

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

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REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Fr 7b

Application No.: 6-96-120

Applicant: San Diego County Parks &amp; Recreation Dept. Agent: Barbara Simmons

Description: Multiple openings of the mouth of San Elijo Lagoon over a period of two years with removal of approximately 8,000-18,000 cubic yards of material per opening as necessary to maintain tidal flow and protect and enhance the biological productivity of the lagoon.

Zoning	Open Space
Plan Designation	Open Space

Site: Mouth of San Elijo Lagoon, west of Highway 101 at Cardiff State Beach, Encinitas, San Diego County.

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); Certified City of Encinitas LCP, San Elijo Lagoon Enhancement Plan; CDP Nos. 6-87-624; 6-88-463, 6-89-109, 6-89-241, 6-90-128, 6-90-250, 6-91-3, 6-91-258, 6-93-12, 6-93-194, 6-94-15, 6-95-32.

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STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development with special conditions that limit the approval to a two year period, restrict the time of work to outside the peak recreational periods, but allow for the Executive Director to approve any openings which must occur during the summer months, and require the submittal of a detailed monitoring program to minimize potential impacts of the development on public access and sensitive habitat. The applicant is in agreement with the special conditions.

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PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

# I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

## II. Standard Conditions.

See attached page.

## III. Special Conditions.

The permit is subject to the following conditions:

1. Term of Permit. This permit is valid for a period of two years from the date of Commission action. Future lagoon mouth openings beyond this date will require a coastal development permit from the California Coastal Commission or its successor in interest.

2. Dredging Criteria. As proposed, opening of the lagoon mouth may only occur with the authorization of the State Department of Fish and Game that the dredging, on the date proposed, will not cause adverse impacts on sensitive or endangered species or the biological productivity of the area, and when one or more of the following criteria are present:

a. Salinity. Salinity of water in the main channel drops below 10 parts per thousand or exceeds 50 parts per thousand.

b. Dissolved Oxygen. Dissolved oxygen levels in the main channel drop below 2.0 parts per million.

c. Water Level. Water level of the lagoon exceeds 2.90 feet above Mean Higher High Water (MHHW).

The sampling results and/or biologist's determination which results in a decision to open the lagoon mouth shall be reported verbally to the Commission office within 24 hours of any proposed opening.

3. Timing of Work/Executive Director Approval. Lagoon openings during the summer months shall be avoided if possible; however, if openings are necessary during the summer, prior to the initiation of any sand and cobble removal/dredging during the summer months of any year (Memorial Day weekend to Labor Day), the applicants shall submit to the Executive Director for review and written approval, a plan for the proposed opening which provides for the least possible impact on public access and recreation associated with the lagoon opening and subsequent beach closures. Said plan shall include the

timing of the proposed dredging, including potential beach closures due to water quality, the location, the specific criteria which triggered the need for dredging, and shall demonstrate that the following requirements will be met:

- a. No work shall occur on weekends and holidays during the summer months of any year (Memorial Day weekend to Labor Day).
- b. All equipment must be removed from the beach by Friday.

In addition, no work shall occur during the two week period spanning Easter of any year.

4. Monitoring Report. On an annual basis by January 1 of each year, the applicant shall submit for the review and written approval of the Executive Director, a monitoring report for the project. The report shall summarize the success and/or failure of the multiple openings, including the project's impacts on public access and recreation, and the biological productivity of the lagoon, any changes in the tidal prism caused by external factors (such as upstream development impacts, extreme storm conditions, unusual tides, etc.) which may have contributed to the need for the lagoon mouth openings, and shall include recommendations for any necessary changes or modifications to the project. In addition, the annual report shall include the following information for each of the openings which occurred over the subsequent years:

- a. The date of the opening(s) which occurred, along with the date of each subsequent closure.
- b. The specific criteria (described in Special Condition #2 above) which warranted/authorized the opening.
- c. Any noted adverse impacts on lagoon resources or adjacent public beach or park and recreation areas resulting from each mouth opening, and recommendations to avoid or mitigate these impacts with future openings.

