

## CALIFORNIA COASTAL COMMISSION

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 Staff Report: October 15, 2002  
 Hearing Date: November 5-8, 2002

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-135

Applicant: City of San Diego, Metropolitan Wastewater Department  
 Agent: Marco Gallegos  
 Nabeel Qawasmi

Description: Implementation of a major repair and maintenance activity along the existing Lopez Canyon Trunk Sewer, including cleaning operations at approximately 62 manholes covering a lineal distance of 22,611 feet.

Site: Within Lopez Canyon from Acama St. westward to Sorrento Valley Road, Los Penasquitos Canyon Preserve, North City, San Diego, San Diego County. APNs 309-430-12; 309-540-15 and 17; 310-051-06; 311-020-15, 24, 26 and 35; 311-021-06; 311-031-06.

Substantive File Documents: Biological Resources Report and Impact Analysis (Dudek, July, 2002)

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the proposed non-exempt repair and maintenance project, which will result in both temporary and permanent impacts to river channel and riparian habitats, and upland habitats as well. The impacts are largely associated with gaining access to the repair sites and further refinement of these access points is expected in the future. The City has asked to defer all mitigation for up to three years, as this is only one of several sewer cleaning projects occurring in sensitive canyon areas throughout the City. The City is preparing an EIR for the overall project and would prefer to develop a single, comprehensive mitigation program to address all impacts together, instead of doing site by site mitigation projects that may be disturbed in the near future if these same sites require additional access. Staff does not recommend any deferral of mitigation for permanent impacts, but does recommend a one-year deferral for temporary impacts, since temporarily impacted areas often re-establish on their own. Special Conditions address all mitigation concerns and require copies of approvals from other agencies.

This application was initially scheduled on the October Commission agenda, but was postponed by the applicant to respond to the staff recommendation. The City has suggested changes to the recommended conditions to address their mitigation concerns, and staff has made a few minor adjustments in response to the City's suggestions. However, staff continues to recommend immediate mitigation for permanent wetland impacts, and the majority of City concerns will be addressed to the Commission directly. Meanwhile, the City regards this work as urgent and desires to complete the canyon cleaning before wet weather makes access to the canyon impossible. Since some light rains have already fallen, the City has requested an emergency permit in order to start work immediately; this request is currently being considered.

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**PRELIMINARY STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

I. **Approval with Conditions.**

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-02-135 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

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 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. Temporary Impacts/Restoration. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a detailed revegetation plan indicating the type, size, extent and location of all plant materials, any proposed irrigation system and other landscape features to revegetate all proposed temporary wetland and upland impacts. The program shall be developed in consultation with the California Department of Fish & Game, and at a minimum shall include:

- a. Before and After Surveys. The condition of the wetland vegetation and substrate along the Lopez Canyon Trunk Sewer alignment, and the alignments of all required access roads, shall be documented prior to the repair activities. The extent of impacts to the vegetation and substrate shall be assessed and documented after completion of the repairs. Temporary wetland impact areas shall be revegetated at a 1:1 ratio.\*\*\*
- b. Temporary upland impacts shall be revegetated at a 1:1 ratio. Drought tolerant, non-invasive native plants shall be utilized to the maximum extent feasible to re-establish the area consistent with its present character. For any sensitive upland areas that will be impacted again by any necessary access roads, impacts shall be considered permanent, and the applicant shall submit a restoration program identifying an appropriate site within the overall project area to provide 1:1 restoration (see Special Condition #2).
- c. The following goals, objectives, and performance standards shall be applied to the restoration sites:
  1. Provisions for the full restoration of all wetland impacts that are identified as temporary. Restoration of temporarily impacted areas shall include at a minimum, restoration of before-impact elevations, restoration of before-impact hydrology, removal of all non-native plant species, and replanting with locally collected native wetland plant species.
  2. Success criteria and final performance monitoring providing coverage commensurate with pre-construction conditions of all areas disturbed by maintenance activities within one year of initiation of restoration work.
  3. The final design and construction methods that will be used to ensure the restoration sites achieve the defined goals, objectives, and performance standards.
  4. Provisions for submittal, within 30 days of completion of initial restoration work, of post-restoration plans demonstrating that the

restoration sites have been established in accordance with the approved design and construction methods.

