



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
5900 LA PLACE COURT, SUITE 100
CARLSBAD, CALIFORNIA 92008

December 22, 2015

Gene Matter
City of San Diego
Transportation & Storm Water Department
2781 Caminito Chollas, MS 44
San Diego, California 92108

**DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT (RGP) 63 NOTICE
TO PROCEED**

Dear Mr. Matter:

I am responding to your request (Corps File No. SPL-2015-00909-RAG) for a Department of the Army permit for your proposed project, Parkside Channel Maintenance. The proposed project is located behind residences at 6512 Parkside Avenue, City of San Diego, San Diego County, California (Latitude 32.67012 N° and Longitude -117.04783 W°) (Figures 1-3).

Because this project would result in a discharge of dredged and/or fill material into waters of the United States a Department of the Army permit is required pursuant to Section 404 of the Clean Water Act (33 USC 1344; 33 CFR parts 323 and 330).

I have determined construction of your proposed project, if constructed as described in your application, would comply with Regional General Permit (RGP) No. 63 - Repair and Protection Activities in Emergency Situations. Specifically, and as shown in Figures 1-3 and Attachment A, you are authorized to:

1. Temporarily impact Parkside Channel, a non-wetland water of the U.S., by placing sandbags as temporary fill at two locations:
 - a. Location #1: Approximately 36 sandbags (i.e., 30 square feet) would be placed at the 48 inch culvert at Dusk Drive and Parkside Avenue to prevent sediment and water from flowing downstream.
 - b. Location #2: Approximately 72 sandbags (i.e., 53 square feet) would be placed at the 84 inch culvert west of Parkside Avenue and Garber Drive to prevent sediment and water from flowing downstream.

For this RGP verification letter to be valid, you must comply with all of the terms and conditions of RGP No. 63 - Repair and Protection Activities in Emergency Situations, available at <http://www.spl.usace.army.mil/Missions/Regulatory/RegionalGeneralPermits.aspx>. In addition, you must comply with the Special Conditions listed below:

1. The work authorized by this RGP must be underway no later than fourteen (14) calendar days from date of issuance of this letter of verification. All work must be completed no later than 90 days from the date of this letter. If the Permittee is unable to complete the authorized work by this date, the Permittee must request, in writing, an extension from the U.S. Army Corps of Engineers (Corps) Regulatory Division prior to the deadline.
2. As directed in RGP No. 63, any work authorized by this RGP must be the minimum necessary to alleviate the immediate emergency, unless complete reconstruction does not result in significantly increased impacts to aquatic resources and logistical concerns indicate such reconstruction is as expedient considering the condition of the project site and is limited to in-kind replacement or refurbishment.
3. All equipment shall be removed within one week of completed work.
4. All work shall be monitored by a qualified biologist.

A general permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, State, or local authorizations required by law.

