



Date of Notice: March 26, 2021

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION PLANNING DEPARTMENT

PROJECT NAME: Bermuda Avenue Emergency Seawall and Slope Repairs

COMMUNITY PLAN AREA: Ocean Beach

COUNCIL DISTRICT: District 2

LOCATION: The emergency work is located at the end of the 4600 block of Bermuda Avenue within the Coastal Zone (Coastal Commission) and outside of the Multi-Habitat Planning Area (MHPA).

PROJECT DESCRIPTION: On March 16, 2021, staff from the Street Division of the City's Transportation & Storm Water Department received a complaint regarding a large void at the top of the slope adjacent to the closed public stairway at the end of Bermuda Avenue in Ocean Beach. Upon inspection, a new large void in the slope has appeared next to the stairway and previous slope and seawall emergency repairs performed by Street Division crews in 2010 and 2013. Recent heavy repeated tidal action has washed away fill and rock material and as a result, undermined a section of seawall and created an approximately 17' x 19' x 11' large void behind the seawall at the top of the slope. This void has compromised the structural integrity of the above street terminus as well as street utilities and immediate repairs are needed. Chain link fencing and signage were installed to keep the public from accessing the adjacent closed public access stairway where the void is also located. However, beachgoers have ignored the signage and fencing and have peeled back and/or lowered existing fencing where the void is located to navigate their way down to the beach on the steep bluff face. Street Division staff determined the public will continue to ignore the fencing and signage, presenting a further risk to public health and safety.

After review of tide tables and forecasted surf conditions, it was determined that repairs could commence on Friday, March 26, 2021 in order to take advantage of the low tide, allowing City crews to access the area and work in a safe environment. All work is anticipated to be completed on Monday, March 29, 2021.

All temporary emergency repairs will be to restore the section of seawall and slope for public safety and to avoid or minimize a threat of loss or damage to life, property or essential public services. All work efforts will be confined to the street above the slope, Bermuda Avenue. No mechanized equipment will be used on the beach area. Access to the emergency area will be at the terminus of Bermuda Avenue (above the repair area), where all equipment will also be being staged. Emergency work includes concrete trucks pumping quick drying concrete and sand slurry from the street into the void which

measures approximately 17' x 19' x 11' to seal, fill, and stabilize the section of seawall and slope void that support the above street and City utilities. No biological, archaeological or paleontological resources would be affected during the emergency work.

This emergency activity has been determined to be exempt from a Site Development Permit by the Development Services Department pursuant to Section 143.0126 of the San Diego Municipal Code which states "If the emergency work involves only temporary impacts to environmentally sensitive lands, a Neighborhood Development or Site Development Permit is not required provided the environmentally sensitive lands is restored, in a timely manner to their natural states, to the satisfaction of the City Manager." No biological resources are present within the project footprint; therefore, a restoration plan is not required.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego

ENVIRONMENTAL DETERMINATION: This activity is statutorily exempt from CEQA pursuant to California Public Resources Code Sections 21080(b)(2) and (4) and CEQA Guidelines Sections 15269(b) and (c).

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego Mayor-Appointed Designee.

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:

This emergency exemption is based on the expert opinion and findings of the Transportation & Storm Water Department that immediate, specific action is necessary to avoid or minimize a threat of loss or damage to life, property or essential public services. Based on a site inspection in response to recent complaints about the slope void and people using the slope where the void is located to access the beach below, staff determined that repeated tidal action has undermined a section of seawall creating a large void behind the seawall, washing away the fill and rock material, compromising the structural integrity of the above street. As such the condition of the slope void presents a risk to public health and safety and meets the definition of an "emergency" pursuant to CEQA Guidelines Section 15359. Remediation efforts to repair the damage is confined to the street area and would not adversely affect biological, archaeological, tribal or paleontological resources.

This emergency activity meets the criteria set forth in Public Resources Code Section 21080(b)(4) and CEQA Guidelines Section 15269(c) which allows for actions necessary to prevent or mitigate an emergency, as well as Public Resources Code Section 21080(b)(2) and CEQA Guidelines Section 15269(b), which allows for emergency repairs to publicly or privately owned service facilities necessary to maintain services essential to the public health, safety, or welfare. The exemption is appropriate given the significant risk to life, health, property, and essential public services as evidenced by the existing damage from recent high tides and high surf conditions.

CITY CONTACT: Edgar Puente, Senior Civil Engineer

MAILING ADDRESS: Transportation & Storm Water Department, Right-of-Way Division
2781 Caminito Chollas, MS 44, San Diego, CA 92105

PHONE NUMBER: (619) 527-7527

EMAIL ADDRESS: EPuente@sandiego.gov

On March 26, 2021, 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 5 business days from the date of the posting of this Notice (**April 12, 2021**). 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, MS 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, MS 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 ON THE CITY'S CEQA WEBSITE

POSTED: 03/26/2021

REMOVED: _____

POSTED: E. Pascual