



THE CITY OF SAN DIEGO

MEMORANDUM

Date: May 9, 2016 (amended from April 5, 2016)

To: Helene Deisher, Development Project Manager II, Development Services Department

From: Catherine Rom, Senior Planner, Transportation & Storm Water Department

Subject: Nestor Creek Channel Emergency Maintenance FY2010/11 – Subsequent Site Development Permit Review

Re: PTS No. 292513 – Cycle 5 Submittal Requirements  
PTS No. 220166 – Emergency Permit  
Approval No. 782512 – Emergency Authorization (ESL)

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The Transportation & Storm Water Department (T&SWD) is requesting a Subsequent Site Development Permit (SDP) for emergency maintenance that within Nestor Creek. Emergency maintenance activities took place in November 2011. Notification of the emergency maintenance was provided to the City of San Diego's Development Services Department (DSD) on September 15, 2010, with an application for an Emergency SDP, pursuant to Section 143.0126(a) of the Environmentally Sensitive Lands (ESL) provisions of the Municipal Code.

DSD issued an Emergency Permit and certified a Notice of Exemption (NOE), pursuant to California Environmental Quality Act (CEQA) Guidelines §15269–Emergency Projects. In addition, the T&SWD notified all the Regulatory Agencies (U.S. Army Corps of Engineers (USACE), San Diego Regional Water Quality Control Board (SDRWQCB), and California Department of Fish and Wildlife (CDFW) who have jurisdiction over wetland and biological resources. The work was completed under Regional General Permit (RGP) 43 in accordance with the federal Clean Water Act. The SDRWQCB issued a 401 Certification. The CDFW was notified of the emergency maintenance but did not respond. As a result, the emergency Streambed Alteration Agreement was approved by operation of law.

**Location**

The maintenance area is located west of Thermal Avenue and east of 18<sup>th</sup> Street, between Saturn Boulevard and Cedar Street. The channel is included in Map 134 of the MMP in Council District 8 within the Otay Mesa - Nestor Community.

The cement-lined channel is trapezoidal in shape throughout its entire length, and extends 1,175 linear feet; however only 600 feet were maintained.

Page 2  
Helene Deisher  
May 9, 2016

**Emergency Maintenance Description**

The emergency maintenance was performed with a Gradall, loader, and dump trucks in November 2010. Sediment, trash, debris, and vegetation were removed. Gravel bags and silt fencing were placed at the downstream end of the facility to isolate maintenance area. Gravel bags and straw wattles were placed at the top and bottom of access ramps and at the gated entrance to access road. Straw wattles were placed on temporary stockpiles. Portable pumps were used to pump water from the maintenance area.

**Environmentally Sensitive Land (ESL) Impact**

Based on a biological survey conducted by HELIX on June 23, 2010, it was estimated that the emergency maintenance would impact a total of 0.11 acre of wetland vegetation which qualifies as ESL.

**California Environmental Quality Act (CEQA) Review**

As indicated earlier, the emergency maintenance work was issued an NOE on September 7, 2010.

**Master Maintenance Program Documentation**

Although the emergency work occurred before the adoption of the City's Master Storm Water System Master Plan (MMP), DSD has indicated that the Subsequent SDP can be processed in accordance with the requirements of the MMP, and under the provisions of the Master Site SDP that was issued for the MMP. As a result, this application includes a Substantial Conformance Review (SCR) Checklist, and supporting individual assessments. In anticipation of the adoption of the MMP, the IBA, IHA and IHHA generally meet the format and content requirements of the MMP. However, no INA or IWQA was prepared for the original emergency maintenance work.

Should you have any comments or questions, please contact me at 619-527-7471 or [crom@sandiego.gov](mailto:crom@sandiego.gov).

Thank you for your time and cooperation in this matter.

Sincerely,



Catherine Rom  
Senior Planner

CR/sb

Attachments: SDP Application (DS 3032) (**Attachment 1**)  
Storm Water Requirements Checklist (DS 560) (**Attachment 2**)  
Supplemental Discretionary Project Application (DS-3035) (**Attachment 3**)  
Substantial Conformance Review Checklist (**Attachment 4**)  
Public Notice Package (**Attachment 5**)

cc: Gene Matter, Deputy Director, Transportation & Storm Water Dept.

Page 3  
Helene Deisher  
May 9, 2016

Christine Rothman, Development Project Manager III, Transportation & Storm Water  
Angela Nazareno, Development Project Manager III, Development Services Dept.