- CALIFORNIA COASTAL COMMISSION SAN DIEGO AREA 7575 METROPOLITAN DRIVE, SUITE 103
- SAN DIEGO, CA 92108-4402 (619) 767-2370



Filed:	6/28/01
49th Day:	8/16/01
180th Day:	12/26/01
Staff:	LRO-SD
Staff Report:	11/20/01
Hearing Date:	12/11-14/01
-	

RECORD PACKET COPY

REGULAR CALENDAR STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-101

Applicant: City of San Diego Agent: Marco Gallegos Description: Miscellaneous improvements to treatment plant including construction of a vehicular turnaround at entrance to plant site, guardhouse, addition of 60 parking stalls, landscaping, paved walkways and the construction of an approximate 3 ¹/₂-ft. high, 550-lineal foot safety barrier wall along the berm/slope west of Gatchell Road. Site: Point Loma Wastewater Treatment Plant, Peninsula, San Diego, San Diego County. APN 532-520-06 Substantive File Documents: Certified Peninsula Land Use Plan and City of San Diego LCP Implementation Ordinances; General Report of Geotechnical Evaluation Point Loma Wastewater Treatment Plan Trailer Complex by Ninyo & Moore Geotechnical and Environmental Sciences Consultants dated 2/18/94; Update to same dated 8/31/01; CDP #s,6-92-84, 6-95-159, 6-95-159-A1, 6-96-137 and 6-96-137-A1, 6-97-124, and 6-00-110.

STAFF NOTES:

The proposed project was originally scheduled for the October 9-12, 2001 Commission meeting. However, the applicant requested a postponement in order to respond to the staff recommendation. Since that time, Commission staff and City staff have discussed their concerns and are now in agreement on the staff recommendatioin. Due to permit Streamlining Act Requirments, this matter must be acted upon at the December Commission hearing.

Summary of Staff's Preliminary Recommendation:

Staff recommends that the Commission approve the proposed project subject to several special conditions. The proposal raises potential concerns regarding geologic stability, water quality and visual impacts. In addition, the proposed development includes the



construction of a new 60-space parking lot and, as such, potential impacts to water quality from the new impervious area is a concern. In addition, the provision of adequate landscaping as well as color treatment of a safety barrier wall near the bluff edge is important to retain the visual quality of the area. However, as conditioned, the applicant is required to implement Best Management Practices (BMP's) to assure runoff from the proposed development is appropriately filtered and discharged and to submit a detailed plan that includes the use of colored concrete or painting for the proposed safety barrier wall such that it blends in with the natural surrounding bluffs. With the attached special conditions, the proposed development can be found consistent with all applicable Chapter 3 policies of the Coastal Act.

I. <u>PRELIMINARY STAFF RECOMMENDATION</u>:

The staff recommends the Commission adopt the following resolution:

<u>MOTION</u>: I move that the Commission approve Coastal Development Permit No. 6-01-101 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

<u>RESOLUTION TO APPROVE THE PERMIT</u>:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. <u>Final Plans</u>. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final plans for all of the proposed landscape and accessory improvements that are in substantial conformance with the plans submitted with this application by Kawasaki Theilacker Ueno and Associates, dated 3/31/01. Said plans shall also include the following:

a. The proposed safety barrier wall shall be constructed and sited pursuant to the recommendations contained in the geotechnical report by Ninyo and Moore dated 8/31/01. However, the proposed concrete retaining wall shall be sited no closer than 5 ft. from the bluff edge.

b. The proposed safety barrier wall shall be constructed with concrete that has been colored (or painted) to minimize the project's contrast with and be compatible in color to the adjacent sandstone bluffs. The proposed color shall be verified through submittal of a color board.

The permittee shall undertake of the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No change to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

2. <u>Runoff Control/BMPs</u>. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a drainage and runoff control plan prepared by a licensed engineer. The plan shall include the following requirements:

