

CALIFORNIA COASTAL COMMISSION

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Mon 9b

Staff: EL-SD
Staff Report: March 18, 2002
Hearing Date: April 8-12, 2002

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-127-A1

RECORD PACKET COPY

Applicant: City of San Diego

Agent: Mike Mezey

Original Description: Construction of the middle segment of State Route 56 to complete an east-west freeway connection between I-5 and I-15, with approximately 7,000 linear feet of the highway in the coastal zone (approximately 5,200 linear feet in the Coastal Commission's jurisdiction and subject to this permit). The project includes approximately 200,000 cu.yds. of grading in the coastal zone (approximately 175,000 cu.yds. in the Coastal Commission's jurisdiction and subject to this permit) and construction of four travel lanes, bicycle lanes and a bridge at the future interchange at Camino Santa Fe. The project also includes installation of two Continuous Deflective Separation Units on existing State Route 56 West and creation of 1.5 acres of riparian wetlands in McGonigle Canyon as mitigation for project impacts to 0.427 acres of existing southern willow scrub.

Proposed Amendment: Delete Special Conditions #2 and #3 of the original permit to revise the mitigation site for the .5 acres of coastal zone riparian impacts from Lower McGonigle Canyon to Los Penasquitos Canyon Preserve. The new 16.92 acre wetland mitigation site also accommodates all required riparian and marsh mitigation for impacts outside the coastal zone, which were previously planned to be mitigated in Upper McGonigle and Deer Canyons, outside the coastal zone.

Site: Western end of Los Penasquitos Canyon Preserve, north of Los Penasquitos Creek, San Diego, San Diego County.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the amendment request, with special conditions requiring submittal of final plans, including plans identifying all proposed staging and storage areas, and a construction schedule consistent with the timing required in the resource agency permits, to avoid disruption of the recently created El Cuervo restoration site to the south and the breeding seasons of sensitive species. The project as approved identified a coastal zone wetlands mitigation site on private property within Lower

McGonigle Canyon. The proposed amendment will move the mitigation site to public lands in Los Penasquitos Canyon Preserve, next to an existing, recently prepared wetlands restoration site. As conditioned, the proposal is consistent with the certified LCP and Chapter 3 of the Coastal Act.

Substantive File Documents: Certified City of San Diego North City LCP Land Use Plan Addendum and Implementation Plan; 1996 Draft
Los Penasquitos Canyon Preserve Natural Resource Management Plan;
Final Environmental Impact Report (LDR No. 95-0099); CCC File #6-99-101

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-98-127-A1 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of the certified Local Coastal Program, where applicable, and with the policies of the Chapter 3 of the Coastal Act, where applicable. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

1. Final Mitigation Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicants shall submit to the Executive Director for review and written approval, a final mitigation and monitoring program for

the permitted development. Said program shall be in substantial conformance with the *El Cuervo Norte Conceptual Wetland Mitigation and Monitoring Plan*, dated December, 2001.

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

2. Construction Access/Staging Area/Project Timing. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit plans showing the locations, both on- and off-site, which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The staging/storage plan shall be subject to review and written approval of the Executive Director. Use of environmentally sensitive wetland and upland habitat areas for the temporary storage of equipment or materials shall not be permitted. The plan shall also incorporate the seasonal and erosion control restrictions imposed in the other resource agency permits (U.S. Army Corps of Engineers [ACOE], California Department of Fish and Game [CDFG], and Regional Water Quality Control Board [RWQCB]). These restrictions address installation and maintenance of construction BMPs, protection of the existing El Cuervo mitigation site to the south of the subject site, and protection of breeding avian species in or near the project site.

