



Date of Notice: April 17, 2020

NOTICE OF RIGHT TO APPEAL

ENVIRONMENTAL DETERMINATION

PLANNING DEPARTMENT

PROJECT NAME/NUMBER: Mission Bay Drive 1 Channel Emergency Maintenance

COMMUNITY PLAN AREA: Mission Bay Park / Pacific Beach (Adjacent)

COUNCIL DISTRICT: 2

LOCATION: Flood Control Channel along the northeastern edge of the Mission Bay Golf Course property, just west of the Mission Bay Drive on-ramp to the Interstate 5 (I-5) southbound lanes, east of Rose Creek, south/southwest of the Grand Avenue/Mission Bay Drive intersection, and north of N. Mission Bay Drive. The Mission Bay Drive 1 Channel is within the Deferred Certified area of the California Coastal Zone (COZ) and is not located within or adjacent to the City's Multiple Species Conservation Program (MSCP) – Multi-Habitat Planning Area (MHPA).

PROJECT DESCRIPTION: The emergency maintenance involves removal of vegetation and sediment from an approximately 1,085 foot long section of the channel comprised of a top width ranging from 38-41 ft and a bottom width of roughly 20 ft. Access will be taken from Mission Bay Drive and/or N. Mission Bay Drive and equipment will drive/operate in and along the channel on City-owned property (a golf course) and within the City-owned right of way.

The methods to be used include working from outside the channel and working from inside the channel. Where the gradall/excavator can access from outside the channel, the equipment will move along the top of the bank, scoop material from the channel, and dump it into a dump truck. Where a bulldozer/track-steer is needed in the channel, the equipment will enter or be lowered into the channel from the access/loading area, will push material to the gradall/excavator at the loading area, and the equipment will dump it into a dump truck. Vactor machines may be used to remove water from ponded areas within the project. A crane may be needed to remove large palm trees from the channel, which will then be dumped directly into a dump truck. The dump trucks will haul material to a legal disposal site (the Miramar Landfill). Water and flows in the channel will be diverted using two temporary sandbag berms (approximately 3'w x 22'l x 9"h), gas-powered whacker pump, diversion hose, and filter bag. This emergency work is expected to remove an estimated 8,595 cubic yards of material. The proposed work will be completed within 30 days, weather permitting.

From the evening of 4/9/2020 through the evening of 4/10/2020, the City of San Diego experienced rainfall in this area of 2.02". Previously, the area had received 1.34" from the evening of 4/6/2020 through the morning of 4/9/2020. Figueroa Boulevard, just northwest of the channel, as well as adjacent homes, experienced significant flooding. The flooding was caused from overflow of a concrete lined ditch at the corner of Grand Avenue and Figueroa Boulevard, which is hydraulically connected to the downstream Mission Bay Drive 1 Channel via a culvert underneath Grand Avenue.

Upon investigation, it was determined that the significant sediment and vegetation accumulation in the Mission Bay Drive 1 Channel caused an undulating flowline elevation above the as-built flowline elevation throughout the channel which prevented positive flow and water from draining through the channel. The lack of flow in the Mission Bay Drive 1 Channel caused the concrete channel adjacent to 4428 Figueroa Boulevard to become full and spill over into the street. The Mission Bay Drive 1 Channel also overflowed onto the adjacent Golf Course. The sediment and vegetation in the Mission Bay Drive 1 Channel prevents the upstream channel at Figueroa Boulevard from draining and thus overflows onto the adjacent street and private property including residences.

Emergency maintenance is anticipated to impact 0.50 acre of disturbed freshwater marsh, 0.10-acre disturbed wetland (Arundo-dominated), 0.02-acre disturbed wetland (Palm-dominated), and less than 0.01-acre of natural flood channel. An additional 0.02-acre of eucalyptus woodland and 0.95-acre of ornamental plantings would be affected by the work. Approximately 2.02-acres of compensatory wetlands mitigation will be required for this emergency activity and would be addressed as part of the post-emergency permit review process described below. The Mission Bay Drive 1 Channel is also located in an area of high archaeological and tribal sensitivity; however, based on analysis conducted as part of the Municipal Waterways Maintenance Plan and Associated Final EIR (March 2020), the emergency maintenance will not affect historical, archaeological or tribal cultural resources; as such no further evaluation or monitoring during sediment and vegetation removal will be required.

Another storm is being monitored and is projected the week of April 20. Per NOAA's Climate Prediction Center, San Diego is forecasted to have above normal rainfall the week of April 20 with a 40-50% chance of probability of occurring. Per Intellicast, part of Wunderground.com, there is a large system shown on the satellite that is moving towards the west coast. TSW staff is tracking this system via information from these sources. Currently, water is draining very slowly from the site and additional flooding is anticipated due to the impending rain event if action does not occur immediately to alleviate the situation. Following the recent rain on April 12 and 15, TSW staff visited the site and noted water still present and draining very slowly.

TSW has determined that sediment and vegetation must be removed from the Mission Bay Drive 1 Channel to establish positive flow from the upstream inlet into the Mission Bay Drive 1 Channel to the outlet at the downstream end of the channel in order to allow storm water from the next rainstorm to properly flow through the system and alleviate overflow from the Figueroa Boulevard channel. Given the forecast of additional rain, the current conditions constitute an emergency situation which requires action more quickly than possible under normal procedures for acquiring the appropriate permits including a Site Development Permit. The work described is the minimum necessary to alleviate the emergency.

This emergency activity will require issuance of emergency permits pursuant to the City of San Diego's Land Development Code (LDC) Section 143.0126 - Emergency Authorization to Impact Environmentally Sensitive Lands and LDC Section 126.0718 - Procedures for Emergency Coastal Development Permits. Because emergency activities will result in permanent impacts to environmentally sensitive lands, a subsequent application for permit review will be required. The application shall be submitted within 180 days of completion of the emergency work.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego

ENVIRONMENTAL DETERMINATION: Statutorily exempt from CEQA pursuant to California Public Resources Code Sections 21080(b)(2) and (b)(4) and State 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 action is necessary to remove sediment and vegetation from this channel to prevent imminent recurring damage to public and private property. Storm Water staff inspected the site in response to recent complaints of flooding. Based on the investigation, staff determined that the uneven accumulation of vegetation, and sediment, as well as a downstream plug within this entire facility creates a significant likelihood that another storm event cause further flooding and damage to adjacent and upstream properties.

This emergency activity meets the criteria set forth in CEQA Section 21080(b)(4) and Section 15269 of the CEQA Guidelines which allows for actions necessary to prevent or mitigate an emergency. The exemption is appropriate given the significant risk to life and property posed by the upcoming storms and evidence of existing damage.

CITY CONTACT: Stephanie Bracci, Senior Planner
MAILING ADDRESS: City of San Diego Transportation & Storm Water Department
2781 Caminito Chollas, MS 46
San Diego, CA 92105
PHONE NUMBER: 619-527-3445
EMAIL ADDRESS: SBracci@sandiego.gov

On April 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 emergency activity, contact the City Contact listed above.

Applications to appeal 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 (**May 1, 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: Myra Herrmann, 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: Myra Herrmann, 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 **Myra Herrmann** at mherrmann@sandiego.gov.

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

POSTED IN THE OFFICE OF DSD

POSTED: 04/17/2020

REMOVED: _____

POSTED: M. Herrmann