



THE CITY OF SAN DIEGO

DATE OF NOTICE: May 31, 2024

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. or IO NO. 11004545

PROJECT NAME / NUMBER: Aviary Drive Wireless Communication Facility / PRJ-1105983

COMMUNITY PLAN AREA: Scripps Miramar Ranch

COUNCIL DISTRICT: 6

LOCATION: 9709 1/3 Aviary Drive, San Diego, CA 92131

PROJECT DESCRIPTION: Site Development Permit (SDP) for installation of two (2) new Alpha PN-4 power node system enclosure with 18 new 12V batteries, mounted to a new precast concrete pad for Charter Communications. In addition to the removal and replacement of the existing power supply, a conduit will connect the power node cabinet to the existing alpha cabinet. The site is in the public right-of-way near 9709 1/3 Aviary Drive in the RM-2-5 residential zone of the Scripps Miramar Ranch Community Planning area. The WCF is unmanned and is not for human habitation.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Planning Commission

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15303 (New Construction).

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15303 (New Construction). Section 15303 allows for the installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Since the project would only install small new equipment in small structures to provide a backup generator for an existing WCF, the exemption was deemed appropriate. The project is located in the public right-of-way and no environmental impacts would occur and none of the exceptions described in CEQA Guidelines Section 15300.2 apply. **The site is not included on any list compiled pursuant to Government Code Section 65962.5 for hazardous waste sites.**

DEVELOPMENT PROJECT MANAGER: Karen Howard
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On May 31, 2024, the City of San Diego (City), as Lead Agency, has made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk by 5:00pm within ten (10) business days from the date of the posting of this Notice (June 14, 2024). Appeals to the City Clerk must be filed by email or in-person as follows:

- 1) Appeals filed via E-mail: The Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031>. Send the completed appeal form (including grounds for appeal and supporting documentation in pdf format) by email to Hearings1@sandiego.gov by 5:00p.m. on the last day of the appeal period; your email appeal will be acknowledged within 24 business hours. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked) before or on the final date of the appeal. Please include the project number on the memo line of the check.
- 2) Appeals filed in person: Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf>. Bring the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation) to the City Administration Building-Public Information Counter (Open 8:00am to 5:00pm Monday through Friday excluding City-approved holidays), 1st Floor Lobby, located at 202 C Street, San Diego, CA 92101, by 5:00pm on the last day of the appeal period. The completed appeal form shall include the required appeal fee, with a check payable to: City Treasurer.

This information will be made available in alternative formats upon request.