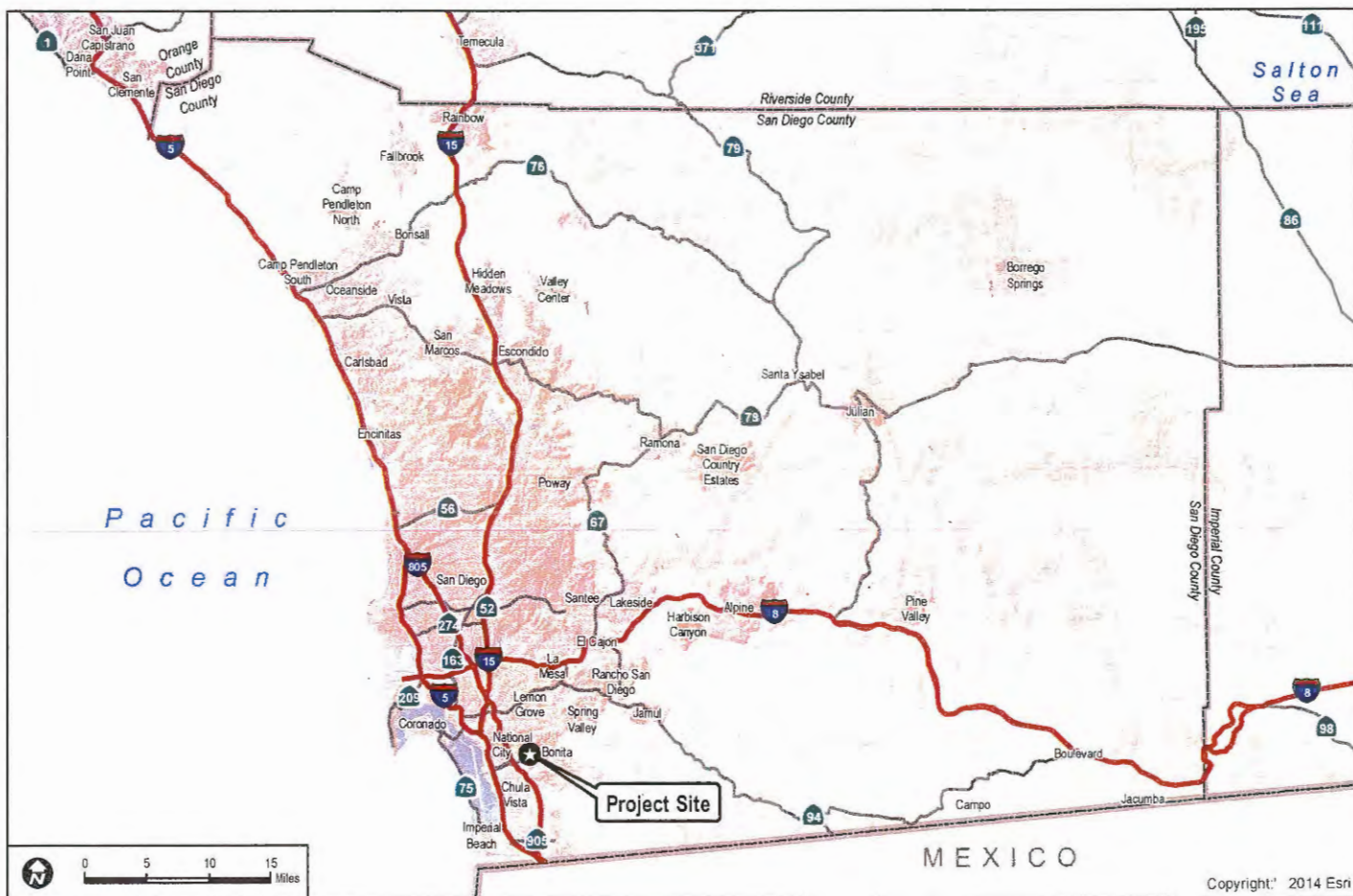
If you have any questions, contact Rose Galer at 760-602-4835 or via e-mail at Rose.A.Galer@usace.army.mil. Please reference file number SPL-2015-00909-RAG in your reply.

Sincerely,



Richard J. Van Sant III
Acting Team Lead
South Coast Branch

Enclosures



DUDEK

FIGURE 1
Regional Map

Parkside Channel(MMP Map 122) - Emergency Channel Maintenance

-----Original Message-----

From: Galer, Rose A SPL [mailto:Rose.A.Galer@usace.army.mil]

Sent: Tuesday, December 22, 2015 9:56 AM

To: Lehotsky, Genene

Cc: Fisher, Kelly@Wildlife; Deisher, Helene; Matter, Gene; Nazareno, Angela; Honma, Lisa@Waterboards; Vipul Joshi; Rothman, Christine; Guerrero, Meris SPL

Subject: RGP 63 Notice to Proceed for Parkside Channel Maintenance (MMP Map 122) (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Genene-

Please find attached the RGP 63 Notice to Proceed for the Parkside Channel Maintenance Project. A hard copy will be sent via mail today. Let me know if you have any questions.

Best Regards,

Rose Galer

Project Manager, Carlsbad Field Office

U.S. Army Corps of Engineers, Regulatory Division

5900 La Place Court, Suite 100

Carlsbad, CA 92008

Rose.A.Galer@usace.army.mil

(760) 602-4835 (direct)

(760) 277-5225 (blackberry)

(760) 602-4848 (fax)

(Please note: we do not have out-of-office notifications)

Classification: UNCLASSIFIED

Caveats: NONE



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
LAKE OR STREAMBED ALTERATION PROGRAM



Information Regarding Emergency Work

Fish and Game Code section 1610 exempts certain types of emergency work from the notification requirement in section 1602. Specifically, notification is not required before beginning any of the following emergency work:

- 1) immediate emergency work necessary to protect life or property;
- 2) immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in an area in which the Governor has proclaimed a state of emergency; and/or
- 3) emergency projects undertaken, carried out, or approved by a state or local governmental agency to maintain, repair, or restore an existing highway, as defined in Vehicle Code section 360, within the existing right-of-way of the highway, that has been damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage.