The permittee shall undertake development in accordance with the approved access, staging and timing plans. Any proposed changes to the approved access, staging and timing plans shall be reported to the Executive Director. No changes to the approved access, staging and timing plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. In 2000, the Coastal Commission approved a project proposed by the City of San Diego. It allowed the construction of the middle segment of State Route 56 (SR-56), a major east-west freeway connector between Interstate 5 (I-5) and Interstate 15 (I-15). The total proposed middle segment is approximately 5 miles long, with about 1.25 miles (approximately 7,000 linear feet) of the alignment in the coastal zone. Of the 1.25 miles in the coastal zone, approximately 1 mile (approximately 5,200 linear feet) was in an area of deferred certification (the North City Future Urbanizing Area, Subarea III), where the Coastal Commission retained permit authority and the standard of review was Chapter 3 of the Coastal Act. The City of San Diego subsequently assumed coastal development permitting authority for Subarea III. Thus, new coastal developments permits for development within Subarea III are

processed by the City of San Diego, but amendments to Commission-issued permits for development in Subarea III must be approved by the Coastal Commission, with the certified LCP as the standard of review. This amendment request relocates the mitigation for project impacts from Subarea III to a site that is in an area of deferred certification. Although the certified LCP is the standard of review for evaluating the adequacy of mitigation for impacts caused by development in Subarea III, Chapter 3 of the Coastal Act is the standard of review for evaluating the impacts of the mitigation at the new site.

A portion of the eastern segment of SR-56, which is not in the coastal zone, trends westward from I-15 and has been in place for some time. Likewise, the western segment, which is entirely within the coastal zone, was constructed several years ago pursuant to Coastal Development Permit #6-90-123. The existing western segment extends for approximately two miles eastward from I-5, roughly along the historic alignment of Carmel Valley Road. The portion of SR-56 addressed in the original action on the subject permit is situated along the northern extent of the coastal zone boundary such that in places only a part of the full width of the proposed freeway is actually in the coastal zone.

The approved project results in permanent impacts to approximately half an acre of riparian wetlands in the coastal zone, and much larger amounts of wetland impacts outside the coastal zone. Mitigation for the coastal zone impacts was proposed in Lower McGonigle Canyon, which is in the coastal zone; all other impacts were to be mitigated outside the coastal zone in Upper McGonigle and Deer Canyons. All mitigation was dependent on the purchase of land from private parties.

The subject amendment request proposes to delete Special Conditions #2 and #3 of that original permit. It proposes to relocate the various mitigation sites for both coastal zone and non-coastal zone impacts of SR 56 to a single site in western Los Penasquitos Canyon Preserve. There are several advantages to doing this: 1. all mitigation would occur within the coastal zone, where resources have been most severely depleted; 2. the site is already public land and is within a dedicated resource preserve; 3. restoration of this site is cited as a high priority in the draft 1996 Los Penasquitos Canyon Preserve Natural Resource Management Plan; and 4. there is a high potential for success at this site, as it is located within an historic streambed and adjacent to an existing riparian mitigation site now in its monitoring phase. The amended project would result in total creation of 6.84 acres of new riparian and freshwater marsh wetlands, and enhancement of an additional 10.08 acres of currently degraded wetland habitat. However, the Commission is only reviewing the proposal as required mitigation for the .427 acres of coastal zone riparian impact (i.e., 1.5 acres of new riparian habitat at a 3:1 mitigation ratio). The remainder of the proposed restoration program (15.42 acres), although required for mitigation in other resource agency permits, is regarded strictly as a restoration/enhancement project by the Coastal Commission since it addresses impacts outside the coastal zone.

Currently, the site is traversed by an unpaved utility maintenance road over half a mile in length and occupying over half an acre of land otherwise available for restoration. This

road will be restored to wetlands, and replaced with an approximately 200-foot long maintenance road, crossing two proposed stream channels to an existing power pole "island." This significantly shorter road, occupying less than 1/20th of an acre, will be reinforced at the stream crossings with some type of geotextile fabric to assure year-round accessibility for maintenance of public services.

The specific project will recontour the site to provide the appropriate elevation and configuration for the desired wetland communities. This requires removal of old agricultural berms which channelized Los Penasquitos Creek during the time the canyon was in active agricultural use (middle part of the last century). Historic stream flows will be restored to recreate a wider distribution of seasonal flows across the valley floor. Appropriate riparian species will be planted along the northern portion of the mitigation site and exotic vegetation will be removed throughout. An existing utility access road will be restored and the road replaced with a significantly smaller one in a different location.

