



Date of Notice: January 29, 2025

NOTICE OF RIGHT TO APPEAL

ENVIRONMENTAL DETERMINATION

CITY PLANNING DEPARTMENT

PROJECT NAME/NUMBER: Brush Management Services – Open Space Division (RFP #10090206-25-G)

COMMUNITY PLAN AREA: Citywide

COUNCIL DISTRICT: Citywide

LOCATION: City-owned open space and undeveloped right-of-way

PROJECT DESCRIPTION: The City of San Diego (City) manages approximately 1,100 acres of open space lands located within 100 horizontal feet of habitable structures on City Parks and Recreation Department and Transportation Department parcels and Right-of Way (ROW). These areas are primarily managed by the City's Parks and Recreation Department Open Space Division (approximately 917 acres) and Transportation Department (approximately 167 acres). Among other duties related to open space land management, the City is responsible for conducting as-needed brush management (including vegetation thinning) on City-owned open space and undeveloped ROW, on a bi-annual or more frequent basis, adjacent to lots which are developed with "previously conforming" (legal) structures built prior to the establishment of the City's first brush management regulations in 1989.

The City wishes to enter into an agreement with the successful proposer to Request for Proposal (RFP) # 10090206-25-G (Contractor) for brush management services within City-managed lands. The scope of work includes, but is not limited to: removing dead vegetation, thinning and pruning of nonnative and native plant species, and removing and/or properly disposing of trash and debris, including vegetation debris, under the direction of City staff and a qualified biologist. The City will provide a qualified biologist or hire an environmental consultant who will have a qualified biologist on staff and who will be responsible for planning, overseeing, and reporting on all brush management work to be completed by the Contractor. City staff and/or the qualified biologist shall provide the Contractor with specific locations to carry out brush management work on City property. Upon the start of brush management work, a field report shall be submitted to City staff on a weekly basis, including a post-project report. The Contractor shall be required to attend trainings regarding proper brush management activities.

The Contractor shall complete the brush management services in compliance with the City's brush management regulations and guidelines, with work focused on the following, in order of priority: (1) deadwood (including dead trees); (2) nonnative species; (3) native species; and (4) regionally sensitive species. The Contractor may also perform additional as-needed miscellaneous work, including, but not

limited to: (1) locating and repairing damaged irrigation services or electrical services for broken lines, cut wires to controllers and valves, etc.; cleaning-up illegal dumps such as cinder blocks and other non-flammable materials; (2) slope failure repairs; (3) removing non-native and/or invasive plant material; and (4) removing trees greater than 12" diameter at breast height on an as-needed basis and in consultation with City staff and the qualified biologist. The Contractor may apply herbicide to specific non-native species that are being removed to comply with brush management regulations and in accordance with the qualified biologist's recommendations.

The Contractor may only utilize existing access/maintenance paths or trails to access work sites. The Contractor shall use the nearest public access point to stage and load cut vegetation and debris into vehicles and shall dispose of the vegetation and debris properly. The Contractor shall make all reasonable efforts to dispose of greenery for composting at a composting/greenery recycling facility.

The Contractor shall be responsible for any ROW permits for traffic control and fees for work that encroaches into the public ROW, including the sidewalk. Brush management services will be conducted in accordance with the brush management guidelines of the City's Land Development Manual – Landscape Standards, San Diego Municipal Code Section 142.0412, and Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines of the City's Multiple Species Conservation Plan (MSCP) Subarea Plan. As-needed stormwater construction Best Management Practices (BMPs) to prevent non-stormwater discharges from entering the City's stormwater conveyance system will be implemented pursuant San Diego Municipal Code Section 43.0307.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego

ENVIRONMENTAL DETERMINATION: This activity is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities), Section 15304(i) (Minor Alterations to Land), Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), and Section 15308 (Actions by Regulatory Agencies for Protection of the Environment). Furthermore, this activity has also been reviewed for consistency with and is adequately addressed in the Final Subsequent Environmental Impact Report/Environmental Assessment (SEIR/EA) for the Brush Management Revisions to the Land Development Code and Federal Grant from the Office of Emergency Services (OES), Federal Emergency Management Agency (FEMA) (Project No. 31245/SCH No. 2004031041) which was certified by the San Diego City Council on September 6, 2005 (Resolution R-300800). This activity is part of a series of subsequent discretionary actions and is not considered to be a separate project for the purposes of CEQA review pursuant to CEQA Guidelines Sections 15378(c) and 15060(c)(3). Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, there is no change in circumstance, additional information, or project changes to warrant additional environmental review for this action.

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 CEQA Guidelines Section 15301 (Existing Facilities) which exempts 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; Section 15304(i) (Minor Alterations to Land) which exempts 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, including fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions; Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) which exempts actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment; and Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) which exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The exceptions 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; no historical resources would be affected by the action; and the project was not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

Further, the proposed brush management activities are consistent with and are adequately addressed in the Final SEIR/EA for the Brush Management Revisions to the Land Development Code and Federal Grant from the OES, FEMA (Project No. 31245/SCH No. 2004031041) which was certified by the San Diego City Council on September 6, 2005 (Resolution R-300800). The SEIR/EA anticipated these brush management activities would be implemented in order to ensure fire safety and minimize the risk of wildfires by reducing the readily flammable fuel adjacent to structures. This activity is part of a series of subsequent discretionary actions and is not considered to be a separate project for the purposes of CEQA review pursuant to CEQA Guidelines Sections 15378(c) and 15060(c)(3). Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 there is no change in circumstance, additional information, or project changes to warrant additional environmental review for this action.

CITY CONTACT: Mark Jennings, Associate Planner, Parks & Recreations Department

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On January 29, 2025, 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 City Clerk within five (5) business days from the date of the posting of this Notice (**February 5, 2025**). Appeals to the City Clerk must be filed via e-mail or in-person as follows:

1. **Appeals filed via Email:** 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.pdf>. Send the completed appeal form (including grounds for appeal and supporting documentation in pdf format) by email to Hearings1@sandiego.gov by 5:00 p.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.

2. Appeals filed In-Person: 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.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 8:00 a.m. to 5:00 p.m. 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.

The appeal application can also be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

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

POSTED ON THE CITY'S CEQA WEBSITE

POSTED: 1/29/2025

REMOVED:

POSTED: E. Ramírez Manríquez