



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

Project: Modification of Wireless Communication Facility by New Cingular Wireless at the Hilton Bayfront Parking Garage
Location: 1 Park Boulevard, San Diego, CA 92101
Parcel No.: 019-050
Project No.: 2021-145
Applicant: Tara Carmichael, MD7, 10590 W Ocean Air Dr #300, San Diego, CA 92130
Date Approved: Feb 2, 2022

PROJECT DESCRIPTION

The proposed project would involve modification of an existing wireless communication facility by New Cingular Wireless (Applicant) in the city of San Diego, California. The Applicant has an existing Tidelands Use and Occupancy Permit from the District, which authorized construction and use of the property. The proposed site consists of a façade mounted wireless communication facility, disguised with fiberglass reinforced panel screen walls, and an existing equipment enclosure on the roof of the parking garage. Work to specifically complete the proposed project would consist of:

Antenna Level:

- Removal and replacement of three (3) panel antennas;
- Installation of two (2) panel antennas (stacked) per sector for a total of six (6) antennas; and
- Relocation of six (6) existing Radio Remote Units (RRUs) to position four (4) (2 per sector).

Enclosure Level:

- Installation of one (1) rectifier in power plant #1;
- Installation of four (4) rectifiers in power plant #2;
- Installation of three (3) DC power trunks;
- Installation of four (4) battery modules in power plant #2; and
- Remove and replace twelve (12) battery modules in power plant #1.

The proposed antennas would be placed in the same location as existing antennas, within the existing façade screening. The existing equipment enclosure would remain unchanged. 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 include renewal of an existing Tideland Use and Occupancy Permit (TUOP) for the Applicant's use of approximately 285 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 proposed term of five (5) years and is anticipated to commence early-2022. 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; and/or 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.

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.

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. These are appropriate for the proposed project because it would consist of modification, maintenance, and repair of an existing wireless communication facility and renewal of an existing short term agreement that would involve a negligible 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 consist of modification, maintenance, and repair of an existing wireless communication facility and renewal of an existing short-term agreement 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; and/or Section 8.b: Replacement or Reconstruction; 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 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 renewal of an existing short-term agreement that would involve a negligible expansion of use beyond that previously existing and would not involve a 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)(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.

JOE STUYVESANT
President/CEO

Determination by:
Cameron McLeod
Associate Planner
Development Services

Signature: Cameron McLeod
Date: Feb 2, 2022

Deputy General Counsel

Signature: Christopher Burt
Date: Feb 2, 2022