



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

Project: Lease Agreement to Cox Communications for Utility Improvements at the Port Operations Center in National City  
Location: 1400 Tidelands Ave, National City, CA 91950  
Parcel No.: 026-002, 025-004  
Project No.: 2026-011a  
Applicant: Michael Cena, Asset Manager II, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101  
Date Approved: 5/29/2026

**PROJECT DESCRIPTION**

The proposed project is an amendment to previously approved Project No. 2026-011. The previously approved project included utility improvements and upgrades to telecommunication services at the San Diego Unified Port District (District) Port Operations Center building by Cox Communications. An easement to Cox Communications is required to complete the work outlined in the previous project.

The proposed project is an Easement Agreement (Agreement) to Cox Communications (Grantee) for their use of approximately 930 square feet of land area located in National City, California. The area proposed for use under this Agreement is currently and would be used only and exclusively for the purpose of construction, operation, maintenance, repair, replacement, and inspection of conduit, cables, fibers and other appurtenant facilities and improvements. The agreement further grants the Grantee and its authorized agent(s) and contractor(s) the right of ingress and egress to, from, and along said easement area via practical routes across the adjacent District lands. Upon completion of work, the Grantee will repair the site location and return it to the existing condition. The Grantee may be required to demolish any or all facilities, structures, installation, or improvements within sixty (60) days after the expiration of the term of Agreement or sooner.

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 one hundred eighty (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.

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

***CATEGORICAL DETERMINATION***

Categorical Exemption: 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.c. New Construction and 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, including but not limited to:
  - (7) Minor trenching and backfilling where surface is restored.

The proposed project is determined to be Categorical Exempt pursuant to the CEQA Guidelines and the Section(s) of the District's *Guidelines for Compliance with CEQA* as identified above. These are appropriate for the proposed project because an easement for the purposes of construction, operation, maintenance, repair, replacement, and inspection of conduit, cables, fibers and other appurtenant facilities and improvements would consist of construction and location of new, small facilities, consist of installation of small new equipment and facilities in small structures, would result in no permanent effects on the environment, and would 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: 5 - National City Bayfront (Precise Plan Figure 15)

Land Use Designation: Marine Related Industrial

The proposed project conforms to the certified Port Master Plan because it would involve an easement for the purposes of construction, operation, maintenance, repair, replacement, and inspection of conduit, cables, fibers and other appurtenant facilities and improvements consistent with the existing certified Land Use designation(s). 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.c: New Construction or Conversion of Small Structures and Section 8.d: Minor Alterations to Land

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 Categorical Excluded pursuant to the Section(s) of the District's *Coastal Development Permit Regulations* as identified above. These are appropriate for the proposed project because an easement for the purposes of construction, operation, maintenance, repair, replacement, and inspection of conduit, cables, fibers and other appurtenant facilities and improvements 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:  
Kelly Cunningham  
Planner I  
Development Services

Signature: Kelly Cunningham  
Date: 5/29/2026

Assistant/Deputy General Counsel

Signature: Shiraz Tangri  
Date: 5/28/2026