- a) Drainage from the 60-space parking lot susceptible to runoff, used for motor vehicle parking, shall be directed through structural BMPs (such as vegetative or other media filter devices) effective at removing and/or mitigating pollutants of concern including petroleum hydrocarbons, heavy metals, and particulates. Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the stormwater runoff from each runoff event up to and including the 85th percentile, 24-hour runoff event for volume based BMPs and/or the 85th percentile, 1 hour event, with an appropriate safety factor, for flow-based BMPs.
- b) Parking lots susceptible to stormwater should be swept with a vacuum regenerative sweeper on a regular basis
- c) The plan shall include provisions for maintaining the drainage and filtration systems, including BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration or BMP structures fail or result in increased erosion, the applicant/landowner or successor-in-interest

shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

The water quality/BMP program shall be implemented in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change in the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. <u>Detailed Project Description</u>. Proposed are miscellaneous landscape and hardscape improvements to the Point Loma Wastewater Treatment Plant which is located on an isolated blufftop site adjacent to the Pacific Ocean on the west side of the Point Loma peninsula near its southern tip in the Peninsula community of the City of San Diego. In general, the proposed development largely consists of miscellaneous improvements to the plant site with the focus on creating a more formalized entrance which will consist of a vehicular turnaround, guard house (approximately 70 sq.ft.), concrete benches, paved walkways and landscaping.

Along the "coast rim" and "lower bluff area" of the plant site, construction of an approximate 3-ft. high, 550-lineal foot concrete safety barrier wall along the berm/slope west of Gatchell Road extending from the southwest corner of the south entrance, north along the cliff edge will be constructed. The wall is intended as a safety barrier adjacent to the lay down yard to indicate the edge of the bluff and to prevent vehicles or objects from going over the edge. Two openings along the concrete barrier wall provide access to a common area for plant employees.

Also proposed is a new 60-space parking lot just beyond the plant entrance on a previously disturbed area at the northeast corner of Third Street and Gatchell Road in the southern part of the plant site. Other improvements also include removal and relocation of several trailers presently located near the treatment plant entrance on the west side of the road used as administrative offices, etc., for plant staff and employees. These trailers are proposed to be removed and relocated onto a portion of the newly created parking lot. The area where they were removed from will be re-landscaped and revegetated and used as a common area. This area of the roadway is relatively flat. Also proposed is the reconstruction of an existing wood staircase with an aluminum staircase supported with concrete caissons at the ocean outfall area. At the Belvedere/Northern Outfall Structure, a public viewing area and an extension of the educational components of the existing visitor center are proposed. A public walkway will be installed including a telescope and

small viewing deck. Poetry and imagery will also be incorporated into several areas of the plant site which will be located either on retaining walls, steps of staircases, stenciled onto an existing pipe gallery or on retaining walls. However, this latter type of improvement does not require a coastal development permit.

Access to the Point Loma Treatment Plant is gained from an existing roadway (Gatchell Road) which also provides access to a public tidepool area associated with the Cabrillo National Monument, naval facilities and a Coast Guard station and lighthouse. Gatchell Road is commonly referred to as the "South Access Road" by the City treatment plant staff. The road extends in a southerly direction off of Cabrillo Memorial Drive and descends the steep, western face of the peninsula toward the Coast Guard Point Loma Lighthouse entrance, at which point it makes a hairpin turn and then continues in a northern direction to the treatment plant. Just past the security gate entrance to the plant site, there are three primary roads on which the majority of the treatment plant improvements are situated. First Street is the road furthest to the west and closest to the coastal bluffs. Second Street is more inland to the east, and Third Street is the easternmost street. The proposed improvements will be situated at the plant entrance (Gatchell Road), at the intersection of Gatchell Road with Third Street and the remainder of the improvements will be in the vicinity of First Street.

The Point Loma Wastewater Treatment Plant is located in the Peninsula community in an area that was not included in the City of San Diego's certified Local Coastal Program. As such, the Commission retains permit jurisdiction over the site at this time and the Chapter 3 policies of the Coastal Act are the standard of review.