The report shall be submitted annually beginning the first year after Commission approval of the permit; the first report shall also include the above listed monitoring information for the openings which have already occurred under coastal development permits #6-96-129-G and #6-96-152-G.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project involves multiple openings of the mouth of San Elijo Lagoon as needed to maintain a tidal flow which enhances the health and biological productivity of the lagoon. The project site is located at the mouth of San Elijo Lagoon, just west of Highway 101 at Cardiff State Beach in the City of Encinitas. Most of the work would occur only at the mouth of the lagoon; occasionally, if warranted by storm

action causing sand and cobble to block the channel east of the Highway 101 bridge, the sand and cobble bar in that area would be mechanically removed. The openings will generally involve the removal of approximately 8,000-12,000 cubic yards of sand and cobble material. If work is required east of the Highway 101 bridge, an additional up to 6,000 cubic yards of material could be involved. The applicant has indicated that their goal is to maintain the mouth of the lagoon open year-round; however, due to funding constraints, there may be times when dredging will not be able to take place and the lagoon mouth will close.

The Commission has a long history of permit review for work in San Elijo Lagoon which includes permits for one-time openings of the lagoon mouth and dredging of the lagoon's main tidal channel (ref. CDP Nos. 6-88-463, 6-89-109, 6-89-241, 6-90-128, 6-90-250, 6-91-3, 6-91-258, 6-93-12 and 6-93-194). These openings were proposed based on certain criteria being met related to salinity, dissolved oxygen and other water chemistry conditions as indicators suitable for determining appropriate times for opening the lagoon mouth.

In the last few years, the Commission has approved a number of permits and amendments for opening the lagoon mouth that differed from the previous requests (ref. CDP Nos. 6-91-3-A, 6-94-15, 6-95-32, 6-95-142). These permits were proposed as experiments to allow the lagoon mouth to remain open for a longer period of time and involved the removal of a more substantial amount of material, both in the lagoon mouth and in the inlet channel east of the Highway 101 bridge. In some instances the work was proposed to occur whether or not the previously proposed criteria were present. The openings conducted under these permits allowed the mouth to remain open for several months longer than the previous openings had accomplished.

Most recently, the Commission authorized two emergency permits (6-96-129-G, 6-96-152-G) in September and November 1996 for one-time openings of the lagoon mouth, because the criteria related to dissolved oxygen levels indicated fish and other marine biota would be threatened if the lagoon was not opened immediately. This permit will serve as the follow-up regular permit to both of the above-referenced emergency permits.

In November of 1994, the Commission approved, with suggested modifications, the City of Encinitas Local Coastal Program (LCP). Subsequently, on May 15, 1995, coastal development permit issuing authority was transferred to the City. Although the proposed development is located within the City of Encinitas, it is located within the Commission's area of original jurisdiction and as such, the standard of review is Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance.

2. Sensitive Habitats. Section 30231 of the Coastal Act states, in part:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored ...

Section 30233 of the Act states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division....

In addition, Section 30240 (b) of the Coastal Act states:

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The subject site is located at the mouth of San Elijo Lagoon, an environmentally sensitive habitat area and Regional Park that is managed jointly by the California Department of Fish and Game and the San Diego County Parks and Recreation Department. In addition, San Elijo Lagoon is one of the 19 priority wetlands listed by the State Department of Fish and Game for acquisition. The lagoon provides habitat for at least five State or Federal-listed threatened or endangered birds that include the California least tern, the light-footed clapper rail, Belding's savannah sparrow, the brown pelican and the western snowy plover. As such, potential adverse impacts on sensitive resources as a result of the proposed development could be significant.

The proposed development involves the removal of sand and cobble material from the mouth of San Elijo Lagoon. Under the Coastal Act, dredging of lagoons and/or open coastal waters is severely constrained. To be allowable under Section 30233, the proposed development must qualify as restoration, be the least environmentally damaging feasible alternative, incorporate feasible mitigation measures for any associated adverse impacts and either maintain or enhance the functional capacity of the wetland system.

Information received from the various resource agencies (State Fish and Game and the Department of Fish and Game) regarding past proposals to open the lagoon indicate that the biological resources of the lagoon are continually stressed due to the almost permanent closure of the lagoon mouth. The San Elijo Lagoon Area Enhancement Plan (April 1996) documents that the biological resources of San Elijo have degraded over the years because of the lack of tidal influence to the lagoon, and a number of other factors. Lack of tidal action in particular has a number of adverse effects on the lagoon environment. The lagoon water becomes stagnant, reducing the oxygen levels in the water. Reduced oxygen can lead to eutrophication, the condition where a closed body of water can "turn over", where large amounts of methane and hydrogen sulfide gas are released at the bottom and absorbed into the water, leading to fish and benthic invertebrate kills. Another problem facing the lagoon environment is the salinity levels of the water. Together, lack of tidal influence and low levels of freshwater inflow increase the salinity and temperature of the water, stressing both the plant and wildlife of the lagoon. Conversely, decreased salinity caused by the combination of high levels of freshwater inflow and lack of tidal action allows for the establishment and growth of freshwater vegetation such as willows, cattails and tules in areas formerly entirely covered by salt marsh vegetation.

