



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

**Project:** Right of Entry License Agreement to San Diego County Regional Airport Authority for Maintenance of Electrical Equipment

**Location:** District Employee Parking Lot on the westerly side of Pacific Highway at the prolongation of Sassafras, San Diego, CA 92101

**Parcel No.:** 016-049

**Project No.:** 2022-071

**Applicant:** Susan C. Diekman, San Diego County Regional Airport Authority, PO BOX 82776, San Diego, CA 92138

**Date Approved:** Aug 17, 2022

**PROJECT DESCRIPTION**

The proposed project is a Right of Entry License Agreement (ROELA) to the San Diego County Regional Airport Authority (SDCRAA) to enter upon certain property located on the westerly side of Pacific Highway at the prolongation of Sassafras in San Diego, California. The land proposed for use under this ROELA would be used by SDCRAA, its authorized agent(s), and contractor(s) for the purposed of testing, monitoring, and general maintenance of 12kV electrical equipment, as well as ingress and egress in support of those activities. SDCRAA would be responsible for compliance with all laws and regulations associated with the activities on or in connection with the above-described premises, including debris, hazards and hazardous materials, and stormwater.

It is anticipated that the ROELA would have a total term of approximately five (5) years. The ROELA may be terminated by the District as a matter of right or without cause at any time upon providing twenty-four (24) hours' written notice to SDCRAA 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:

- (7) Existing facilities used to provide electric power, natural gas, sewerage, or other public utility service.

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 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: 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9)

Land Use Designation: Harbor Services

The proposed project conforms to the certified Port Master Plan because it would involve the issuance of a ROELA for the testing, monitoring, and general maintenance of electrical equipment 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.b. 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 Categorically 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 involve negligible or no 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:

Abigail Haynam  
Assistant Planner  
Development Services

Signature: Abigail Haynam  
Date: Aug 17, 2022

Deputy/Assistant General Counsel

Signature: Rebecca Harrington  
Date: Aug 17, 2022