



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

Project: Easement Agreement Renewal to Cox Communications for Utility Purposes at Embarcadero Marina Park South
Location: 200 Marina Park Way, San Diego, CA 92101
Parcel No.: 019-026, 019-062
Project No.: 2024-124
Applicant: Megan Collins, Director, Construction & Planning, Cox Communications, 5159 Federal Blvd., San Diego, CA 92105; 619-266-5051
Date Approved: 1/28/2025

PROJECT DESCRIPTION

The proposed project is a renewal of an Easement Agreement (Agreement) to Cox Communications (Grantee) for their use of approximately 3,700 square feet of land area located adjacent to and within Embarcadero Marina Park South (along Convention Way and Marina Park Way) in the city of San Diego, California. The area proposed for use under this Agreement is currently and would continue to be used only and exclusively for the purpose of construction, operation, maintenance, repair, replacement, and inspection of cable television facilities and appurtenances. The Agreement further grants the Grantee and its authorized agents and contractors the right of ingress and egress to, from, and along said easement area via practical routes across the adjacent District lands.

It is anticipated that the Agreement would have a total term of approximately five (5) years. The Agreement may be terminated by the District as a matter of right and without cause at any time upon providing 180 days written notice to Grantee 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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemption: CEQA Guidelines Section 15301 (Class 1)/District Guidelines for Compliance with CEQA Section 3.a: Existing Facilities

- 3.a. Existing Facilities: 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.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Section of the District's *Guidelines for Compliance with CEQA* as identified above because it would consist of the renewal of a utility easement and would involve no expansion of use beyond that previously existing and would not result in a significant cumulative impact due to the continuation of the existing use. 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: Park/Plaza and Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve the renewal of a utility easement consistent with the existing certified Land Use designations. 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

The proposed project would renew an existing real estate agreement. The proposed project does not constitute "development" as defined in Section 30106 of the California Coastal Act, or "new development" pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or categorical exclusion is not required.

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.

Scott Chadwick
President/CEO

Determination by:
Justin Huitema
Assistant Planner
Development Services

Signature: Justin Huitema
Date: 1/28/2025

Assistant/Deputy General Counsel

Signature: Rebecca Harrington
Date: 1/28/2025