)(2) of the Port Act, which allows for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. 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

Signature: Michael Paul  
Date: Aug 26, 2020

Deputy General Counsel

Signature: Chris Burt  
Date: Aug 26, 2020