



**Date of Notice:** June 1, 2023

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

## **PLANNING DEPARTMENT**

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**PROJECT NAME/NUMBER:** Right of Entry Permit between the City of San Diego and the San Diego Parks Foundation for the construction of a community garden at Linda Vista Community Park.

**COMMUNITY PLAN AREA:** Linda Vista

**COUNCIL DISTRICT:** 7

**LOCATION:** Linda Vista Community Park  
7064 Levant St, San Diego, CA 92111

**PROJECT DESCRIPTION** Right of Entry (ROE) Permit between the City of San Diego (City) and the San Diego Parks Foundation for the construction of a community garden at Linda Vista Community Park that will allow the Permittee (San Diego Parks Foundation) to conduct the following activities from its scope of work that will provide:

- Construction of a community garden within the existing turf area.
- Removal and replacement of existing hardscape to promote accessibility.
- Removal and replacement of existing gate and fence posts, rails, wire mesh, footings and associated curbs.
- Repairs and adjustments to existing irrigation systems and plantings.
- Provide (1) accessible parking stall in project-adjacent existing parking lot.
- ADA accessibility requirements.

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

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15301 (d) (Existing Facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alteration to Land), 15311 (Accessory Structures), and

**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 Sections 15301 (d) (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, it also allows for, the restoration or rehabilitation of deteriorated

or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood, involving negligible or no expansion of existing or former use; 15302 (Replacement or Reconstruction), which consists of 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; 15303 (New Construction or Conversion of Small Structures), 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; 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; 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 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:** Jerry Abbott

**MAILING ADDRESS:** 2125 Park Blvd. 4<sup>th</sup> Floor, San Diego, CA 92101

**PHONE NUMBER/E-MAIL:** (619) 235-1130 / JAbbott@sandiego.gov

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On June 1, 2023, 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 five business days from the date of the posting of this Notice (**June 8, 2023**). 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](mailto:Hearings1@sandiego.gov) by 5:00p.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 8:00am to 5:00pm 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: 6/1/2023**

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

**POSTED: G. Johansen**