\*\*\* Restoration of temporary wetland impact areas may be deferred for a period not exceeding one year from the date of commencement of construction, to allow these areas time to re-establish on their own. At the end of one year from the date of commencement of construction, the applicant shall conduct another site survey and submit a restoration program for all areas that: 1) will not be impacted again by any necessary access roads (such impacts are permanent, not temporary), and 2) have not fully restored on their own.

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

2. Permanent Impacts/Mitigation. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a detailed mitigation program to compensate for all proposed permanent impacts. The program shall be developed in consultation with the California Department of Fish & Game, and at a minimum shall include:

- a. Before and After Surveys. The condition of the wetland vegetation and substrate along the Lopez Canyon Trunk Sewer alignment, and the alignments of all required access roads, shall be documented prior to the repair activities. The extent of impacts to the vegetation and substrate shall be assessed and documented after completion of the repairs. Permanent wetlands impacts shall be mitigated concurrent with or prior to completion of the project at a 3:1 ratio for riparian impacts and a 4:1 ratio for alkali marsh.
- b. The City shall identify a mitigation site, or sites, for all permanent wetland or upland impacts. In order of priority, the site(s) shall be located: 1) in Lopez Canyon, 2) within the coastal zone area of Los Penasquitos Canyon Preserve, or 3) on other City property within the coastal zone. Use of a lower priority site must be justified.
- c. Permanent upland impacts shall be mitigated at a 1:1 ratio concurrent with or prior to the completion of the project. Drought tolerant, non-invasive native plants shall be utilized to the maximum extent feasible to re-establish the area consistent with surrounding natural areas.
- d. The following goals, objectives, and performance standards for the mitigation sites:

1. Success criteria and final performance monitoring shall provide coverage commensurate with pre-construction conditions at all mitigation sites at the end of a minimum five-year monitoring program (see Special Condition #3).
2. The final design and construction methods that will be used to ensure the mitigation sites achieve the defined goals, objectives, and performance standards.
3. Provisions for submittal, within 30 days of completion of initial mitigation work, of as-built mitigation plans demonstrating that the mitigation sites have been established in accordance with the approved design and construction methods.

The permittee shall undertake mitigation in accordance with the approved final plans, except that the timelines required herein may be extended by the Executive Director for good cause. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Final Monitoring Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, a final detailed monitoring program designed by a qualified wetland and/or upland biologist for monitoring of all wetland and upland mitigation and restoration sites. The monitoring program shall be prepared in consultation with the California Department of Fish and Game, and at a minimum include the following:

- a. Each mitigation and restoration site shall be surveyed monthly the first year after planting, six times in year two, and at least quarterly thereafter until performance standards have been met.
- b. Mitigation areas will survive on natural conditions, other than weed control, for 3 years prior to final performance monitoring.
- c. Provisions to ensure that each mitigation or restoration site will be remediated within 60 days of a determination by the permittee or the Executive Director that monitoring results indicate that the site does not meet the goals, objectives, and performance standards identified in the approved mitigation or restoration program.
- d. Provisions for monitoring and remediation of each mitigation and restoration site in accordance with the approved final mitigation program for a period of 5 years.

- e. Provisions for submission of an annual report of monitoring results to the Executive Director for the duration of the required monitoring period. Each report shall evaluate the status of the wetland mitigation or restoration project in relation to the performance standards.
- f. Provisions for submission of a final monitoring report to the Executive Director that has been prepared by a qualified wetlands, and/or uplands biologist. The report must evaluate whether the mitigation and/or restoration site conforms to the goals, objectives, and performance standards set forth in the approved final mitigation program.

