



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

Project: Cox Communications Easement Along Shelter Island Drive
Location: Various Locations along Shelter Island Drive
Parcel No.: Various
Project No.: 2024-126
Applicant: Tamara Fisher, Vice President, Right Way Permit Service Inc., 2065 Arnold Way, Suite 101, Alpine, CA 91901; (619) 778-8430
Date Approved: 3/11/2025

PROJECT DESCRIPTION

The proposed project would involve maintenance and upgrading of existing communication infrastructure by Right Way Permit Service, Inc., on behalf of Cox Communications California, LLC (Applicant) in the city of San Diego, California. The proposed project site would be located within and along Shelter Island Drive from approximately Anchorage Lane west towards Shoreline Park and then continuing south along Shelter Island Drive. Work to complete the proposed project would involve upgrading vaults, pedestals, and conduits to accommodate the bend ratio of newer fiber and installation of new underground conduit required due to existing pathways being full and to accommodate new demand. Equipment upgrades would include the installation of seven (7) approximately 30” x 48” flushmount vaults in sidewalk, five (5) approximately 12” x 12” pedestals, and two (2) approximately 24” x 36” pedestals. Work to install new conduit would involve use of underground directional boring wherein soil disturbance would be limited to bore pits measuring 6”x5’ and potholes measuring 6”x2’. The proposed total soil disturbance associated with directional boring, and vault and pedestal work would be approximately 420 square feet (sq ft). Vault and pedestal work would require the removal of several sidewalk panels, which would be replaced once the installation or upgrade work is completed. Additionally, all existing trees within the area of work are to remain in place, and the contractor shall restore all roadways and the project site back to its original condition following completion of work.

The proposed project requires an Easement Agreement (Agreement) to Cox Communications (Grantee) for their use of approximately 742 sq ft of land area. The proposed area under this Agreement would be used for construction, operation, maintenance, repair, replacement, and inspection of cable television facilities and appurtenances. The Agreement further grants the Grantee the right of ingress and egress to, from, and along said easement area via practical routes across the adjacent District lands. The Agreement is anticipated to have a total of 20 years. The Agreement may be terminated by the District as a matter of right and without cause at any time upon providing thirty (30) days written notice to Grantee of such termination.

The proposed project is anticipated to occur in approximately Spring 2025, would be phased to occur within 2–3-week intervals, and would take approximately four (4) months to complete. The Applicant is responsible for implementing a Traffic Control Plan to maintain nearby driveway access 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 for no less than seventy-two (72) hours prior to work commencement. The proposed project would not result in road closures on Shelter Island Drive. During construction, a crew of 4-5 would be working. Equipment used would include a bore machine for conduit placed in Shelter Island Drive and power tools including a jackhammer for vault and pedestal installation and utility “potholing”. Work would generally be occurring Monday through Friday, between the hours of 8:30 a.m. to 3:30 p.m.

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: CEQA Guidelines Section 15301 (Class 1)/District Guidelines for Compliance with CEQA Section 3.a: Existing Facilities; CEQA Guidelines Section 15302 (Class 2)/District Guidelines for Compliance with CEQA Section 3.b: Replacement or Reconstruction; CEQA Guidelines Section 15303 (Class 3)/District Guidelines for Compliance with CEQA Section 3.c: New Construction or Conversion of Small Structures and CEQA Guidelines Section 15304 (Class 4)/District Guidelines for Compliance with CEQA Section 3.d: Minor Alterations to Land

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:

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

AND/OR

3.b. Replacement or Reconstruction: Includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity as the structure being replaced.

- (2) Replacement or reconstruction of marine terminal facilities, and marine-oriented commercial, industrial, and public and commercial recreational facilities, including buildings, piers, piles, wharves, marine ways; railroads; airport facilities, runways, taxiways, aprons, and ancillary structures to those facilities; electrical and mechanical systems and equipment; where the new structure will be on essentially the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

AND/OR

3.c. New Construction or Conversion of Small Structures: 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

AND/OR

3.d. Minor Alterations to Land: Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees

- (7) Minor trenching and backfilling where the surface is restored.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Section(s) of the District's *Guidelines for Compliance with CEQA* as identified above because it would consist of (1) the maintenance of an existing conduit that would involve a negligible expansion of use beyond that previously existing; (2) the replacement of an existing structure, located on the same site as the structure replaced, with substantially the same purpose and capacity; and (3) installation of small new equipment and facilities in small structures. Further, the project would result in no permanent effects on the environment and does not involve the removal of mature, scenic trees. 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; Section 8.b: Replacement or Reconstruction; Section 8.c: New Construction or Conversion of Small Structures 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.b. Replacement or Reconstruction: Replacement or reconstruction of existing structures and facilities where the new structure will be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced:

- (2) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity

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

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 Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above because it would consist of the maintenance of existing communication infrastructure and an easement agreement for existing electrical facilities that would involve a negligible or no expansion of use beyond that previously existing, would be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, would involve negligible or no change of existing use of the property, 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)(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:
Betsy Viramontes
Assistant Planner
Development Services

Signature: Betsy Viramontes
Date: 3/12/2025

Assistant/Deputy General Counsel

Signature: Shiraz Tangri
Date: 3/12/2025