Although notification is not required **before** beginning the emergency work, the Department must be notified in writing within 14 days **after** the work begins ("emergency notification"). The notification requirement can be met by completing and submitting the attached Emergency Notification form to the Department regional office that serves the county where the emergency work occurs.

If the Department does not receive the emergency notification within 14 days after the work begins, or the work did not constitute emergency work, the entity responsible for the work may be subject to criminal or civil prosecution. Hence, it is important that the work meets the definition of "emergency."

"Emergency" means "a **sudden, unexpected** occurrence, involving a clear and imminent danger, demanding **immediate** action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services. 'Emergency' includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage." (Public Resources Code section 21060.3 (emphasis added)). See also Fish and Game Code section 1601, subdivision (c).

Although emergency work is exempt from the notification requirement in Fish and Game Code section 1602, the entity responsible for completing the emergency work must comply with other applicable local, state, and federal laws, including other provisions in the Fish and Game Code, such as section 5650 (prohibiting the discharge or release of deleterious substances or materials) and section 5901 (prohibiting the construction or maintenance of any device or contrivance that prevents or impedes fish passage).

The Department recommends that emergency work be conducted in accordance with the guidelines below to minimize impacts to fish and wildlife resources.

- 1) The person(s) completing the emergency work should prevent raw cement, concrete, or washings thereof, asphalt, paint, or other coating material, oil or other petroleum products, or any other substance which can be deleterious to aquatic life from contaminating soil and/or entering a river, stream, lake or other waters of the state. (See Fish and Game Code section 5650.)
- 2) The person(s) completing the emergency work should minimize the disturbance or removal of vegetation in completing the work.

FOR DEPARTMENT USE ONLY	
Date Received	Notification Number



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
LAKE OR STREAMBED ALTERATION PROGRAM
NOTIFICATION OF EMERGENCY WORK



Complete EACH field and attach additional pages if necessary.

1. PERSON, BUSINESS, OR AGENCY RESPONSIBLE FOR EMERGENCY WORK

If the emergency work is being conducted by a business, agency, or utility, please include the name of your designated representative.

Name	Gene Matter		
Business/Agency	City of San Diego Storm Water Division		
Street Address	2781 Caminito Chollas, MS 44		
City, State, Zip	San Diego, CA, 92105		
Telephone	619-527-7506	Fax	619-527-7445
Email	rmatter@sandiego.gov		

2. LOCATION OF EMERGENCY WORK

Address or description of project location. (Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway.)

Project Address: 6512 Parkside Ave. San Diego, CA 92139
From I-5 South, take Exit 9 for CA-54 East and continue onto CA-54 East. Take the Plaza Bonita Centerway/Reo Dr. Exit and turn left onto Reo Dr.. Continue on Reo Dr. and make a right at the second cross street onto Tonawanda Dr.. Tonawanda Dr. turns slightly right and becomes Parkside Ave.. Continue east on Parkside Ave. and the channel is located on the right hand side just after Garber Ave..

☐ Continued on additional page(s)

River, stream, or lake affected by project	Unnamed tributary to Sweetwater River (Hydrologic Unit Basin Number 9.12)			
What water body is the river, stream, or lake tributary to?	Sweetwater River			
Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown	
County	San Diego			
USGS 7.5 Minute Quad Map Name	Township	Range	Section	Section
National City	N/A	N/A	N/A	N/A
<input type="checkbox"/> Continued on additional page(s)				
Meridian (check one)	<input type="checkbox"/> Humboldt <input type="checkbox"/> Mt. Diablo <input checked="" type="checkbox"/> San Bernardino			

NOTIFICATION OF EMERGENCY WORK

2. LOCATION OF EMERGENCY WORK continued

Assessor's Parcel Number(s)			
5883620800, 5883650600, 5883731600, 5883650400, 5883610900, 5883731300, 5883710700, 5883731400, 5883710600, 5883620700, 5883620900, 5883650500, 5883650700, 5883731500, 5883670100, 5913200500, 5883650300, 5883710500, 5913200600, 5883731700			
<input type="checkbox"/> Continued on additional page(s)			
Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes.)			
Latitude/Longitude	Latitude: 32° 40' 12.44"		Longitude: 117° 2' 52.20"
	<input checked="" type="checkbox"/> Degrees/Minutes/Seconds <input type="checkbox"/> Decimal Degrees <input type="checkbox"/> Decimal Minutes		
UTM	Easting:	Northing:	<input type="checkbox"/> Zone 10 <input type="checkbox"/> Zone 11
Datum used for Latitude/Longitude or UTM		<input type="checkbox"/> NAD 27 <input checked="" type="checkbox"/> NAD 83 or WGS 84	