If the final report indicates that any of the mitigation or restoration projects have been unsuccessful, in part, or in whole, based on the approved performance standards, the applicant shall submit a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved performance standards. The revised restoration program shall be processed as an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

The permittee shall monitor and remediate the wetland and upland mitigation sites in accordance with the approved monitoring program. Any proposed changes from the approved monitoring program shall be reported to the Executive Director. No changes to the approved program shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Other Permits. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director, copies of all other required state or federal discretionary permits (such as U.S. Army Corps of Engineers [ACOE], U.S. Fish and Wildlife Service [Service], Regional Water Quality Control Board [RWQCB] and the California Department of Fish and Game [CDFG]) for the development authorized by CDP #6-02-135. The applicant shall inform the Executive Director of any changes to the project required by other state or federal agencies. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this permit, unless the Executive Director determines that no amendment is legally required.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The City of San Diego is proposing a sewer cleaning project in Lopez Canyon, which is one of two major canyons in Los Penasquitos Canyon Preserve. The Lopez Canyon Trunk Sewer Main is several decades old and has never undergone significant maintenance or upkeep due to difficulty in accessing the pipeline. With fairly recent technology, the City can now inspect most of its sewer system from within with television cameras. This inspection has revealed a great deal of

sedimentation, root intrusion, cracks and sags along the alignment of this public facility, which lead the City to believe that breaks and spills could occur at any time. Thus, this project is given top priority by the City, and it hopes to begin repairs as soon as possible.

The entire project alignment is in the coastal zone and spans approximately 22,611 linear feet. The proposed activities include cleaning vitrified clay pipes and poly-vinyl chloride pipes ranging in diameter from 8 to 18 inches. The pipes will be accessed through 62 existing manholes along the corridor, and repair activities will include spot-repairing pipes, removing sediments and debris, trimming and pruning of intruding vegetation, and clearing of access roads to reach the sites. The City indicates that additional manholes and side canyon areas may require work in the future as well, but this permit is just for the specific project described herein. The City has purchased special equipment (All Surface Vehicles) to minimize environmental impacts to the extent possible, but the alignment is along a cobble creek, within a riparian corridor with steep side slopes containing some native habitats (coastal sage communities and needle grass). Expected wetland impacts total approximately 2.6 acres of temporary impacts and 435 sq.ft. of permanent impacts to streambed and riparian communities. There will also be approximately 1.5 acres of temporary impacts to various upland plant communities.

The project extends from just west of Acama Street, in the Mira Mesa community, west-southwest through Lopez Canyon to just east of Sorrento Valley Boulevard, where Lopez and Penasquitos Creeks join. Los Penasquitos Canyon Preserve, of which Lopez Canyon is a part, is an area of deferred certification, where the Coastal Commission retains permit jurisdiction. Although a draft master plan for the park has been prepared, it has not completed local review or been submitted to the Coastal Commission for certification as part of the City's LCP. Thus, Chapter 3 of the Coastal Act is the standard of review for the proposed development.

Although this is a repair and maintenance activity, it is not exempt under Section 13252 of the California Code of Regulations, or pursuant to the Interpretive Guideline on Exclusions from Permit Requirements, since the activity will occur within and have impacts to wetlands and other environmentally sensitive vegetation.

2. Environmentally Sensitive Habitats/Biological Resources. According to the applicant's submitted biological survey, the proposed project will result in impacts to several wetland and upland habitats, including impacts to open cobble channel, southern willow scrub, mule fat scrub, cottonwood-willow forest, alkali marsh, Diegan coastal sage scrub, and native and non-native grasslands. Most of these impacts are temporary and result from obtaining access to the site of repairs. The only identified permanent impact (0.01 acres or 435 sq.ft.) is caused by excavation within riparian vegetation to locate, inspect and repair a buried manhole. The applicable Coastal Act policies are cited below, and state in part:

**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.

**Section 30233.**

(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:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.



(7) Restoration purposes.

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

**Section 30240.**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed project raises issues under all these Coastal Act policies. The project site is an existing trunk sewer generally aligned with Lopez Creek in the bottom of Lopez Canyon. A healthy riparian corridor runs the length of the creek, although flows in Lopez Creek are intermittent and most of the creek bed is cobble. The proposed repair and maintenance activities would temporarily disturb approximately 2.6 acres of various riparian communities and cobble channel, along with an area of alkali marsh.

