



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

Project: Tideland Use and Occupancy Permit for Wireless Telecommunications Facilities on Parking Garage Adjacent at Centre City Embarcadero
Location: Parking Garage Adjacent to Hilton San Diego Bayfront, 801 Harbor Drive, San Diego, CA 92101
Parcel No.: 019-050
Project No.: 2021-017
Applicant: New Cingular Wireless PCS, LLC, TAG – LA, 1025 Lenox Park Boulevard NE, 3rd Floor, Atlanta, GA 30319
Date Approved: Mar 1, 2021

PROJECT DESCRIPTION

The proposed project is the renewal of a Tideland Use and Occupancy Permit (TUOP) to New Cingular Wireless (Tenant) for their non-exclusive use of approximately 285 square feet (sq. ft.) of land area (Premises) located in the City of San Diego, California. The area proposed for use under this TUOP is currently and is proposed to be used only and exclusively for the purpose of, with proper permits and approvals obtained, installing, constructing, modifying, maintaining, repairing, operating, and removing, all at Tenant's sole cost and expense, a wireless communication facility, which includes, but is not limited to, antenna structures, antenna equipment, cable wiring, utility lines, transmission lines, equipment shelters, back-up power sources (that may include back-up power generators with connected fuel storage tanks brought onto the Premises in the event of an emergency for temporary power when utility service is not available and operation of the Communications Equipment is deemed necessary for public safety), and related fixtures on the Premises (collectively, the "Communications Equipment"), and for no other purpose whatsoever without the prior written consent of the District's Director in each instance. The portion located on the top level of the parking garage will have a footprint of approximately 285 sq. ft. within an existing fully enclosed equipment shelter on a steel-framed platform. The portion along the exterior facade of the parking garage includes fiberglass reinforced plastic (FRP) framed antenna boxes that match the existing building facade and are attached to the existing concrete garage building facade at three (3) locations: 1) East Elevation: an antenna box that is approximately twenty (20) feet long by seven (7) feet high and three feet deep; 2) North Elevation: antenna box that is approximately forty (40) feet long by seven feet high by 3 feet deep; and 3) West Elevation: antenna box that is approximately forty feet long by seven feet high by 3 feet deep. 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 new 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 ninety (90) days' notice in writing to the 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

- 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 Categorical 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 a TUOP for wireless telecommunications facilities that would involve no expansion of use beyond that previously existing. 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 renewal of a TUOP for wireless telecommunications facilities, 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 a TUOP. 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.

JOE STUYVESANT
President/CEO

Determination by:
Michael Paul
Assistant Planner
Development Services

Signature: Michael Paul
Date: Mar 1, 2021

Deputy General Counsel

Signature: Chris Burt
Date: Mar 1, 2021