



**Date of Notice:** June 10, 2022

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

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**PROJECT NAME:** Ocean Beach Estuary Enhancement Project

**COMMUNITY PLAN AREA:** Mission Bay Park and Ocean Beach

**COUNCIL DISTRICT:** District 2

**LOCATION:** The San Diego River Estuary in Ocean Beach. The proposed project area is located in Southwest San Diego County within the Mission Bay Park area of the City of San Diego (City). The project area is bounded on the north and west by Ocean Beach Dog Beach, an off-leash dog park. The San Diego River mouth and Ocean Beach Estuary are located to the east of the project area and a developed hotel and residential area are located directly to the south. See Figure 1.

The project area occurs within the Coastal Overlay Zone (Deferred Certification Area, State Jurisdiction), Federal Emergency Management Area (FEMA) Floodway and Floodplain (100 and 500 year), and the City's Multi-Habitat Planning Area (MHPA).

**PROJECT DESCRIPTION:** The City of San Diego Parks and Recreation Department (PRD) seeks to implement a grant-funded conservation/preservation project in partnership with San Diego Audubon Society, the San Diego River Park Foundation, Urban Corps of San Diego, and several other smaller non-profit conservation organizations. The proposed project includes the installation of new sand fencing, repair of existing fencing, increase in informational and restrictive signage, reduction and control of non-native/invasive plant species, and increase in educational programs and community engagement (see Figure 2). Efforts will be made to restore salvageable sections of the existing weathered and deteriorated post-and-rope style fence with upgraded installation of sand fencing (not to exceed 4 ft height limits). The proposed project will help more effectively preserve, protect, and enhance the highly sensitive wildlife habitats (e.g., wetlands, salt marsh, and sand dunes), sensitive plant species, and wildlife (e.g., birds) found in the Ocean Beach Estuary.

The proposed scope of work includes:

- Repair or replacement of approximately 2,658 linear feet of existing fencing that is currently in disrepair;
- Installation of approximately 1,935 linear feet of fencing to delineate established pathways and more adequately protect surrounding habitat;
- Removal of approximately 293 linear feet of existing fencing to close off redundant trails in sensitive habitat;

- Reduce and control non-native species in the project area and buffer area;
- Increase informational and restrictive signage; and
- Develop and implement educational programs, increase community and volunteer engagement.

The fencing contractor will repair or remove the existing post and rope fencing, replace it with new sand fencing, and extend the new sand fencing by approximately 1,745 linear feet. The extended sand fencing will occur along established pathways. The new sand fencing will not exceed five (5) acres. Urban Corps implementation crews will utilize small skid steer or similar equipment to improve the holes used by the existing fencing and create new holes for the extension of the new fencing. All construction equipment will stay on already established pathways on the sand and will not trample on any vegetation. The process of installing the new fence will be methodical and will decrease any redundant paths, thereby increasing the percentage of native vegetation. The project will be supervised from start to finish, and will have oversight from City staff in multiple divisions of the City's PRD and by trusted City conservation partners. The project will also include site maintenance (e.g. trash removal, weed control, and habitat restoration) during the course of the implementation.

A Biological Survey Letter Report prepared by the City's PRD for the proposed project determined that implementation of the project would not result in significant direct impacts to sensitive vegetation communities, plants, or animal species. Due to the proximity of the work area to sensitive biological resources, the Biological Survey Letter Report also identified avoidance and minimization measures that will be implemented to minimize potential indirect impacts to sensitive biological resources resulting from the project. These avoidance and minimization measures include: 1) all construction work will occur outside of the City's established avian breeding season (March 1<sup>st</sup> through August 31<sup>st</sup>); 2) a biological monitor will be present during construction activities to ensure direct impacts to sensitive biological resources are avoided; 3) the limits of the project area will be clearly marked and communicated to contractors in the field, and all work and access will be within these limits; 4) staging or other such activities will occur in developed areas such as the Dog Beach parking lot with prior approval from the Senior Park Ranger responsible in that area; and 4) all construction equipment utilized will be cleaned before and after use to avoid the introduction or spread of weed propagules into sensitive habitat. The fencing contractor will also comply with all City, State, and federal regulations, including but not limited to, the Migratory Bird Treaty Act; the San Diego Municipal Code, and the Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines of the City's Multiple Species Conservation Program (MSCP) Subarea Plan.

The proposed project also includes the installation of way finder, interpretive/educational, and applicable San Diego municipal regulatory signs to inform park users of their surrounding habitat and deter unauthorized use of existing social trails and redundant paths. Public education and engagement programs will be created to help increase responsible trail use, environmental stewardship and appreciation of estuarine habitats and their ecological importance to both resident and migratory wildlife, as well as buffering water quality issues, reducing point and non-point source pollution and serving as carbon sequestration sources in our environment. The proposed project will also include routine maintenance of fencing materials, trash removal, habitat restoration and may, if warranted, including planting native California Coastal Sage Scrub and/or salt marsh endemic plant species under the guidance and expertise of the City and/or contracted Biologists and Land Managers.

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

**ENVIRONMENTAL DETERMINATION:** This activity is categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15304 (Minor Alterations to Land), 15311 (Accessory Structures), and 15333 (Small Habitat Restoration Projects).

**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 use; Section 15302 (Replacement or Reconstruction) which exempts the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; Section 15304 (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; and Section 15311 (Accessory Structures) which exemptions the construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including on-premise signs. The project is also exempt from CEQA pursuant to CEQA Guidelines Section 15333 (Small Habitat Restoration Projects) which exempt projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that: a) there would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065; b) there are no hazardous materials at or around the project site that may be disturbed or removed; and c) the project will not result in impacts that are not significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects. 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.

**CITY CONTACT:** Sonja Nystuen  
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**PHONE NUMBER/E-MAIL:** (619) 727-7044 / [SNystuen@sandiego.gov](mailto:SNystuen@sandiego.gov)

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On June 10, 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 ten (10) business days from the date of the posting of this Notice (**June 24, 2022**). Per the revised Public Notice issued by the Office of the City Clerk on September 28, 2021, appeals to the City Clerk must be filed via e-mail or in-person 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: Sureena Basra, 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: Sureena Basra, 9485 Aero Drive, MS 413, San Diego, CA 92123.**

If you have any questions regarding the procedures to file the appeal, please contact **Sureena Basra** at [sbasra@sandiego.gov](mailto:sbasra@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: 6/10/2022**

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

**POSTED: S. Basra**