The proposed project raises issues under Section 30233 of the Coastal Act, since the project will occur within functioning wetlands. Implementation of the project will directly, but temporarily, impact approximately 2.6 acres of existing wetlands, including areas of southern willow scrub, mule fat scrub, cottonwood/willow forest and alkali marsh. These disturbances are in the form of trimming and pruning vegetation to clear access roads/manholes, and trampling of vegetation by equipment and personnel. The 0.01 acre of permanent wetland impacts is caused by minor grading in three locations. At manholes 57 and 46, approximately 50 sq.ft. of earth must be moved to access the manholes. At manhole 76, approximately 100 sq.ft. of earth beneath sycamore trees must be excavated to locate and repair a buried manhole.

As cited above, under the Coastal Act, disturbance and/or fill of wetlands is severely constrained. Coastal Act Section 30233(a) sets forth a three-part test for all projects involving the fill of coastal waters and wetlands. These are:

- 1) That the project is limited to one of the eight stated allowable uses;
- 2) That the project has no feasible less environmentally damaging alternative;
- and,
- 3) That adequate mitigation measures have been provided to minimize adverse environmental effects.

In this particular case, the proposed development, with the special conditions attached hereto, meets the above requirements. The sole purpose of the project is to maintain and repair one of the City's major trunk sewers, which services a significant portion of the

residential communities in the northern part of the City. These activities qualify as incidental public service projects, as they will repair existing infrastructure, but not increase capacity. Incidental public service projects are allowed in wetlands under Section 30233(a)(5). There is no way to access portions of the sewer line without impacting some existing habitats, although the project has been designed to avoid all areas of wetland impact to the degree possible.

Once it has been determined that the proposal is a permitted use and impacts to wetlands have been minimized to the maximum extent feasible, the third criteria needed for the Commission to find a development consistent with Section 30233 of the Act is that the proposal provide adequate mitigation. No mitigation or monitoring programs have been submitted as yet, although the City has indicated its intent to fully mitigate all impacts. Although this project does not meet the Coastal Act definition of an emergency, as the current condition of the sewer line is an ongoing condition that has developed over many years, the City is identifying these repairs as an emergency at its level. Thus, the project has been proposed to the Commission prior to completion of mitigation plans, although the Initial Assessment of Anticipated Biological Impacts does a good job of identifying and quantifying all expected impacts.

Special Conditions 1, 2 and 3 require submittal of these programs prior to issuance of the permit, and include detailed criteria for each program to meet. The conditions address mitigation ratios for various impacts, establish success criteria, and provide for long term monitoring, with regular reports to the Commission. Conditions 1 and 2 address temporary and permanent impacts and require before and after surveys to clarify areas where actual impacts may vary from predicted ones. The first condition would also allow, although it does not advocate, restoration of temporarily impacted areas to be deferred for one year, allowing the areas time to recover on their own. No deferral for permanent impacts is approved in the conditions, although the City asked for these to be deferred as well, as it wanted time to develop a comprehensive mitigation program addressing both current and long range repair and maintenance plans. However, the Commission finds that the resources should not suffer any temporal loss, and further finds that mitigation sites away from areas of future disturbance exist within Lopez Canyon or Los Penasquitos Canyon Preserve as a whole.

The major purpose for this development is to prevent what the City believes to be imminent sewage spills from occurring. Secondly, this level of maintenance work should keep the sewer line in good condition for some time to come, and prevent future spills as well. The Commission finds that this project is thus consistent with, and supported by, Section 30231 of the Act, since the prevention of sewer spills plays a significant role in keeping the canyon and downstream lagoon systems healthy.