3. NATURE OF EMERGENCY WORK

Date emergency began or was first discovered	12/22/15
Date emergency work began	12/23/15
Date emergency work was or will be completed	12/26/15
Briefly describe the type of emergency (e.g., flooding or earth movement).	
<p>With the prediction of El Niño, the City of San Diego (City) determined that the maintenance area identified within this channel section (MMP Map 122; Figure 3) posed a high flood risk from existing sediment and large exotic vegetation (i.e. palms, fountain grass, etc...), which were loosely rooted in the concrete lining and had accumulated upstream along the Parkside Channel. This exotic vegetation caused an imminent threat to properties adjacent and downstream of the channel through potential clogging of downstream culverts if these large plants were dislodged during heavy flows as well as by an overall reduction in capacity of the channel. US Army Corps of Engineers and San Diego RWQCB approved the RGP 63 application for the emergency maintenance section described below on 12/22/15.</p>	
Identify the type of property affected by the emergency by marking the appropriate boxes below.	
<input checked="" type="checkbox"/> Bridge, culvert, or other water crossing <input checked="" type="checkbox"/> Dwelling or other building <input type="checkbox"/> Levee or other bank protection <input checked="" type="checkbox"/> Road <input type="checkbox"/> Farmland <input type="checkbox"/> Utility <input type="checkbox"/> Other (describe): _____	
Describe the emergency work.	
<p>Within the emergency maintenance section, located just south east of the Garber Ave. and Parkside Ave. intersection (MMP Map 122; Figure 3), all materials were excavated from the channel using a crane, bobcat, and Gradall (i.e., excavating-type equipment with an extended arm). Initially, the crane was used to pull loose trees and large vegetation from the channel. Following use of the crane, the bobcat was lowered into the channel and pushed sediment and vegetation to central location within the channel where the Gradall was staged outside and above the channel within the developed Access/Staging area on Parkside Ave. The Gradall removed the collected material and loaded it into dump trucks, which disposed of it at a legal disposal site (Miramar Landfill). All work was monitored by a qualified biologist and all equipment and materials were removed following completion of work. No sandbag berms or pumping equipment were used during maintenance as the channel remained dry during all work.</p> <p>Recent observations from City crews had indicated a deterioration of the conditions within the channel. The capacity of the channel had been reduced by accumulation of sediment and vegetation, especially in the upstream end. Additionally, with the prediction of El Niño, the City determined that the conditions in the maintenance area identified (MMP Map 122; Figure 3) posed an imminent threat to properties adjacent and downstream of the channel through potential clogging of downstream culverts if these large plants, which were loosely anchored to the concrete-lining, were dislodged during heavy flows as well as by an overall reduction in capacity of the channel, given the conditions of the channel described above.</p>	
<input type="checkbox"/> Continued on additional page(s)	

NOTIFICATION OF EMERGENCY WORK

3. NATURE OF EMERGENCY WORK continued

Briefly describe the dimensions (e.g., length and width) of the area or areas affected by the emergency and the work area.

The entire channel length was proposed for emergency maintenance and is composed of trapezoidal, concrete-lined channel. The maintenance area is located just southeast of the Garber Ave. and Parkside Ave. intersection (MMP Map 122; Figure 3) and is approximately 1,201 feet in length. Bottom channel width is approximately 12 feet and top channel width is approximately 35 feet.

☐ Continued on additional page(s)

Describe any work you intend to complete after the emergency to restore the affected area.

The project restored the as-built condition of the concrete-lined channel. All equipment and materials were removed from the channel and no additional work was needed after the emergency maintenance was completed.