2. Geologic Hazards. Coastal Act Section 30253 states, in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

In addition, the entire Point Loma Wastewater Treatment Plant is sited on a broad shelf, midway down the bluff-face from the top of the Point Loma peninsula. Some of the exiting facilities are in close proximity to the bluff edge, and the outfall itself extends seaward down the bluff then underwater several miles or more out to sea. It has been documented in earlier permits of this site that the entire facility is located in an area which is extremely environmentally and geologically sensitive. Any improvements to the facility must be reviewed carefully in order to assure that impacts do not occur to fragile coastal resources. The proposed development consists largely of landscape features and vehicular turnaround improvements at the plant site. However, one component of the proposed improvements includes a very long (550-lineal foot), 3-ft. high concrete safety barrier wall which is proposed to be located in close proximity to the bluff edge which raises potential geologic issues. However, the City has submitted an updated geotechnical report which indicates that all of the proposed improvements will be landward of the bluff edge. The report focuses on the concrete safety wall and includes recommendations for appropriate setbacks from the bluff edge for this feature. As noted in the report, when the wall reaches the steep cliffs opposite of Digester 8, it transitions and integrates with the existing seawalls. The geology report addresses the stability of the western bluffs and breaks each of the portions of the site into five areas. Overall, the findings of the report indicate that setbacks from the top of the bluff for structural improvements (e.g. the safety barrier wall) can be minimal (3 to 5 feet). In some areas, there was evidence of remnants of soil cracks and the report recommends that foundations for improvements in these areas be founded in the underlying formational materials. In four of the five areas addressed, the geotechnical report recommends a geologic setback of 3-5 feet with the exception of one area (Area 2) where the recommended setback is 5 to 10 feet. In this latter area, the bluffs are very steep to vertical and locally overhanging. As stated in the report,

Area 2 is located adjacent to, and north of, Area 1. The northern part of Area 2 is likely a relatively large sea cave that has been infilled with rip rap and overlying soil. Above the infill is a concrete seawall with a barrier wall and sidewalk along the top of the wall. In general, the infill and walls appear to be in relatively good condition and, if adequately maintained, structural setbacks behind the barrier wall relative to proposed improvements are likely not warranted. In the central and southerly portions of Area 2, the bluffs are currently exposed to the coastal processes without riprap or sea walls. These bluffs are very steep to vertical and locally overhanging. In addition there is a relatively large sea cave in the southerly part of Area 2 as depicted on Figure 2. Based on the current observed conditions, it is our opinion that from the southerly limit of Area 2 to the existing barrier wall atop the area wall in the north part of Area 2, a structural setback from the top of the bluff is warranted. We understand the City is investigating coastal protection measures for this area to insure long term access to the treatment plant. Prior to implementation of these measures proposed barrier wall setbacks should be 5 to 10 feet from the bluff top by the way of a rail fence, signs, etc.

As proposed by the applicant, the proposed safety barrier wall will be constructed and sited pursuant to the findings of the above-cited geotechnical report. As noted above, the proposed retaining wall is needed as a safety feature, and as such, its location is largely dictated by existing development on the plant site as well as areas it is proposed to protect for safety purposes. However, although the geotechnical reports recommend that the wall be sited a minimum distance of 3 to 5 ft. from the bluff edge, the City's certified LCP, which is used for guidance in the review of blufftop development, contains specific requirements for setbacks for landscape and accessory features such as the proposed wall. Specifically, pursuant to the Coastal Bluffs and Beaches Guidelines, it is stated:

Section 143.0143(f) Distance from Coastal Bluff Edge of Sensitive Coastal Bluffs

Development proposed on a sensitive coastal bluff, including primary and accessory structures, and grading, shall be located at least 40 feet landward from the coastal bluff edge, except as follows:

[...]

- 3. A distance of 5 ft. from the coastal bluff edge may be granted for landscape features and accessory structures that are located at grade so that they are not elevated at the base or constructed with a raised floor and are capable of being relocated. Permitted features and structures include landscaping, paved walkways, at-grade decks, unenclosed patios, open shade structures, lighting standards, fences and <u>walls</u>, seating benches, and signs.... [emphasis added]
- 4. Open fences may be permitted closer than 5 feet to the coastal bluff edge only if necessary to provide for public safety and to protect resource areas accessible from public right-of-ways or on public parkland.

The proposed safety barrier wall is a solid structure as opposed to "open". In addition, it contains a small footing. As such, in order to be found consistent with the blufftop setback requirements, the proposed safety barrier wall must be sited a minimum distance of five feet from the bluff edge. This five 5 foot setback is consistent with past precedents for accessory fences and landscape improvements next to coastal bluffs. Therefore, Special Condition #1 requires submittal of final plans that specifies that the wall shall be constructed and sited pursuant to the recommendations of the site-specific geotechnical report and that the retaining wall shall be set back a minimum of five ft. from the bluff edge. As conditioned, the proposed safety barrier wall should not pose any adverse geologic impacts. It is important to note that the southern portion of the proposed safety barrier wall is proposed to be integrated into an existing shoreline protection at the plant site. However, because the retaining wall is considered a landscape/accessory feature it is not considered shoreline protection and is not needed as such. Its primary purpose is a safety barrier to demarcate the bluff edge. Furthermore, the proposed improvements herein should not warrant the construction of any future shoreline protection devices, pursuant to Coastal Act Section 30235. In this particular case, the majority of the shoreline seaward of the proposed improvements is already armored consisting of an existing seawall/bluff retaining structure with the exception of a few areas. In addition, the City is also proposing to remove and relocate several trailers that are presently situated near the bluff edge to an area of the plant site that is further landward. The area where the trailers will be removed will then be planted with native planting and will include a seating area (i.e., bench) for plant employees. The proposed removal of the trailers from this location will further assure stability and structural integrity of the coastal bluffs consistent with Section 30253 of the Act.

