



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

Project: Installation of Wireless Communication Equipment by Verizon Wireless at Embarcadero Marina Park South
Location: 224 Marina Park Way, Embarcadero Marina Park South, San Diego, CA 92101
Parcel No.: 019-062
Project No.: 2021-048
Applicant: Rodney Philhower, Plancom Inc., 302 State Place, Escondido, CA 92029
Date Approved: Nov 2, 2021

PROJECT DESCRIPTION

The proposed project would involve modification of an existing wireless communication facility by Verizon (Applicant) in the city of San Diego, California. The proposed site consists of an existing 50-foot-high cell tower, disguised as a faux eucalyptus tree, as well as vacant park space. Work to specifically complete the proposed project would consist of:

- Installation of the following on the existing cell tower:
 - Six (6) panel antennas;
 - Six (6) radio units behind the antennas;
 - Three (3) Raycap DC surge suppressors; and
 - Three (3) hybrid cables (one per sector) from radio equipment to surge suppressors;
- Construction of an approximately 10-foot-high, by 23-foot-long, by 10-foot-wide equipment enclosure;
- Installation of Verizon telecommunications equipment inside proposed enclosure, including:
 - Two (2) Verizon E/911 GPS Antennas; and
 - 15kW Polar enclosed standby generator with a 54-gallon diesel tank on a concrete pad;
- Installation of 200 AMP electrical service; and
- Installation of a fiber service connection.

The proposed project is anticipated to occur early-2022 and would take approximately one month to complete, with ongoing maintenance and repair as-needed.

The proposed project would require an amendment of the existing Tideland Use and Occupancy Permit (TUOP) for the Applicant's use of approximately 438 square feet (sq ft) of land area. The area proposed for use under this TUOP would 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, air-conditioned equipment shelters, back-up power sources (that may include back-up power generators with connected fuel storage tanks for emergency power), and related fixtures on the Premises, including, without limitation the, Tenant's communication equipment and for no other purpose whatsoever without the prior written consent of the District's Director in each instance. The TUOP has a remaining term of approximately 9 years. The TUOP may be terminated by the District in the event of an uncured default.

Due to its nature and limited scope, the proposed project would generate a minor amount of vehicle trips and would require limited use of equipment. Impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. Furthermore, the Applicant would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris, hazards and hazardous materials, and stormwater.

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

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. Examples of this exemption include:

(3) Water, sewer, electrical, gas, telephone, and other utility structures or facilities.

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:

(7) Minor trenching and backfilling where the surface is restored.

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 would consist of modification, maintenance, and repair of an existing wireless communication facility, and amendment of an existing TUOP that would involve a negligible expansion of use beyond that previously existing and would not involve the removal of mature, scenic trees. 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: Park/Plaza

The proposed project conforms to the certified Port Master Plan because it would consist of modification, maintenance, and repair of an existing wireless communication facility, and amendment of an existing TUOP 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 uses of the site.

CATEGORICAL DETERMINATION

Categorical Exclusions: Section 8.a: Existing Facilities; Section 8.b: Replacement or Reconstruction; Section 8.c: New Construction or Conversion of Small Structures; and/or Section 8.d: Minor Alterations to Land

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.

AND/OR

8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, including but not limited to:

(6) Minor trenching or backfilling where the surface is restored.

The proposed project is determined to be Categorical Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it would consist of modification, maintenance, and repair of an existing wireless communication facility, and amendment of an existing TUOP that would involve a negligible expansion of use beyond that previously existing, and a negligible expansion of capacity, and would not involve a change of existing use of the property, or the removal of mature, scenic trees.

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
Associate Planner
Development Services

Signature: Cameron McLeod
Date Nov 2, 2021

Deputy General Counsel

Signature: Christopher Burt
Date Nov 1, 2021