☐ Continued on additional page(s)

4. SIGNATURE

I hereby certify that to the best of my knowledge the information in this emergency notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the person, business, or agency responsible for the emergency work. *I understand that if the Department does not receive this emergency notification within 14 days after the emergency work begins, or the work did not constitute emergency work, I and/or the person, business, or agency responsible for the emergency work may be subject to criminal or civil prosecution.*



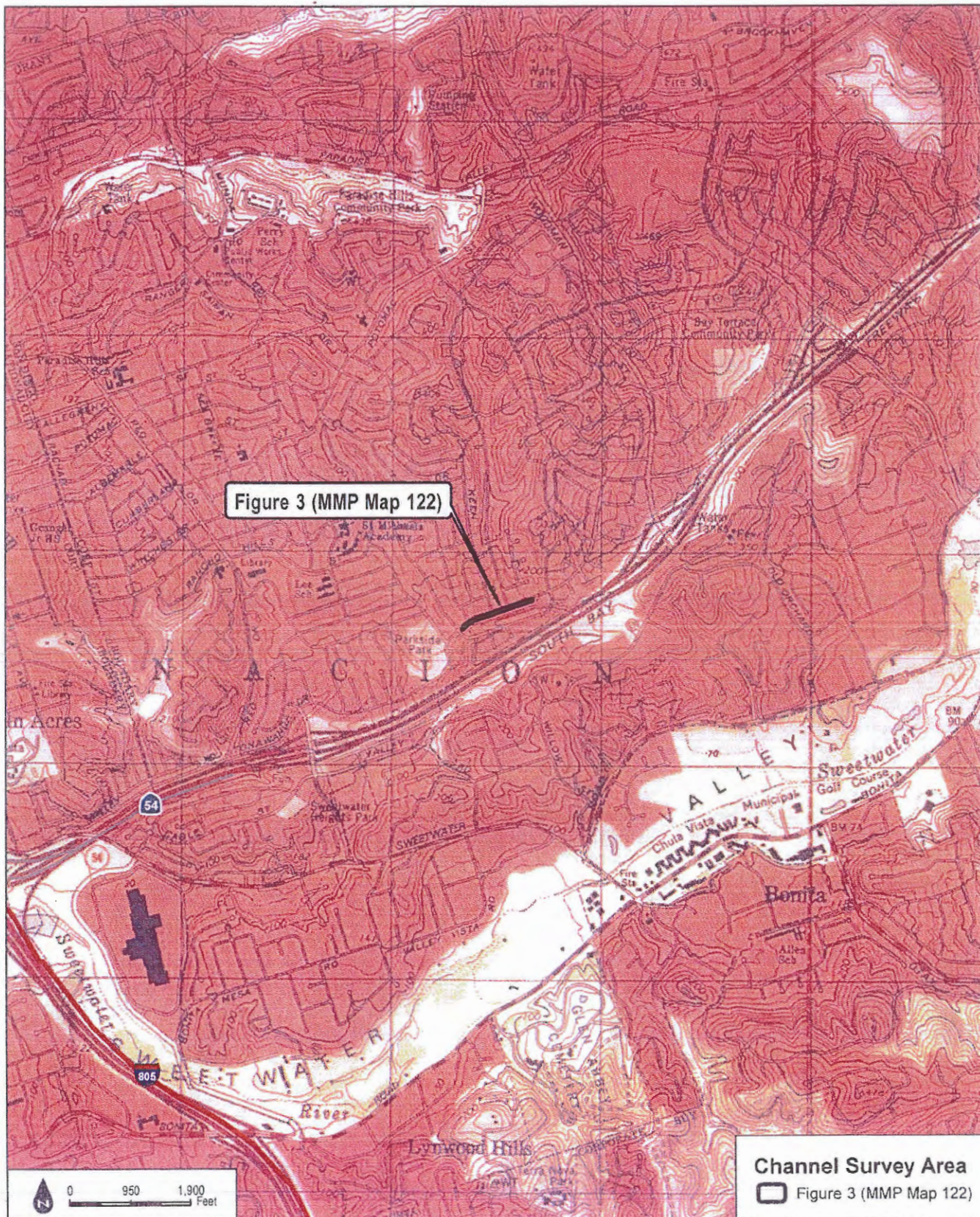
Signature of Applicant or Applicant's Authorized Representative