In summary, since all of the proposed improvements are being proposed or conditioned to be sited landward of the bluff edge, and as conditioned to be constructed pursuant to the recommendations contained in the geotechnical reports, the project should not result in any geologic impacts. Therefore, the proposed project is consistent with Section 30253.

3. <u>Water Quality</u>. Sections 30230 and 30231 of the Coastal Act are applicable to the proposed development and state the following:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate.

Section 30231

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 through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project involves improvements on a blufftop site that is located adjacent to the ocean. In particular, the proposal includes the construction of a 60-space surface parking lot (which will provide a temporary location for the relocated construction trailers and ultimately parking for plant employees and visitors) that could result in adverse water quality impacts to the ocean. While the proposed new 60-space parking lot is to be located on a previously disturbed area of the plant (not containing any sensitive vegetation), it will create substantial new impervious surface area. Stormwater from this parking area is conveyed through an existing catch basin which is eventually discharged to ocean waters. Polluted runoff entering the storm drain system can have harmful effects on marine life, and may pose a risk to human health which can result in beach closures, limiting public access and recreational opportunities if not controlled or managed properly. Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a

6-01-101 Page 9

disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition No. 2, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Special Condition No. 2 specifically requires the applicant to implement a drainage and runoff control plan which includes BMPs designed to treat, infiltrate, or filter stormwater runoff from each runoff event up to and including the 85th percentile, 24-hour runoff event and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs. At a minimum, these BMPs include directing drainage from the new parking lot area susceptible to runoff, used for motor vehicle parking, through structural BMPs such as vegetative or other media filter devices effective at removing and/or mitigating pollutants, sweeping the parking lots susceptible to stormwater with a vacuum regenerative sweeper on a regular basis, on-going maintenance of the drainage and filtration system and replacement and repair of such structures in event of failure.

Other components of the project include the installation of landscaping that will help to filter runoff from other portions of the plant site. Therefore, as conditioned, the Commission finds the proposed development consistent with the cited policies of the Coastal Act.

3. Visual and Scenic Resources. Coastal Act Section 30251, provides, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

As noted earlier, the project encompasses miscellaneous improvements to the Point Loma Wastewater Treatment Plant. The proposal largely consists of accessory improvements such as new walkways, landscaping, replacement of stairs, and construction of a safety barrier wall. The proposed improvements will be compatible with the character of the surrounding area and, in fact, will improve the scenic quality of the area through a number of means. Specifically, a number of new landscape elements will be installed throughout the plant site. In addition, one feature of the proposed improvements is to

remove several trailers that are in close proximity to the bluff edge to another area of the plant site that is further landward. This will also help to reduce the visual impact of such structures sited close to the bluff edge where they may be more visible from offshore locations.

Although the treatment plant site is visible from the west by off-shore ships and boats, the proposed improvements are minor in nature and do not pose an adverse visual impact as compared to, for example, the construction of new structures, digesters, shoreline protection devices, etc. With regard to the newly proposed parking lot on the subject site, the City has indicated that due to the presence of an existing landscape berm on the treatment plant site, the parking lot will not be visible from public views to the east or south (i.e., Cabrillo Memorial Drive or the Cabrillo Monument). Also, substantial landscaping is being proposed around the perimeter of the lot which will help to buffer it from views from offshore to the west.

