



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

Project: Improvements to Existing Small Cell Facility by AT&T on North Harbor Drive
Location: 1009 1/5 North Harbor Drive, San Diego, CA 92101
Parcel No.: 018-009
Project No.: 2023-056
Applicant: Stacey Brown, Site Acquisition Lead, Bechtel Infrastructure and Power, 16808
 Armstrong Avenue, Suite 225, Irvine, CA 92606
Date Approved: April 11, 2023

PROJECT DESCRIPTION

The proposed project would involve improvements to an existing small cell facility located in the public right-of-way (PROW) on North Harbor Drive by New Cingular Wireless PCS, LLC dba AT&T Mobility (Applicant) in the city of San Diego, California. Work to specifically complete the proposed project would involve the installation of three (3) new integrated 5G antennas and associated hardware, fiber and power cables on an existing small cell facility, with ongoing maintenance as needed.

Construction of the proposed project is anticipated to occur in approximately February 2024 and would take approximately 7-10 working days to complete, with ongoing modifications as needed. There would be no trenching, excavating, or earth work required for the proposed project. Construction equipment would consist of 1-2 work vehicles and handheld tools in order to complete the proposed work. The proposed project would require a temporary partial lane closure along North Harbor Drive to allow for project staging. A Traffic Control Plan (TCP) would be implemented to ensure that any partial closures would be reopened promptly following completion of work each day. The Applicant is to maintain one open lane at all times along North Harbor Drive during construction.

The proposed project would involve the issuance of an Amendment to an existing Tidelands Use and Occupancy Permit (TUOP) to New Cingular Wireless PCS, LLC dba AT&T Mobility (Tenant/Applicant). The Tenant would be responsible for compliance with all laws and regulations associated with the activities on or in connection with the above-described premises, and in all uses thereof, including those regulating stormwater and hazardous materials.

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 §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 consist of improvements to an existing small cell facility that would involve no expansion of use beyond that previously existing and would consist of installation of small new equipment and facilities in small structures. 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: Streets

The proposed project conforms to the certified Port Master Plan because it would involve improvements to an existing small cell facility 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 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 consist of improvements to an existing small cell facility that would involve a negligible expansion of use beyond that previously existing and would involve no 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 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: Apr 12, 2023

Deputy/Assistant General Counsel

Signature: Rebecca Harrington
Date: Apr 12, 2023