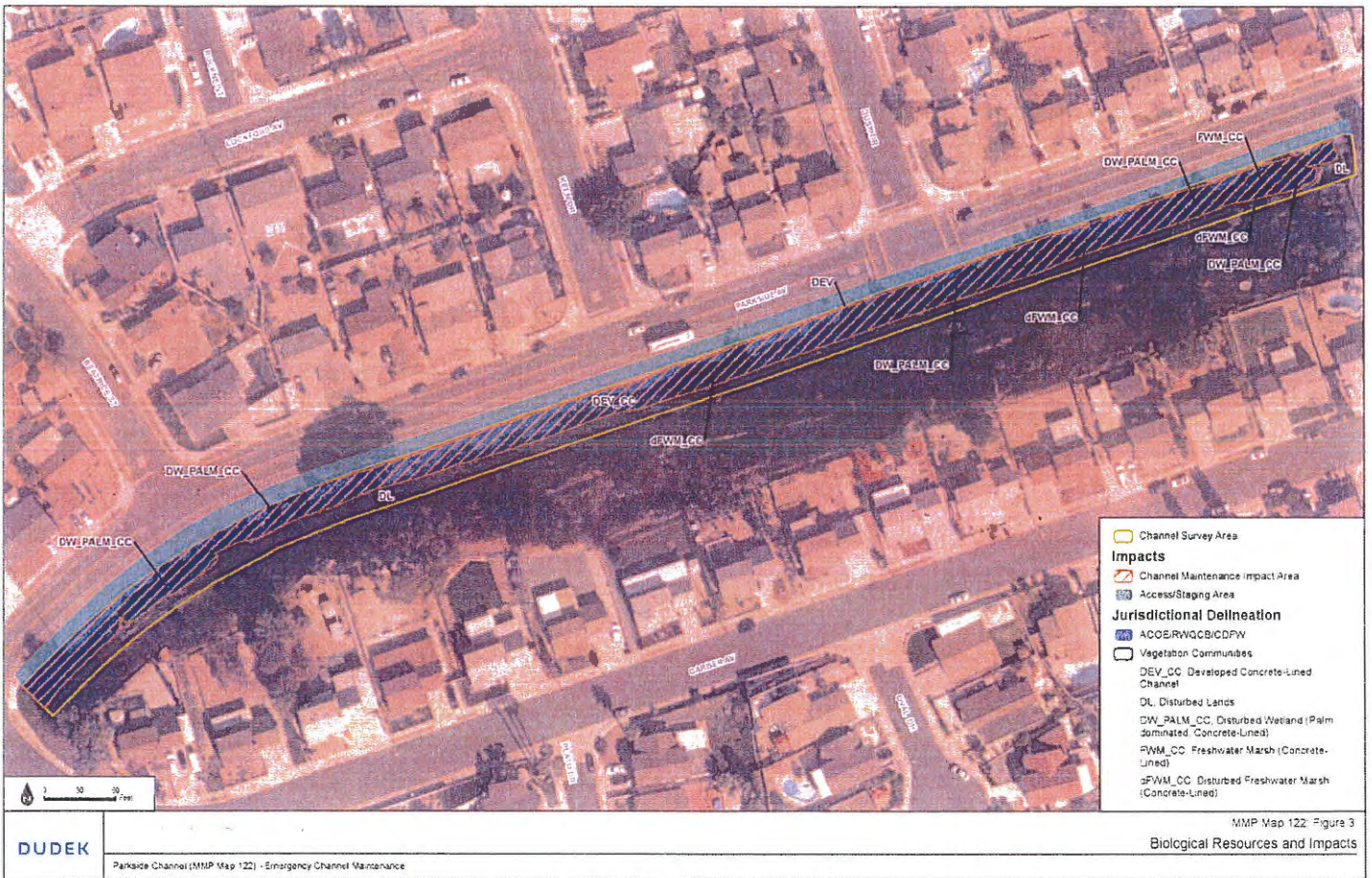
1/5/16

Date

Gene Matter

Print Name





ATTACHMENT A

Parkside Channel Emergency Channel Maintenance, MMP Map 122

Photograph Log

Photograph 1: Bobcat pushing vegetation and sediment to the center of MMP Map 122; Figure 3 for removal by Gradall.



(December 24, 2015)

Photograph 2: Looking upstream from eastern section of MMP Map 122; Figure 3 at a cleared section of concrete-lining.



(December 24, 2015)

Photograph 4: Looking upstream from near the center of the maintenance section at collected material and the Gradall removing sediment and vegetation.



(December 24, 2015)

Photograph 4: Looking downstream from the eastern section of the maintenance area at the bobcat pushing material in preparation for Gradall removal.



