

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: Utility Works by the National Oceanic and Atmospheric Administration at Tenth Avenue Marine Terminal
Location(s): Cesar Chavez Park, 1449 Cesar E. Chavez Parkway, San Diego, CA 92101
Cesar E. Chavez Parkway, San Diego, CA 92101
Tenth Avenue Marine Terminal, 1839 Water Street, San Diego, CA 92113
Parcel No.(s): Various
Project No.: 2018-057
Applicant: Joseph Baczkowski, National Oceanic and Atmospheric Administration - Southwest Fisheries Science Center, 8901 La Jolla Shores Drive, San Diego, CA 92037
Date Approved: April 19, 2018

Project Description

The proposed project involves utility works in the city of San Diego, California. The proposed project would include the construction, maintenance, minor alteration, reconstruction, removal, repair, and replacement of telecommunication equipment, including the installation of equipment cabinets, fiber cable, and conduit.

The project would require a Right of Entry License Agreement (ROELA) to Pacific Bell Telephone Company (Licensee). The land proposed for use under this ROELA would be used by Licensee, its authorized agent(s), and contractor(s) for the purpose of the installation of fiber cable and the replacement of utility housings, as well as allowing for ingress and egress in support of those activities. It is anticipated that the ROELA would have a total term of approximately two (2) months, or terminate upon completion of the work, whichever occurs earlier. The ROELA may be terminated by the District as a matter of right or without cause at any time upon providing twenty-four (24) hours' 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. Finally, the Licensee 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.

CEQA DETERMINATION

Based upon the above description, the project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures), and/or 15304 (Minor Alterations to Land) and Sections 3.a (7), 3.b., 3.c (3), and/or 3.d. (7) of the *District's Guidelines for Compliance with CEQA* because the project involves utility works. Sections 3.a (7), 3.b., and 3.c (3), and 3.d. (7) of the District's CEQA Guidelines are as follows:

- 3.a. Existing Facilities (SG 15301) (Class 1): Includes operation, repair, maintenance, or minor alteration of existing public and 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 (SG § 15302) (Class 2): 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.

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 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 (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 Categorical Exemptions listed above are appropriate for the proposed project because it is utility works that would involve negligible expansion of use beyond that previously existing, would have substantially the same purpose as the facilities being replaced or reconstructed, and would not involve the removal of mature, scenic trees, 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.

The proposed project complies with Section 87 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 Section 87. 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.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The project is located in Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 13 of the certified Port Master Plan. The Port Master Plan land use designations within the limits of the proposed project are Marine Terminal, Park/Plaza, and Street. The project conforms to the certified Port Master Plan because it involves utility works consistent with the existing certified land use designations. The project would not change the project site nor would it interrupt or expand the existing conforming use of the site.

CATEGORICAL DETERMINATION

The above project proposes utility works that would involve negligible expansion of use beyond that previously existing, would have substantially the same purpose and capacity as the structure replaced, would involve no change of the existing use of the property, and would not involve the removal of mature, scenic trees. The project is consistent with the existing certified land use designations and is Categorical Excluded under Section 8.a.(2), 8.b. (2), 8.c. (2), 8.d. (6), and 8.f. of the Districts *Coastal Development Permit Regulations*:

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, including but not limited to:

- (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 number 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;

AND/OR

8.f. Inspection: Activities limited to inspection, checking or performance or quality of an operation, examining the health and safety of a project, or related activities.

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.

RANDA CONIGLIO
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Signature: Cameron McLeod
Date: 4/19/18

Deputy General Counsel

Signature: W.S. McLeod
Date: 4-18-18