With respect to Section 30240 of the Coastal Act, the proposed development will temporarily impact about 1.5 acres of various coastal sage communities and both native and non-native grasslands. These impacts result primarily from the same activities as the temporary impacts on wetlands, that is, trimming and trampling of vegetation to accommodate repair crews and equipment. These areas are also expected to largely

recover on their own, such that the one-year deferral can also be applied here. If the City chooses to defer any of the restoration activities, the five-year monitoring program will be likewise deferred. Although no permanent impacts to upland communities are predicted, these could always occur once repair crews are on the ground moving from manhole to manhole. Mitigation for any unexpected permanent upland impacts is thus addressed in Special Condition #2. Therefore, the Commission finds the proposal, as conditioned, consistent with Section 30240 of the Act.

In summary, the proposed repair and maintenance activities, as conditioned, can be found consistent with the cited resource protection policies of the Coastal Act. The project will help prevent future degradation of water quality by preventing sewer spills from occurring, consistent with Section 30231. With respect to Section 30233 consistency, the project is an allowed use in wetlands, impacts have been avoided and reduced to the extent possible, and, with the special conditions, all unavoidable temporary and permanent impacts will be adequately mitigated. Finally, the project will not permanently damage or remove environmentally sensitive upland vegetation, consistent with Section 30240. The other state and federal resource agencies (ACOE, Service, CDFG and RWQCB) have been contacted, and permits from those entities are in process. Special Condition #4 requires submittal of copies of all other discretionary actions prior to the start of construction. Therefore, the Commission finds the proposal, as conditioned, consistent with the cited Coastal Act policies.

3. Public Access. Many policies of the Coastal Act address the provision, protection and enhancement of public access opportunities, particularly access to and along the shoreline. In the subject inland area, the following policies are most applicable, and state, in part:

#### Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

#### Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

#### Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

There are a number of unimproved road/trails running through the preserve, some within, or in close proximity to, the project site. These are used by State Parks, the City's Metropolitan Wastewater Department and the public, with the entire area being fully accessible. The preserve is a popular location for mountain biking and horseback riding, and is also well used by hikers. Access to this area will likely be constrained and at least intermittently unavailable during the approved repair and maintenance. However, these inconveniences are offset by the benefits to the public of not having sewer spills, which would also close portions of the park to public use, as well as endangering human health. The Commission finds the temporary impacts on public access acceptable, since the long range effects of preventing spills will enhance the recreational experience for the public. Therefore, the Commission finds the proposed development, as conditioned to address other issues, consistent with the cited public access and recreation policies of the Act.

4. Visual Resources. The following policy of the Coastal Act addresses visual resources, and states, in part:

**Section 30251**

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 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...

The subject site is located in an undeveloped area of the North City portion of the City of San Diego. Los Penasquitos Canyon Preserve provides a natural, open space area within an otherwise intensely developed industrial and residential area. The only formal improvements in the preserve are parking lots, trails and the remnants of several historic structures. The project site is located within the Lopez Canyon branch of the park. Most of the area is vegetated with native wetland and upland species, and this canyon is popular with hikers. Visually, the project will not result in any difference from current conditions, as the development takes place in the underground sewer system and all disturbed surfaces will be restored. The only visual impact will be the coming and going of repair crews and equipment for the duration of the activity. Therefore, the Commission finds that the proposed development is consistent with Section 30251 of the Act.

5. 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, as conditioned, such a finding can be made.

Los Penasquitos Canyon Preserve is a publicly-owned, open space area, dedicated for both resource protection and public recreation. Although the City has prepared a draft master plan for the preserve, this has neither undergone full public review at the local level nor been submitted to the Coastal Commission for certification as part of the City's LCP. Thus, the Los Penasquitos Canyon Preserve, which includes Lopez Canyon, remains an area of deferred certification, where the Commission retains coastal development permit authority and Chapter 3 is the standard of review. Nonetheless, the proposed repair of the trunk sewer is fully consistent with the draft master plan. As discussed in previous findings, the proposal, as conditioned, is also fully consistent with Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, with the attached conditions, should not prejudice the ability of the City to complete a certifiable plan for the preserve and continue implementation of its LCP in other areas of the City.