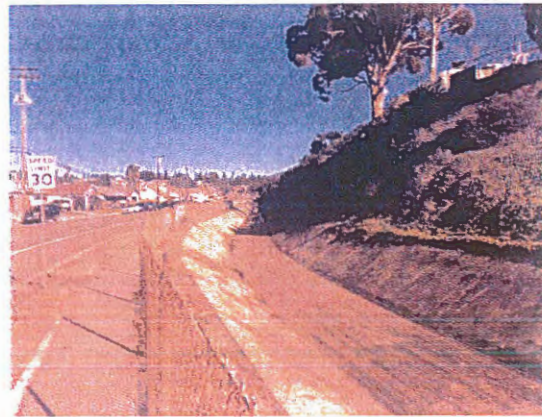
(December 26, 2015)

Photograph 5: Looking east upstream at the upstream culvert following the completion of maintenance in MMP Map 122; Figure 3.



(December 26, 2015)

Photograph 6: Looking east upstream from the west end of MMP Map 122; Figure 3 following the completion of maintenance.



(December 26, 2015)

NOTICE OF EXEMPTION

(Check one or both)

TO: X RECORDER/COUNTY CLERK
P.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
PLANNING DEPARTMENT
1010 2ND AVENUE, SUITE 1200
EAST TOWER, MS 413
SAN DIEGO, CA 92101

 OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

PROJECT NO.: **462761**

PROJECT TITLE: **Parkside Channel Emergency Maintenance (Map 122)**

PROJECT LOCATION-SPECIFIC: The project is emergency maintenance of a concrete-lined drainage channel located east of Interstate 805, north of State Route 54, in between Rhoades Road and Garber Avenue, on the south side of Parkside Avenue within the Skyline-Paradise Hills Community Planning Area, Council District 4.

PROJECT LOCATION-CITY/COUNTY: City of San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: The emergency action is for the removal of dense vegetation and sediment from an approximately 1,201 linear foot (LF) concrete lined drainage channel. The channel expands from a bottom width of 10 to 12 feet to a top width of 28.5 feet. Several factors have raised the risk of flood to imminent within the channel, including increased sediment build up in the channel just west of 6555 Parkside Avenue and in several downstream sections with the potential for dislodging of heavy exotic vegetation (i.e., palms, fountain grass, etc.) that is scattered down the length of the channel loosely rooted in small cracks in the concrete. Due to the large size of many of these palms and their weak securement to the channel bottom, in the event that they are uprooted by heavy rains and flows within the channel such as those predicted during the upcoming El Niño storm season, downstream culverts would be at a high risk of clogging, resulting in severe flooding of surrounding areas. Storm Water Division engineers have estimated that the channel is currently at a 2-year capacity, whereas as-built condition is a 100-year capacity. Removing only portions of this vegetation and sediment would break up the overall vegetative structure in the channel and encourage sloughing, therefore, increasing the risk of flooding during future rain events. In addition, a culvert blockage of up to 75% could occur if a palm were to dislodge, as the downstream culvert at Garber Avenue and Parkside Avenue is 8 feet wide x 5 feet tall. Most palms in the channel are at least 6 feet tall. Therefore, the City of San Diego has determined that an imminent threat to properties adjacent to the proposed emergency maintenance areas of the Parkside Channel exists.

Land covers and vegetation proposed for removal include 0.45 acres of developed concrete-lined channel, 0.02 acres of freshwater marsh (concrete-lined), 0.03 acres of disturbed freshwater marsh (concrete-lined), and 0.11 acres of disturbed wetland (palm dominated; concrete-lined). Total impacts to jurisdictional areas are 0.61 acres (1,201 linear feet) of non-wetland waters of the U.S.

Access and staging is proposed along Parkside Avenue. A Bobcat will be lowered into the channel by a Gradall and will push accumulated vegetation and sediment to a central location to be removed from the channel. A Gradall, located outside of and above the channel, will scoop out the material and load it into dump trucks. Once the debris is loaded into dump trucks, it will be taken to an approved stockpiling location (2130 Monument Rd.) and then to the Miramar Landfill for disposal at a later date. The emergency work is expected to remove an estimated 300 cubic yards of vegetation. All work will be monitored by a qualified biologist and equipment will be removed from the site at the end of the project.