2. Environmentally Sensitive Habitats/Biological Resources. The proposed middle segment of SR-56 will result in impacts to several wetland and upland habitats, including impacts to riparian corridors, freshwater marshes, vernal pools, and coastal sage and chaparral communities. Most of these impacts occur outside the coastal zone. However, the proposed development will result in permanent impacts to 0.427 acres of riparian vegetation (southern willow scrub) and to approximately 1.5 acres of sensitive upland habitats within the coastal zone. The proposed amendment addresses only wetland impacts and their mitigation, which will be sited in an area of deferred certification. The applicable LUP policies of the Pacific Highlands Subarea III area of the North City LCP segment, and Chapter 3 policies of the Coastal Act, are cited below, and state in part:

Section 3.5.1 (LC P)

Within the coastal zone, development within wetlands is limited to the following uses: (1) aquaculture, wetlands-related scientific research and wetlands-related educational uses; (2) wetland restoration where the primary purpose is restoration of the habitat; and (3) incidental public service projects. Development within wetlands for one of these uses shall be permitted only if it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects. Where impacts to wetlands are unavoidable, mitigation for all wetland impacts within this plan shall be at a minimum ratio of three (3) acres of mitigation for every one (1) acre of impact. All mitigation shall be in-kind and shall result in no net loss of habitat extent or function. Mitigation shall occur on-site where possible, within the subject watershed, or, in any case, within the coastal zone.

With certification of the Framework Plan, the Coastal Commission previously allowed for the construction of the middle segment of State Route 56 (SR-56). Although construction of the middle segment of SR-56 cannot avoid all impacts to wetlands and environmentally sensitive habitat areas, the chosen alignment

(Modified F) has been determined to be the least environmentally damaging alternative. SR-56 has been sited and designed to prevent significant degradation to adjacent environmentally sensitive habitat, wetlands impacts have been minimized to the maximum extent feasible, and mitigation has been required for incidental unavoidable impacts. Therefore, the construction of the middle segment of SR-56 is consistent with policies contained in Section 30240(b) of the Coastal Act (pertaining to development adjacent to coastal wetlands) and Section 30233(a)(5) of the Act (pertaining to allowable development for incidental public service project impacts).

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.

With respect to the requested amendment, the applicant is not seeking any less mitigation than what was proposed originally as being consistent with the cited LUP policies. However, difficulties in purchasing the private land, and the need to avoid lengthy delays, caused the applicant to look elsewhere for mitigation sites. The amendment requests that all riparian and freshwater marsh mitigation (for impacts within and outside the coastal zone) be reassigned to a single coastal zone site in Los Penasquitos Canyon Preserve, a dedicated natural resource park already containing areas of similar vegetation to that required herein. The program is not identical to that conceptually approved at three separate sites in the original project, since it is being adapted to fit a completely different site; however, the amount of newly created riparian wetlands and restored marsh areas is the same and continues to meet the overall mitigation requirement for project impacts.

Although the proposed mitigation will occur some distance from the wetland impacts, both sites are within the watershed of Los Penasquitos Lagoon. In addition, the Commission finds the amended mitigation proposal preferable to the original mitigation plan from a resource standpoint, since all mitigation will occur within the coastal zone, where resource losses are most severe. Previously, only 1.5 acres of riparian mitigation were proposed within the coastal zone, as that was all that was required in the coastal development permit. Now the combined riparian and marsh impacts of the entire alignment will be mitigated at one coastal zone site, and will result in nearly 6.84 acres of newly-created wetland habitat and 10.08 acres of restored, degraded wetlands. The other involved resource agencies (CDFG, ACOE and RWQCB) have agreed that the proposed amendment will result in a mitigation program superior to what was originally approved. Moreover, the Commission's staff ecologist has visited the site and reviewed the proposed program, and found them to be acceptable. In addition, removal and restoration of an unpaved utility maintenance road over half a mile in length and occupying over half an acre of land will significantly increase the amount of wetlands on-site, as well as discourage overuse by the public of the newly planted site. A significantly shorter unpaved road, occupying less than 1/20th of an acre, will be reinforced at the stream crossings with some type of geotextile fabric to assure year-round accessibility for

maintenance of public services, but will not cut across the entire mitigation site as the current utility road does.