The goal of the proposed project is to restore tidal flushing to the lagoon. The proposed sand and cobble removal will allow the mouth to remain open longer to flush out stagnant water, replace low-salinity water and allow for the reestablishment of estuarine and marine invertebrates, fish and plant species. As proposed, the project does not involve any alteration or impact to existing habitat. In addition, the applicant has indicated that the proposed dredging will not adversely impact any threatened or endangered species. The subject development will restore and enhance the functional capacity of the lagoon and, thus, is restorative in nature and a permitted use under Section 30233 of the Act.

As stated in the previous section, the County of San Diego has received approval by the Commission on numerous occasions which allowed for the one-time opening of the lagoon, or a number of openings over a set period of time, such as 30 days or 120 days. In its actions on these permits, the Commission found that, although no overall management program had been prepared for San Elijo Lagoon at that time, conditions requiring the opening of the lagoon mouth would continue to occur. As such, the County proposed and the Commission approved an number of criteria as factors necessary to warrant the opening of the lagoon mouth. These factors related to salinity levels, oxygen levels and water levels. When any one of the proposed criteria was met, the County opened the lagoon mouth by digging out a small pilot channel

and allowing the lagoon to "blow out" an opening. However, because of the presence of the cobble berms, the lagoon mouth rarely remained open for more than a few days. More recent permits have attempted to address this problem by removing a greater amount of cobbles, and by allowing a series of openings to occur within a set time period to maintain the lagoon mouth open for a longer period. As previously noted, these openings have been relatively successful, and the lagoon mouth has on several occasions remained open for months at a time.

Since the past permit approvals, the applicant has prepared a San Elijo Lagoon Area Enhancement Plan which has been adopted by the County of San Diego. The plan contains a detailed analysis of the resources and characteristics of the lagoon, documents the adverse impacts cause by lagoon closures, and lists opportunities and constraints for lagoon enhancement. Dredging to maintain a tidal flow into the lagoon is included as part of an overall management strategy to enhance the biological productivity of the lagoon. The proposed project would implement a portion of the Enhancement Plan by allowing the County to open the lagoon mouth on an as-needed basis whenever certain criteria are met which indicate the lagoon is in poor health.

At this time, the County has proposed to use the same criteria used in the past for determining the need to open the lagoon mouth. The applicant has indicated that they will be reviewing these criteria in the future to set new standards to allow dredging to occur before the lagoon resources are imminently or actively distressed. However, until these standards can be developed and reviewed by the appropriate resource agencies, the previous criteria are proposed to remain. These criteria include salinity levels (both high and low), water quality (low dissolved oxygen levels) and high water levels. The lagoon mouth would be opened in the event that salinity levels exceed 50 parts per thousand (hypersaline) or if salinity levels drop below 10 parts per thousand (hyposaline) in the main channel. In either of these cases, prolonged periods of salinity extremes will cause certain organisms to die. In addition, decreased salinity allows for the establishment and growth of freshwater vegetation such as willows, cattails and tules in areas formerly covered by salt marsh vegetation.

The second factor proposed is water quality, specifically related to the capacity of the water to carry dissolved oxygen. As previously noted, reduced oxygen can lead to eutrophication. To address this concern, the County has proposed opening the lagoon mouth if the dissolved oxygen levels drop below 2.0 parts per million.

Lastly, the County is proposing high water levels as a factor necessary to warrant the opening of the lagoon mouth. Under extreme water levels, mudflats become submerged, restricting or eliminating foraging areas for shorebird species. Low vegetation, algae and invertebrates become unavailable to dabbling ducks. Nesting sites for endangered bird species such as Belding's Savannah Sparrow, California Least Tern and Snowy Plover are reduced or eliminated. Under conditions of high water levels, any nesting that does take place is under immediate threat of flooding in the event of a sudden storm. Based on monitoring of water levels of the lagoon in the past, the County has

determined that when water levels reach 2.90 feet above Mean Higher High Water (MHHW), then approximately 99 percent of shorebird foraging and habitat area is submerged. As such, the County is proposing that when the water level of the lagoon reaches this level (2.90 feet above MHHW), then the mouth should be opened.