Excavation and removal of the increase in sediment and vegetation is needed to alleviate the threat of flooding to adjacent properties from storm events, and the forecasted El Niño-influenced weather patterns expected to bring heavier than normal rainfall to the San Diego region during the winter of 2015-2016. The emergency project is not

located within or adjacent to the Multi-Habitat Planning Area. This emergency activity will require subsequent permit review pursuant to the modified Substantial Conformance Review Procedures as described in Chapter 7 of the Master Storm Water System Maintenance Program (MMP); and the City of San Diego's Land Development Code §143.0126 Emergency Authorization to Impact Environmentally Sensitive Lands. The application shall be submitted within 60 days of completion of the emergency work.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Transportation & Storm Water Department, Storm Water Division - Operations and Maintenance, 2781 Caminito Chollas, MS 44, San Diego, CA 92108. Contact: Gene Matter 619.527.7506

EXEMPT STATUS: (CHECK ONE)

- ☐ MINISTERIAL (Sec. 21080 (b) (1); 15268);
- ☐ DECLARED EMERGENCY (Sec. 21080 (b) (3); 15269(a));
- ☒ **EMERGENCY PROJECT [Sec. 21080(b)(2),(4); 15269(b),(c)]**
- ☐ CATEGORICAL EXEMPTION: (Sec. 15301)
- ☐ STATUTORY EXEMPTIONS: (Sec. 15269)


REASONS WHY PROJECT IS EXEMPT: This emergency exemption is based on the expert opinion and findings by the Transportation & Storm Water Department. The buildup of sediment and vegetation has obstructed storm water flows within the channel causing the potential for flooding of adjacent roadways and properties. Immediate, specific action is necessary to avoid or minimize a threat of loss or damage to life, property or essential public services. This emergency activity meets the criteria set forth in Public Resources Code Section 21080(b)(4) and Section 15269(c) of the CEQA Guidelines, which allow for actions necessary to prevent or mitigate an emergency, as well as Public Resources Code Section 21080(b)(2) and Guidelines Section 15269(b), which apply to emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare. The exemption is appropriate given the significant risk to life and property posed by the changed conditions in the channel and the high likelihood of major rain events occurring imminently due to El Niño. The removal of approximately 1,201 linear feet of vegetation and sediment is the minimum necessary to prevent and mitigate the emergency and will have no more than a minimal and temporary effect on the aquatic environment.

LEAD AGENCY CONTACT PERSON: Myra Herrmann, Senior Planner, Planning Department, Telephone: (619) 446-5372

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
☐ Yes ☐ No

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

 SENIOR PLANNER
SIGNATURE/TITLE

December 18, 2015
DATE

CHECK ONE:

- ☒ SIGNED BY LEAD AGENCY
- ☐ SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

EMERGENCY PERMIT

1. City of San Diego Transportation Storm Water Department 12-18-15
(Name) (Date)
2. 2781 Caminito Chollas MS 44
(Street Name & No.)
3. San Diego, CA 92105
(City, State, Zip)
4. PTS 462761- Parkside Channel Emergency Maintenance Approval No. 1618849
(PTS and Emergency Permit Number)
5. **Project Location**-(Map 122) from 6555 Parkside Avenue to the culvert at Garber Avenue.
Skyline-Paradise Hills Community Planning area.
6. **SCOPE**- Emergency Channel Maintenance to remove sediment and vegetation (Palms, fountain grass...) within the concrete-lined channel Known as Parkside Channel (approx 1,202 LF).

Dear Ms. Rothman:

This letter constitutes approval of the emergency work you or your representative have requested to be done at the location listed above. Based on the submitted information and staff's site inspection an unexpected geotechnical occurrence requiring immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

- a. An emergency exists which requires action more quickly than permitted by the procedures for acquiring a Coastal and/or Site Development Permit; and
- b. Public comment on the proposed emergency action has been solicited and reviewed to the extent feasible; and


The work is hereby approved, subject to the following conditions:

1. **Only** that work specifically requested as described above, described within the CEQA document and for the specific property listed above is authorized. Any additional work requires separate authorization from the City Manager.

2. The permittee shall apply for a Public Project Assessment to determine if a follow-up permit is needed **or** submit for a regular Coastal and/or Site Development Permit to have the emergency work be considered permanent.
3. **This permit does not eliminate the need to obtain necessary authorizations and/or permits from other agencies.**

If you have any questions about the provisions of this authorization, please call the City of San Diego, Development Services Department.

EMERGENCY PERMIT APPROVED:



Helene Deisher, Development Project Manager

JOB ORDER NUMBER: 21003732