



Date of Notice: November 17, 2020

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION PLANNING DEPARTMENT

PROJECT NAME: Ocean Beach Estuary Sand Fencing Project

COMMUNITY PLAN AREA: Mission Bay Park

COUNCIL DISTRICT: District 2

LOCATION: Ocean Beach Estuary, San Diego, CA 92101

PROJECT DESCRIPTION: Implementation of a Wildlife Conservation Board – Pacific Flyway grant to construct new sand fencing at Ocean Beach Estuary to replace the existing fence and to more effectively preserve, protect, conserve, and enhance the highly sensitive wildlife habitats (e.g., wetlands, salt marsh, and sand dunes) and wildlife (e.g. birds) found in the Ocean Beach Estuary.

Urban Corps, as a contractor under the City of San Diego Parks and Recreation Department – Developed Regional Park, Shoreline Park Division, will remove the existing fencing, replace it with new sand fencing, and extend the new sand fencing by approximately 0.95 mile (~5,000 linear feet). The extended sand fencing will occur along established pathways. The new sand fencing will not exceed five (5) acres. Urban Corps will utilize a BOBCAT 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 by City staff. The proposed project would also include site maintenance (e.g. trash removal, weed control, and habitat restoration) during the course of the implementation.

All construction work will occur outside of the City's established avian breeding season. Urban Corps will comply with all City, state, and federal regulations, including but not limited to, the Migratory Bird Treaty Act; the San Diego Standard Drawings for Public Works Construction, the Standard Specifications for Public Works Construction (Greenbook, 2018 editions); the City of San Diego "Whitebook" supplement to the Greenbook; 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.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego

ENVIRONMENTAL DETERMINATION: This activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302 (Replacement or Reconstruction), Section 15303(e) (New Construction or Conversion of Small Structures), Section 15304 (Minor Alterations to Land), and Section 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 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 15303(e) (New Construction or Conversion of Small Structures) which exempts the construction and location of limited numbers of new, small facilities or structures including accessory (appurtenant) structures such as garages, carports, patios, swimming pools, and fences; and Section 15304 (Minor Alterations to Land) which consist 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. The project is also exempt from CEQA pursuant to CEQA Guidelines Section 15333 (Small Habitat Restoration Projects) which consists of 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: 1) there would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065; 2) there are no hazardous materials at or around the project site that may be disturbed or removed; and 3) the project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable 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: Araceli Dominguez
MAILING ADDRESS: 2125 Park Blvd., MS 30M, San Diego, CA 92012
PHONE NUMBER: 619-846-5687

On November 17, 2020, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (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 10 business days from the date of the posting of this Notice (**December 2, 2020**). 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; 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: Elena Pascual, 9485 Aero Drive, M.S. 413, San Diego, CA 92123**. The appeal filing fee must be postmarked within 5 business days of the date the appeal is filed.
2. Appeals filed via US Mail: Send the appeal by US Mail to **City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101**. Appeals filed by US Mail must have a United States Postal Service (USPS) postmark by the appeal deadline to be considered valid. You must separately mail the required appeal fee by check payable to the City Treasurer to: **City of San Diego Planning Department, Attn: Elena Pascual, 9485 Aero Drive, M.S. 413, San Diego, CA 92123**. The appeal filing fee must be postmarked within 5 business days of the date the appeal is filed.

If you have any questions regarding the procedures to file the appeal, please contact **Elena Pascual** at EPascual@sandiego.gov.

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

POSTED: 11/17/2020

REMOVED: _____

POSTED: E. Pascual