6. Consistency with the California Environmental Quality Act (CEQA). 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 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.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the biological resource, water quality, visual resource and public access policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

#### STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

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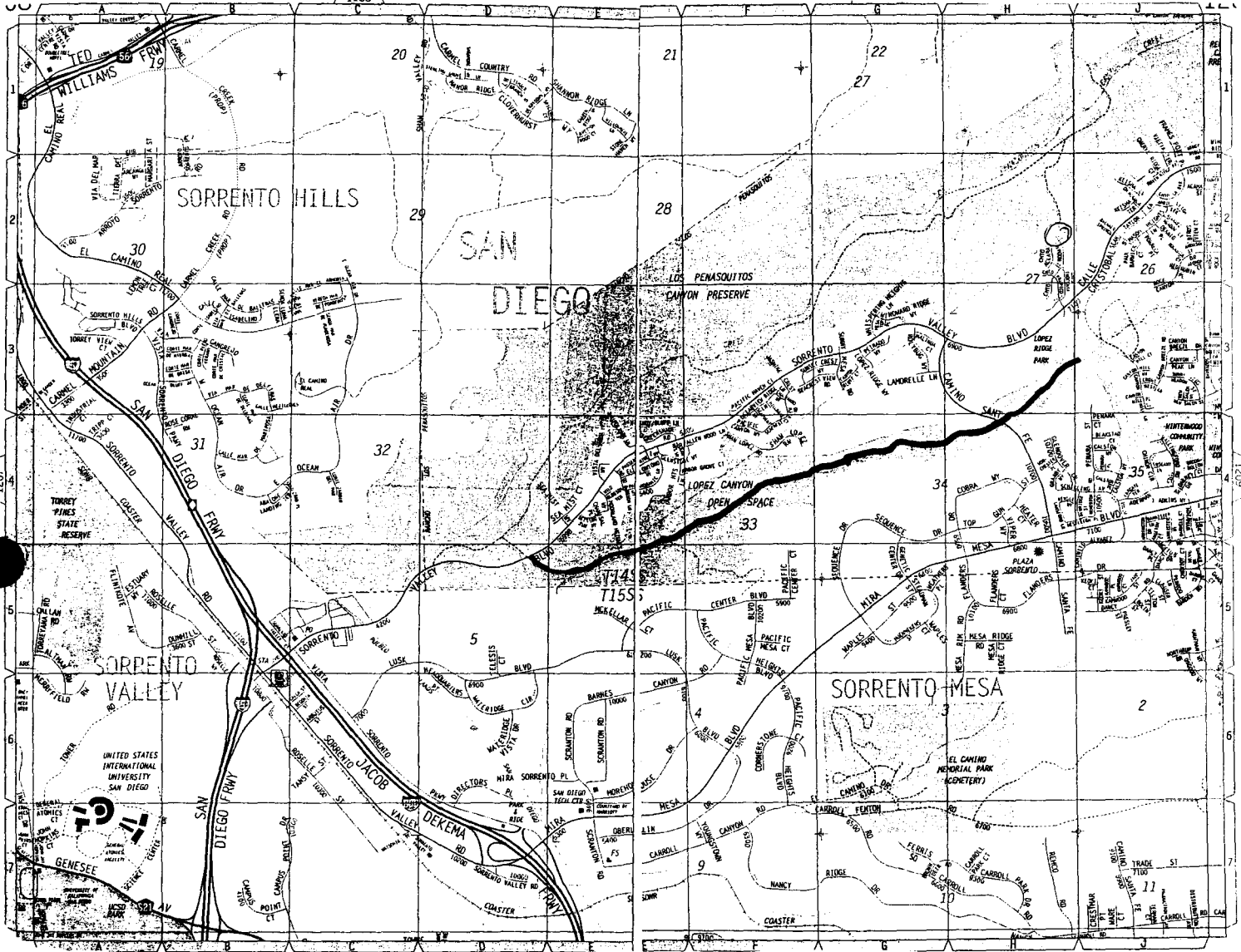


