



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

Project: Improvements to Manhole #856 in the Viewing Lot by AT&T California
Location: 3225 North Harbor Drive, San Diego, CA 92101
Parcel No.: 016-000
Project No.: 2023-021
Applicant: Dana Zeno, Manager of OSP Planning and Engineering Design, AT&T California,
 3750 Home Avenue, San Diego, CA 92105
Date Approved: Mar 2, 2023

PROJECT DESCRIPTION

The proposed project would involve improvements to an existing manhole in the Viewing Lot, located within the small free parking lot at the intersection of North Harbor Drive and Laurel Street, by Pacific Bell Telephone Company, a California Corporation dba AT&T California, a California Corporation (Applicant) in the city of San Diego, California. Work to specifically complete the proposed project would involve elevating an existing manhole #856 to finished grade and associated improvements required to support the San Diego County Regional Airport Authority (SDCRAA) Terminal 1 Improvement Project.

The specific work required to complete the proposed project would involve the following:

- Remove concrete, as needed.
- Excavate a 4'x4'x4' access pit to locate and expose the lid of the existing manhole #856.
- Adjust manhole frame and cover to finished grade.
- Replace concrete panels and restore all ground surfaces disturbed during construction.

Construction of the proposed project is anticipated to occur in approximately Spring of 2023, and would take approximately one (1) week to complete, with ongoing modifications as needed.

The proposed project requires a Right of Entry License Agreement (ROELA) to AT&T California (Licensee) to enter certain property located in the city of San Diego, California. The area proposed for use under this Right of Entry License Agreement (ROELA) is currently and is proposed to be used only and exclusively for the purpose of completing the proposed project, provided, however, that no activities or improvements of the Tenant shall interfere with the use and enjoyment of the premises by the general public and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. No increase in the size of the area is proposed or authorized as part of the ROELA.

It is anticipated that the ROELA would have a total term of approximately sixty (60) days. The ROELA may be terminated by the District as a matter of right or without cause at any time upon providing ten (10) days' written notice to Licensee of such termination.

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 Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities and 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, including but not limited to:

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

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 Categorical 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 improvements to an existing manhole that would involve negligible expansion of use beyond that previously existing and would result in no permanent effects on the environment. 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: Aviation Related Industrial

The proposed project conforms to the certified Port Master Plan because it would involve improvements to an existing manhole in support of the SDCRAA Terminal 1 Improvements Project 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.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, 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.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. These are appropriate for the proposed project because it would involve improvements to an existing manhole that would involve a negligible expansion of use beyond that previously existing and would not involve the removal of mature, scenic trees.

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)(3) of the Port Act, which allows for the establishment, improvement, and conduct of airport and heliport or aviation facilities, including, but not limited to, approach, takeoff, and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance, and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of air commerce and air navigation. 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: Mar 2, 2023

Deputy/Assistant General Counsel

Signature: Rebecca Harrington
Date: Mar 2, 2023