The proposed project would allow the County to open the lagoon mouth whenever any of these conditions were detected without obtaining a separate permit for each opening, for a two year period. Dredging the lagoon mouth is a relatively inexpensive means of increasing tidal flushing and improving the biological productivity of the lagoon in a manner that has the least impact on the lagoon and surrounding environment. Although no significant impacts to biological resources are anticipated, Special Condition #2 requires that the proposed work be coordinated with the State Department of Fish and Game (DFG). In addition, the applicant has proposed a monitoring program to notify the Commission each time dredging is required, which documents the need for the opening and the work performed. Special Condition #4 specifies that the monitoring reports must be submitted within 30 days of any lagoon opening or series of openings and that the reports contain information on the number and dates of each opening, the specific criteria which authorized each opening, weather and tide conditions which may have contributed to the described criteria and any adverse impacts on the lagoon and the adjacent beach resulting from the opening(s). In addition, the applicant must submit an annual monitoring report documenting the success or failure of the openings over the year, summarizing what, if any, impacts on the lagoon resources occurred as a result of the project, and providing recommendations on how such impacts could be mitigated in the future should such a project be contemplated again in the future. Therefore, the Commission finds the proposed project, as conditioned, is consistent with Sections 30233 and 30240 of the Coastal Act.

3. Public Access/Recreation. The proposed project is located between the first public road and the sea. Sections 30210-30214 of the Coastal Act state that maximum access and recreation opportunities be provided, consistent with, among other things, public safety, the protection of coastal resources, and the need to prevent overcrowding.

Section 30211 of the Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The project site is the mouth of San Elijo Lagoon, which empties into the Pacific Ocean at Cardiff State Beach in Encinitas. Cardiff State beach, which provides the only formal day-use facilities for beach visitors between Sea Cliff County Park (approximately 1.5 miles to the north), and Fletcher Cove (about one mile to the south), serves as an important recreational resource of region-wide importance. In addition, adjacent to and north of the lagoon mouth opening is San Elijo Campground, a very popular State Park facility. As the proposed development will occur on the beach, the potential for adverse impacts on public access and recreational opportunities exists.

As discussed in the previous section, all the various resources agencies, lagoon managers and a number of local coastal wetland experts have agreed that the opening the lagoon mouth is beneficial to the lagoon environment. However, there are a number of concerns related to public access and recreation associated with the project.

Based on the experience of previous lagoon mouth openings, when the lagoon mouth is opened, bacteria levels (fecal and total coliform counts) in the water exiting the lagoon are usually above health standards in the mouth and surfzone surrounding the mouth. As a result, County Public Health officials have had to post the surrounding beaches with signs prohibiting any body contact with the water because of potential health hazards caused by the high bacteria counts. Although this has always been a known concern, in permitting previous lagoon mouth openings, the Commission has not found this to be a significant impact on public recreational opportunities as the lagoon mouth openings generally occurred in the non-summer months and the high bacteria levels only last a few days to a week. Based on data collected from monitoring previous lagoon mouth openings, it is estimated that after an initial opening, bacterial counts will exceed water quality standards and body contact with the water will be prohibited. However, the reports also indicate that within a week to 10 days, that "bacterial water quality in the surfzone should meet the recreational standard as seawater dilution of the Lagoon occurs and after contaminated water in the west basin of the Lagoon has flowed out." In addition, the openings permitted most recently have involved dredging larger amounts of materials resulting in the lagoon staying open for longer periods of time. Because bacteria levels deteriorate quickly once tidal flow is established, the longer the lagoon stays open, the less often the beaches have to be closed. However, if the lagoon does close and is then reopened, resulting in high enough bacterial counts that the beach must be closed, the proposed development could significantly impact public recreational opportunities during high use periods such as weekends or holidays during the summer months.

In response to this concern, in past permit applications the applicant has submitted a number of monitoring reports that include data on water quality from water quality experts who conducted testing of the lagoon during the last years mouth opening. These monitoring reports indicated that, for example, when the lagoon mouth was open for over four months, the ocean and surf zone directly adjacent to the lagoon mouth only exceeded pollution standards for three days. As such, it does not appear that contamination will cause significant long-term adverse impacts on public recreational opportunities in the ocean adjacent to the lagoon mouth. However, in order to minimize potential impacts to beach users, Special Condition #3 requires the applicant to obtain approval from the Executive Director to conduct any openings during the peak recreational summer season. In order to perform dredging during this time, the applicant will have to demonstrate that the dredging will not take place on weekends or holidays, and that all equipment will be removed from the beach by Friday. Although this condition will not assure that the beach is never closed during weekends and holidays, it will help ensure that the highest levels of contaminants, which are present immediately after the mouth is opened, have time to dissipate before the weekend and that no equipment

will physically block the beach. The applicant has also indicated that no equipment will be stored on the beach or in the public parking lot overnight and that access to the site will be from the Cardiff State Beach parking lot.