EXHIBIT NO. 1  
APPLICATION NO.  
**6-02-135**  
Location Map

6-02-135

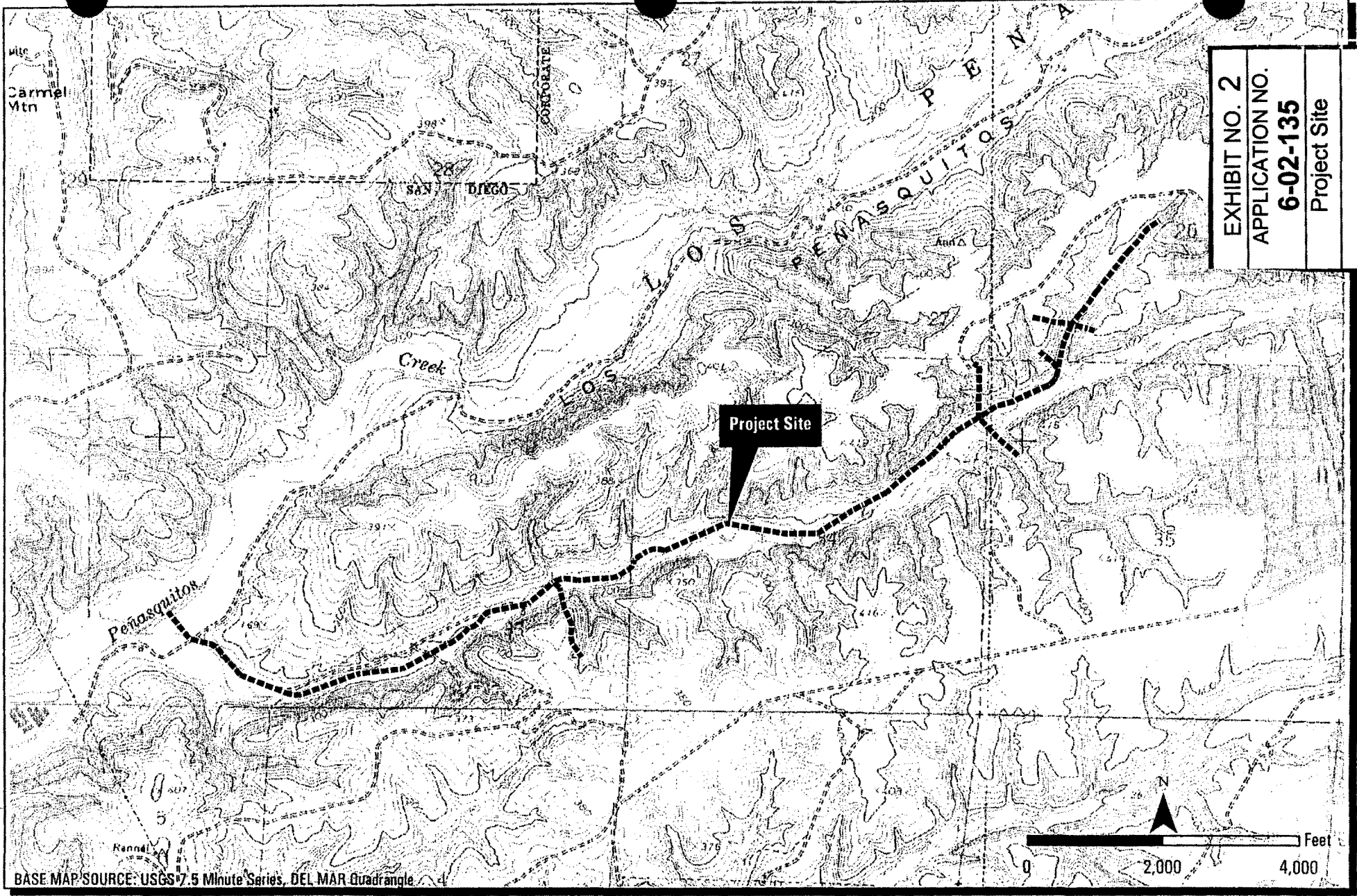


EXHIBIT NO. 2
APPLICATION NO.
6-02-135
Project Site

Lopez Canyon Sewer Emergency Repair Project  
Vicinity Map

FIGURE  
2