



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

Project: Right of Entry to Cox Communications for Maintenance of an Existing Conduit on Shelter Island Drive  
Location: Various locations along Shelter Island Drive  
Parcel No.: 003-000; 001-025  
Project No.: 2022-010a  
Applicant: Tamara Fisher, Vice President, Right Way Permit Service Inc., 2065 Arnold Way, Suite 101, Alpine, CA 91901  
Date Approved: May 5, 2022

**PROJECT DESCRIPTION**

The proposed project would involve maintenance to an existing conduit by Right Way Permit Service Inc., on behalf of Cox Communications (Applicant/ Licensee) in the city of San Diego, California. Work to specifically complete the proposed project would involve pulling a cable through existing equipment such as above ground pedestals, flush mount underground vaults, and the underground conduit. The existing equipment would also be inspected for future upgrades and improvements. There would be a total of thirty-five (35) locations along Shelter Island Drive that would be inspected. The Applicant would implement a traffic control plan to maintain driveway access to tenant leaseholds and prevent full road closure. At least one lane in each direction would remain open while work is being completed, and any locations that would be closed off for public parking would require notice posted by the Contractor no less than seventy-two (72) hours prior to work commencement. The Applicant would be required to open any closed area as soon as work is completed each day.

A majority of the proposed work would occur within a City of San Diego easement located within Port jurisdiction. For areas that fall outside of the existing City easement, a Right of Entry (ROE) would be issued to Right Way Permit Service Inc., on behalf of Cox Communications (Licensee) to enter certain properties located in the city of San Diego, California. The area proposed for use under this ROE would be used by the Licensee and their authorized agent(s) and contractors(s) for the purpose of accessing various telecommunication sites along Shelter Island Drive for conduit maintenance, as well as ingress and egress in support of those activities. No new development, construction, or increase in the size of the area is proposed or authorized as part of the ROE.

It is anticipated that the ROE would have a total term of approximately eight (8) months, or upon completion of the work, whichever occurs earlier. The ROE may be terminated by the District as a matter of right and without cause at any time upon providing twenty-four (24) hours' notice in writing to the Licensee of such termination.

The proposed project is anticipated to occur in approximately Spring of 2022, and would take approximately two (2) weeks to complete, with ongoing maintenance as needed.

A Coastal Act Categorical Determination of Exclusion (Project No. 2022-010) was issued previously for the maintenance of an existing conduit on Shelter Island Drive. This amendment is to clarify the Applicant is also required to obtain a Right of Entry permit from the District for accessing conduit locations that fall outside of the City of San Diego easement.

Due to its nature and limited scope, construction of the proposed project would generate a minor amount of vehicle trips and would require limited use of equipment. Therefore, 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 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;
- (7) Existing facilities used to provide electric power, natural gas, sewerage, or other public utility service.

AND/OR

3.c. New Construction of 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 consists of the maintenance of an existing conduit 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: 1 - Shelter Island/La Playa (Precise Plan Figure 4)

Land Use Designation: Streets

The proposed project conforms to the certified Port Master Plan because it would involve the maintenance of an existing conduit 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 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, including but not limited to:

- (2) Public and private utilities used to provide electric power, natural gas, sewer, or other utility services.

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, including but not limited to:

- (2) Water main, sewer, electrical, gas, or other utility extensions of reasonable length to serve such construction.

The proposed project is determined to be Categorical Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above. These are appropriate for the proposed project because it would consist of the maintenance of an existing conduit that would involve a negligible expansion of use beyond that previously existing.

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 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:  
Lillian Mattes  
Assistant Planner  
Development Services

Signature: Lillian Mattes  
Date: May 5, 2022

Deputy/Assistant General Counsel

Signature: Rebecca Harrington  
Date: May 5, 2022