

FILE NUMBER: 2025-091

DATE: Tuesday, March 11, 2025

SUBJECT: 20-Year Easement to Cox Communications San Diego

DESCRIPTION: Ordinance Granting a Twenty (20) Year Easement to Cox Communications San Diego for the Construction, Operation, Maintenance, Repair and Replacement of Cable Television Facilities and Appurtenances Located Along Shelter Island Drive, in the City of San Diego

EXECUTIVE SUMMARY:

District staff and Cox Communications San Diego (“Cox”) have negotiated a new easement, to be substantially in the same form as Attachment A – Easement, for a term of twenty (20) years for the construction, operation maintenance, repair and replacement of cable television facilities and appurtenances (collectively “Communication Facilities”) located at various points along Shelter Island Drive, in the City of San Diego. The Communication Facilities will serve various District tenants along Shelter Island Drive.

This easement will result in a one-time, upfront payment of rent in the amount of Forty-One Thousand Four Hundred and Seventy-Eight Dollars (\$41,478) to the FY 2025 Real Estate Revenue Budget.

Staff recommends the Board of Port Commissioners (Board) grant Cox a twenty (20) year easement for Communication Facilities for various locations along Shelter Island Drive totaling approximately 742.14 square feet of Tideland area.

RECOMMENDATION:

Adopt an Ordinance Granting a Twenty (20) Year Easement to Cox Communications San Diego for the Construction, Operations, Maintenance, Repair and Replacement of Cable Television Facilities and Appurtenances Located Along Shelter Island Drive, in the City of San Diego.

FISCAL IMPACT:

This easement will result in a one-time, upfront payment of rent in the amount of Forty-One Thousand Four Hundred and Seventy-Eight Dollars (\$41,478) to the FY 2025 Real Estate Revenue Budget.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A Port that is a safe place to visit, work and play.
- A Port with an innovative and motivated workforce.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

Cox has various Communication Facilities installed along Shelter Island Drive to serve various District tenants and their respective subtenants. Cox has submitted a project with the District to perform maintenance on and upgrade existing infrastructure as well as install new infrastructure to serve the local tenants and businesses. This project is being reviewed as per the Port's appropriate project review and approval process. This proposed easement covers all areas along Shelter Island Drive and Anchorage Lane where new infrastructure is proposed, in addition to any existing infrastructure that is not covered by an existing easement.

This easement will result in a one-time, upfront payment of rent in the amount of Forty-One Thousand Four Hundred and Seventy-Eight Dollars (\$41,478) to the FY25 Real Estate Revenue Budget. Cox has elected to pay the market rent upfront due to their administrative challenges of paying a monthly rent.

This easement results in a continuation and improvement of services offered to District tenants through Cox. Staff recommends the Board grant Cox a twenty (20) year easement for Communication Facilities for various locations along Shelter Island Drive totaling approximately 742.14 square feet of Tideland area.

General Counsel's Comments:

The Office of the General Counsel has reviewed this agenda sheet and attachment, as presented to it, and approves the same as to form and legality.

Environmental Review:

The proposed Board action, including without limitation adopting an ordinance granting a Twenty (20) Year Easement to Cox Communications San Diego for the construction, operation, maintenance and repair of underground and aboveground cable television facilities and appurtenances to service District tenants along Shelter Island Drive, in the City of San Diego, California is 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 15304 Minor Alterations to Land and Sections 3.a., 3.b., 3.c., and 3.d. of the District's Guidelines for Compliance with CEQA because the project 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).

The proposed Board action complies with Section 87.(a)(4) of the Port Act which allow 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 Board action is consistent with the Public Trust Doctrine.

The proposed Board action is considered excluded development pursuant to Sections 8.a. (Existing Facilities), 8.b. (Replacement or Reconstruction), 8.c. (New Construction or Conversion of Small Structures), and 8.d. (Minor Alterations to Land) of the District's Coastal Development Permit Regulations because the project would consist of maintenance of an existing conduit 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. If the Board approves this action, District staff would notify California Coastal Commission (CCC) staff in accordance with Coastal Act Section 30717. The approval would become effective after the 10th working day after notification to CCC staff, unless an appeal is filed with the CCC within that time frame.

Diversity, Equity, and Inclusion Program:

This agenda sheet has no direct impact on District workforce or contract reporting at this time.

PREPARED BY:

Christian de Manielle
Department Manager, Real Estate

Attachment(s):

Attachment A: Easement