



**Date of Notice:** March 22, 2022

# **NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION**

## **PLANNING DEPARTMENT**

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**PROJECT NAME:** Use and Occupancy Permit – DDR General Contracting, Inc.

**COMMUNITY PLAN AREA:** Midway-Pacific Highway

**COUNCIL DISTRICT:** District 2

**LOCATION:** 3650 1/3 Kettner Boulevard, San Diego, CA 92101, see Exhibit A for specific location

**PROJECT DESCRIPTION:** Authorize the Mayor or his designee to sign a Use and Occupancy Permit between EDPO, LLC (Lessee) and the City of San Diego allowing Lessee to install no more than two 2,000 gallon aboveground LPG (propane) tanks and fueling equipment, and to sell propane from approximately 8,800 square feet of City-owned real property located at 3650 1/3 Kettner Boulevard, San Diego, CA 92101 for a period of 36 months.

**ENTITY CONSIDERING PROJECT APPROVAL:** City of San Diego

**ENVIRONMENTAL DETERMINATION:** This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15311 (Accessory Structures).

**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego Mayor-Appointed Designee.

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:**

The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; 15303 (New Construction or Conversion of Small Structures) which consists of construction and location of limited numbers of new, small facilities or structures; 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; Section 15304 (Minor Alterations to Land), which consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes; and Section 15311 (Accessory Structures) which consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities. The exceptions to the exemptions listed in CEQA Guidelines Section 15300.2 would not apply in that no

cumulative impacts were identified; no significant effects on the environment were identified; the project is not adjacent to a scenic highway; and no historical resources would be affected by the action.

As to the exception for hazardous materials, there are locations listed on GeoTracker and EnviroStor within 1,000 feet of the public right-of-way. While these locations are listed, there are no open environmental cases of known hazardous material contamination that would be disturbed with implementation of this project which would otherwise preclude use of a CEQA exemption pursuant to Section 65962.5 of the Government Code.

**CITY CONTACT:** Heide E. Farst, Property Agent

**MAILING ADDRESS:** 1200 Third Avenue, Suite 1700, MS 51A, San Diego, CA 92101

**E-MAIL/PHONE NUMBER:** [hfarst@sandiego.gov](mailto:hfarst@sandiego.gov) / (619) 236-6727

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On March 22, 2022, the City of San Diego made the above-referenced environmental determination pursuant to CEQA. This determination is appealable to the City Council. If you have any questions about this determination, contact the City Contact listed above.

Applications to appeal the CEQA determination to the City Council must be filed with the Office of the Clerk within 5 business days from the date of the posting of this Notice (**March 29, 2022**). During the Statewide "Safer-at-Home" directive to reduce the spread of COVID-19, beginning March 19, 2020, appeals to the City Clerk must be filed by email or US Mail as follows:

1. Appeals filed via Email: Send the appeal by email to [Hearings1@sandiego.gov](mailto:Hearings1@sandiego.gov); your email appeal will be acknowledged within 24 hours. You must separately mail the required appeal fee by check payable to the City Treasurer to: **City of San Diego Planning Department, Attn: Tara Ash-Reynolds, 9485 Aero Drive, MS 413, San Diego, CA 92123**. The appeal filing fee must be postmarked within five (5) business days of the date the appeal is filed.
2. Appeals filed In-Person: The appeal application can be obtained in the Lobby of the City Administration Building located at 202 'C' Street, San Diego, CA 92101. The completed appeal package must include the required appeal fee in the form of a check payable to the City Treasurer to: **City of San Diego Planning Department, Attn: Tara Ash-Reynolds, 9485 Aero Drive, MS 413, San Diego, CA 92123**.

If you have any questions regarding the procedures to file the appeal, please contact **Tara Ash-Reynolds** at [TAshreynolds@sandiego.gov](mailto:TAshreynolds@sandiego.gov). The revised Public Notice can be found here: [https://www.sandiego.gov/sites/default/files/office\\_of\\_the\\_city\\_clerk\\_public\\_notice\\_rev09252020\\_v2.pdf](https://www.sandiego.gov/sites/default/files/office_of_the_city_clerk_public_notice_rev09252020_v2.pdf).

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

**POSTED ON THE CITY'S CEQA WEBSITE**

**POSTED: 03/22/2022**

**REMOVED: \_\_\_\_\_**

**POSTED: T. Ash-Reynolds**

Exhibit A: Permit Area