With regard to the proposed safety barrier wall, although portions of the wall may be visible from offshore locations by passing boats, etc., the wall is relatively low in height (3 1/2 feet high). However, because of its length (550 linear feet) and its proximity to the bluff edge, it may be visible. The City proposes to mitigate any potential adverse visual impacts associated with the wall through incorporation of colored concrete or paint such that the wall be an earth-tone color (peach or tan) and will blend in with the natural surrounding coastal bluffs. In addition, since the southern portion of the proposed retaining wall is designed such that it will transition and be integrated with the existing bluff retaining wall/seawall on the subject property, the use of color for the proposed retaining wall is an important design feature to assure that it blends in with the surrounding area and will not stand out or be visually obtrusive. The existing bluff retaining wall/seawall along the bluff face incorporated colored concrete and texture when it was originally constructed so that it would blend in with the surrounding natural bluffs. Special Condition No. 1 requires submittal of final plans such that the proposed retaining wall is constructed with concrete that has been colored and/or painted to minimize the project's contrast with and be compatible in color to the adjacent sandstone bluffs. The proposed color shall be verified through submittal of a color board. In summary, the proposed improvements, as conditioned, will not impact existing public views toward the ocean or scenic areas and can be found visually compatible with the character of the surrounding area. Therefore, the project can be found consistent with Section 30251 of the Act.

4. Shoreline Access. Coastal Act Section 30211 provides:

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.

In addition, Section 30212 states, in part:

6-01-101 Page 11

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, ...

Currently, there is no direct public access to the shoreline from the plant site. At the wastewater treatment plant, the shoreline presently consists of rocky headlands interspersed with the previously constructed revetments. Due to the revetments and the rocky headlands, lateral access opportunities have been relatively non-existent since the time of plant construction. Also, due to the nature of the sewage treatment facility, public use of the area is restricted. However, as part of the subject proposal, the City proposes to install a public walkway and viewing area with telescope at an existing visitor center associated with the Belvedere/Northern Outfall Structure at the plant site. This feature of the proposed development will serve to enhance public access at this location. With the proposed improvements, physical shoreline access by the public will not be reduced beyond that which currently exists.

Additionally, to the north of the project site are Navy owned lands which prohibit public access along the shoreline. To the south is the Cabrillo National Monument which encourages public access to the tip and westerly side of Point Loma. Parking lots and shoreline viewing areas are available at the Monument and along the access road south of the treatment plant facility, but only limited access to the shoreline is allowed because of the sensitive marine resources found at the base of the bluffs. The Monument offers guided tours of the tide pools at the base of the bluffs which allows the public the opportunity to view inter- and sub-tidal marine life.

With regard to potential construction impacts, none are expected to occur. Access to the treatment plant and other facilities, etc. will be required to remain open. Staging of equipment will occur at the PLWTP. Therefore, the Commission finds the proposed project fully consistent with Sections 30210 and 30212 of the Act.

5. <u>Local Coastal Planning</u>. 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. As conditioned, such a finding can be made for the subject development.

The Point Loma Wastewater/Sewage Treatment Plant is located within an unzoned geographic area included in the Peninsula Community Plan segment of the City of San Diego Local Coastal Program where it has existed since 1963. This area was not included in the City of San Diego's certified Local Coastal Program, and the Commission retains permit jurisdiction over the site at this time. In addition, the Peninsula LCP Land Use Plan acknowledges ongoing maintenance, and assumes some potential future improvements. However, the proposed development would be in keeping with the LUP

policy of maintaining and enhancing public services. Therefore, the Commission finds that approval of the proposed project, as conditioned, will not result in adverse impacts to coastal resources nor prejudice the ability of the City of San Diego to continue implementation of its fully certified LCP.

6. <u>California Environmental Quality Act (CEQA)</u>. Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the public access policies of the Coastal Act. Mitigation measures, including conditions addressing visual quality and runoff control, 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 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. <u>Notice of Receipt and Acknowledgment</u>. 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. <u>Expiration</u>. 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. 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.
- 5. <u>Terms and Conditions Run with the Land</u>. 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.

(G:\San Diego\Reports\2001\6-01-101 City of San Diego stfrpt.doc)

CASIT JE JE MIL 380 3 WOLE AB'S REEF POINT LOMA SUNSET CLIFFS PARK NATADEN COLLEG RATKAY PT 360 ARO NEWBREAK BEACH ROSECRO RUDY GATE 20R Ì 1 CABRILLO 1 AU 2 RYE **TENSO** Y FLEMING 80 1 MCCLELLAN RD FOR 1 ROSECRANS 5 l MILITARY Ş, RESERVATION Project Site MEMORIAL UN XO-4-召



΄Γ[.] Ν













0/ 3/01

12:04

-> CITY OF S.U. LECHNICAL SERV