In addition, according to State Beach Lifeguards, "Spring Break" is generally a very popular non-summer period for beach visitors to both Cardiff State Beach and San Elijo Campground. If the lagoon mouth were to be opened prior to or during this high beach usage period, then it is likely that bacterial contamination in the surfzone would require the public health officials to prohibit the public from water contact in this area. Therefore, Special Condition #3 also restricts any openings from occurring in the two week period spanning Easter, which is the time period in which most Spring break is most likely to fall. Thus, usage of the beach will not be impacted during the identified peak usage period.

Another concern relative to public access/recreation raised by the subject development is that when the lagoon mouth is opened, it poses a barrier to lateral access along the beach. When the lagoon is closed, there is access across the mouth over the sand and cobble bar. Opening the lagoon creates a channel bisecting the beach, preventing easy access from one side of the lagoon to the other. As the current proposal involves keeping the mouth open as often as feasible, the public's ability to walk along the beach in this location would be impacted.

This bisecting of the beach raises several concerns. First, San Elijo Campground is located adjacent to and north of the lagoon mouth, with Cardiff State beach and its day use facilities and parking area located south of the lagoon mouth. During peak usage times for the beach, lifeguards designate swimming areas and surfing areas (Cardiff Reef, located directly offshore from the lagoon mouth, is a popular surfing spot). Because of sand conditions and the presence of the reef, the swimming area is typically designated on the south side of the lagoon mouth. As such, with the lagoon mouth open, patrons of the campground would have to leave the beach and cross the highway bridge to access this swimming area. In addition, with the lagoon mouth opened, lifeguard vehicles patrolling the beach would also have to go out to the highway to cross the lagoon, posing a potential public safety concern under emergency conditions. During peak visitor periods, public access concerns as discussed above could become significant.

Based on the monitoring reports from previous years' dredging, beach users were forced to use the Highway 101 access. The monitoring reports indicated "[a]fter construction there was also some inconvenience to beach goers: the mouth was sometimes too deep to cross at the beach and they [beachgoers] had to walk over the mouth at the Highway 101 bridge." The same is expected to occur with current proposal if the mouth is open in the summer months. However, the monitoring reports also indicated that public recreation was positively affected; there was a notable increase in birders and fisherman, presumably attracted by the increased number of birds and fish (according to park rangers), the mouth of the lagoon also became a major attraction to young children as it provided an area for water play without the worry of waves and, the ebbing and floodflows provided an unusual place to boogie board.

In addition, the channel mouth is deepest when the lagoon is first dredged. Lifeguard vehicles can generally cross the mouth if the water is only a few feet deep. As conditioned, no dredging will occur on weekends or holidays during the summer, the time when there is the greatest need for lifeguard presence; thus, impacts on public safety will be minimized to the greatest extent feasible. Based on the monitoring reports, and because there is existing alternative access across the lagoon, the past openings do not appear to have imposed a significant hardship on the public. To ensure that this remains the case, Special Condition #4 requires the submittal of a monitoring report by the applicant which documents any noted adverse impacts on public access and recreation opportunities should the lagoon mouth remain open in the summer. The report should also identify potential ways to mitigate any identified impacts should multiple opening of the lagoon be proposed again in the future.

As stated previously, the proposed project has been identified as being beneficial to the lagoon and its associated habitat. Some inconvenience to beach users could result if the lagoon must be opened in the summer months. It is the intention of the project to keep the lagoon mouth open as long as possible, which will reduce the impacts associated with individual openings. With the proposed conditions of approval, impacts to public access and recreation will be reduced to the maximum amount feasible, and the applicant will be required to monitor and record any impacts and propose a means of mitigating any identified impacts for future similar projects. Thus, as conditioned, the Commission finds the proposed development can be found consistent with the public access and recreation policies of the Coastal Act.

4. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

As stated, the subject site is located in the City of Encinitas, at the mouth of San Elijo Lagoon, west of Highway 101 at Cardiff State Beach. The proposed development, although within the boundaries of the City of Encinitas, is within the jurisdiction of the County of San Diego Parks and Recreation and does not require review or approval from the City. As conditioned, the Commission finds the proposed development consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds the proposed development should not prejudice the ability of the City of Encinitas to implement its certified local coastal program.

5. Consistency With the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible

mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with Chapter 3 policies of the Coastal Act. Mitigation measures, including a restriction on timing of the work and submittal of a monitoring program, have been incorporated as conditions of approval which will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.