CEQA and COASTAL DETERMINATIONS and
NOTICE OF APPROVAL

Project: Groundwater Monitoring Well Demolition by Tesoro Refining and Marketing Company at Tenth Avenue Marine Terminal
Location: Belt Street between Sampson Street and Sicard Street in San Diego, CA 92113
Parcel No.: 021-016
Project No.: 2019-184
Applicant: Carole Farr, Principal Geologist, Stantec Consulting, 9665 Granite Ridge Drive, Suite 220, San Diego, California, 92123-2636
Date Approved: February 5, 2020

PROJECT DESCRIPTION

The proposed project would involve demolition of an existing groundwater monitoring well by Stantec Consulting (Applicant) on behalf of the Tesoro Refining and Marketing Company (Tenant) in the City of San Diego, California. Work to complete the proposed project would involve destruction of one (1) groundwater monitoring well, pressure grouting the well, and restoring to match surrounding surface with patched asphalt. Construction of the proposed project is anticipated to occur in the beginning of winter 2020 and would take approximately one day.

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 proposed project would also include issuance of a Right of Entry License Agreement (ROELA). The areas proposed for use under this ROELA would be used by the Applicant and their authorized agent(s) and contractor(s) for the purpose of well demolition, as well as ingress and egress in support of those activities. It is anticipated that the ROELA would have a total term of approximately three (3) years or upon completion of work. The ROELA may be terminated by the District as a matter of right and without cause at any time upon providing twenty-four (24) hours written notice to Applicant 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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemption: SG §15301, Class 1/Section 3.a: Existing Facilities; and SG §15304, Class 4/Section 3.d: Minor Alternations to Land

3.a. Existing Facilities (SG § 15301) (Class 1): 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.

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:

(1) Filling of earth on previously disturbed land with material compatible with the natural features of the site.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Sections of the District's Guidelines for Compliance with CEQA as identified above. These are
appropriate for the proposed project because it consists of demolition of a groundwater monitoring well and would involve no expansion of use beyond that previously existing, would not result in a significant cumulative impact due to the continuation of the existing use, 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: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land Use Designation: Marine Related Industrial

The proposed project conforms to the certified Port Master Plan because it consists of demolition of a groundwater monitoring well, 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 use of the site.

CATEGORICAL DETERMINATION

Categorical Exclusions: Section 8.a: Existing Facilities; and Section 8.d: Minor Alternations 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.

(3) Streets, sidewalks, gutters, bicycle and pedestrian paths, and similar facilities;

(9) Demolition and removal of individual small structures, except where structures are of historical, archaeological, or architectural significance

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:

(3) Filling of earth into previously excavated land with material compatible with the natural features of the site.

The proposed project is determined to be Categorically Excluded pursuant to the Section of the District’s Coastal Development Permit Regulations as identified above. These are appropriate for the proposed project because it consists of demolition of a groundwater monitoring well, would involve no expansion of use beyond that previously existing, 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.

RANDA CONIGLIO
President/CEO

Determination by:
Michael Paul
Assistant Planner
Development: Services

Signature: ____________________________
Date: 3/1/20

Signature: ____________________________
Date: 3/1/20