



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

**Project:** Right of Entry License Agreement to Solar Turbines Inc., for Monitoring Well Destruction and Installation at Centre City Embarcadero

**Location:** North Harbor Drive and 2200 Pacific Highway, San Diego, CA 92101

**Parcel No.:** Various

**Project No.:** 2020-043

**Applicant:** Jim Garegnani, Facilities Director, Solar Turbines Inc., 2200 Pacific Highway, San Diego, CA 92101

**Date Approved:** August 13, 2020

**PROJECT DESCRIPTION**

The proposed project would involve demolition of existing groundwater monitoring wells and installation of new wells by Solar Turbines Inc. (Applicant) in the City of San Diego, California. Work to specifically complete the proposed project would involve demolition of seven (7) groundwater wells within the existing Solar Turbines Inc. parking lot adjacent to Harbor Drive. The Applicant also proposes to install eight (8) groundwater monitoring wells within the public Right-of-Way (ROW) including sidewalk area and three (3) parking areas on the bayside of North Harbor Drive using a combination of bailing, surging, and purging. The monitoring wells would be constructed of 4-inch diameter schedule 40 polyvinyl chloride (PVC) well casing and screen. Each well would be constructed with screens targeted to be approximately 50 to 70 feet below ground surface (bgs) and 70 to 90 feet bgs. The wells will be completed flush to the ground surface with a traffic-rated protective well box that will be cemented in place.

Construction of the proposed project is anticipated to occur in Summer 2020 and would take approximately six (6) weeks to complete; new well installation would take approximately four (4) weeks to complete and would be conducted in three phases within each of the three ROW areas, and demolition of the existing wells would take approximately two (2) weeks to complete. The first phase would take place at the northernmost ROW and would require closure of the parking area for one (1) week; approximately twenty-seven metered spaces, two ADA spaces, and one permit space would be closed during the first phase. The second phase would be at the central ROW area and would require closure of the parking area for two weeks; approximately six metered spaces, one ADA space, and two permit spaces would be closed during the second phase. The third phase would be at the southernmost ROW area and would require closure of the parking area for one week; approximately eleven metered spaces would be closed during the third phase. In addition, a traffic lane on North Harbor Drive ROW adjacent to each phase area would be closed during construction of each phase in accordance with a project-specific Traffic Control Plan that establishes construction striping, barricades, signage, delineators, additional traffic controls, lane closures, constructor requirements, and contractor notifications in compliance with 2014 California Manual on Uniform Traffic Control.

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, significant 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 require a Right of Entry License Agreement (ROELA) to the Licensee to enter certain properties located in the City of San Diego, California. The area proposed for use under this ROELA would be used by the Licensee and their authorized agent(s) and contractor(s) for the purpose of installation of eight monitoring wells, groundwater sampling, testing, monitoring, future installation and abandonment of monitoring wells within the project area, as well as ingress and egress in support of those activities.

It is anticipated that the ROELA would have a total term of five (5) years, or upon completion of the work, whichever occurs earlier. 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 Licensee 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 Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities; SG §15304, Class 4/Section 3.d: Minor Alterations to Land; and SG §15306, Class 6/Section 3.f: Information Collection

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, including but not limited to:

- (8) Existing highways, streets, sidewalks, bicycle and pedestrian trails, and similar facilities, except where the activity will involve removal of a scenic resource including a stand of trees, a rock outcropping, or an historic building.

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.

AND/OR

3.f. Information Collection (SG § 15306) (Class 6): Includes basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for information gathering purposes, or as part of a study leading to an action which has not yet been approved, adopted or funded.

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 a ROELA for demolition of existing groundwater monitoring wells, construction of new groundwater monitoring wells, and ingress and egress in support of groundwater monitoring activities, 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, would not involve the removal of mature, scenic trees, and is for the purpose of basic data collection and resource evaluation activities which would not result in a serious or major disturbance to an environmental resource. 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designations: Aviation Related Industrial; Park/Plaza; Promenade; and Streets

The proposed project conforms to the certified Port Master Plan because it would involve a ROELA for demolition of existing groundwater monitoring wells, construction of new groundwater monitoring wells, and ingress and egress in support of groundwater monitoring activities, consistent with the existing certified Land use designations. 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; Section 8.d: Minor Alterations to Land; and Section 8.e: Information Collection

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:

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

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.

AND/OR

8.e. Information Collection: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major significant disturbance to an environmental resource.

The proposed project is determined to be Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above. These are appropriate for the proposed project because it consists of a ROELA for demolition of existing groundwater monitoring wells, construction of new groundwater monitoring wells, and ingress and egress in support of groundwater monitoring activities, would involve no expansion of use beyond that previously existing, would not involve the removal of mature, scenic trees, and would not result in a serious or major significant disturbance to an environmental resource.

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)(2) of the Port Act, which allows for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. 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

Deputy General Counsel

Signature: Michael Paul  
Date: Aug 13, 2020

Signature: Chris Burt  
Date: Aug 13, 2020