Although the creation and restoration will result in an increase of 16.92 acres of functioning wetland habitat, the overall project site is approximately 25.0 acres in size. This may result in more mitigation than called for in the permits, but there are patches of several existing wetland habitats (along with a predominance of non-wetlands) throughout the site. The extra acreage allows the City to work around the existing patchy resources with minimal disturbance. However, the proposed restoration project will result in minor impacts to some existing wetland habitat, primarily wet meadow. These impacts occur from converting one type of habitat to another in order to recreate historic flow patterns and develop a more functional wetland complex. However, no areas of existing wetland habitat that undergo disturbance can be counted towards the mitigation requirements for SR 56. No existing wetlands will be converted to non-wetlands, although some existing uplands will be converted to wetlands. Most of the creation/restoration occurs in ruderal vegetation and non-native grasses, and will result in the following mix of habitats: 1.9 acres of valley freshwater marsh, 16.2 acres of southern willow scrub, 1.3 acres of mulefat scrub, 2.4 acres of cottonwood/sycamore woodland, 1.2 acres of sycamore/oak woodland and 2.0 acres of upland buffer. In addition, all areas not newly created, both wetland and upland, will be enhanced by hand removal of exotic vegetation.

The applicant submitted a draft mitigation program addressing project impacts at the time of application for the original permit. This, of course, addressed a different mitigation site, but all program features remain the same. The goals, performance standards, implementation methods and monitoring requirements for the wetland impacts are the same as originally proposed and are consistent with programs the Commission has reviewed and approved for other projects in the past. Also, as stated previously, the staff ecologist agrees that the program is acceptable. The plan identifies responsible parties and requires annual reports throughout the five-year monitoring period. Thus, Special Condition #1 requires the applicant to submit a final mitigation plan that is in substantial conformance with the content and design of the plan submitted with the amendment request.

The applicant has already submitted a final version of the required permits from CDFG, RWQCB and ACOE, although the ACOE permit cannot be formally signed until the Commission permit and amendment issue. These permits require that the subject mitigation site not be prepared prior to March, 2003. The agencies have raised concerns that the existing El Cuervo mitigation program needs another rainy season to better establish before disturbing an adjacent area for the subject project. Although the two mitigation sites are on opposite sides of Los Penasquitos Creek, this stream is very narrow, such that the sites are considered adjacent.

Special Condition #2 requires a plan identifying all proposed staging and storage areas and access corridors; it further requires that all conditions of the other resource agency permits be adhered to, especially with respect to project timing. Typically, the

Commission requires that any mitigation area be preserved in perpetuity as open space. This is not being required for the subject amendment for two reasons: 1. the ACOE permit already requires an easement in their favor over the site, and 2. the property is already publicly owned, and is dedicated as resource-based parkland that can never be sold or traded for any other purpose. Thus, it is assured the mitigation site will remain in public ownership in perpetuity.

In summary, the proposed amendment addresses only mitigation for impacts to riparian and marsh wetlands. All other mitigation for various impacts of the middle segment of SR 56 will continue to be mitigated as approved in the original permit. The project, as amended, fully mitigates for all riparian and marsh impacts, and the Commission finds the relocated mitigation site preferable to that originally approved, due to its heightened likelihood of success and provision of a much larger, contiguous wetland system than would occur under the original proposal. Finally, the project will create new wetland habitats and enhance existing uplands, consistent with Section 30240. Therefore, the Commission finds the proposal, as conditioned, consistent with the cited LCP policies and with Sections 30233 and 30240 of the Coastal Act.

3. Water Quality. The following Coastal Act policy is most applicable to water quality issues, and states 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.

The relocated mitigation site is not located within the Pacific Highlands Ranch Subarea III Plan, but is instead located in the western portion of the Los Penasquitos Canyon Preserve. The Preserve is an area of deferred certification; therefore Chapter 3 of the Coastal Act is the standard of review. This is a public resource-based park system, and exists in a semi-natural state. Other than a few historic structures, such as the El Cuervo adobe located immediately south of the proposed mitigation site, and some maintenance roads and pedestrian trails, there are no improvements in the preserve. However, agricultural activities which took place in the middle part of the last century have extensively altered landforms and redirected Los Penasquitos Creek through the placement of berms that served to channelize the stream into a single flow. The historic flow pattern in the canyon included many interconnected (braided) streams that spread flood flows throughout the entire valley.

The proposed wetland creation/restoration is not anticipated to have any adverse impacts on existing water quality. All surfaces will continue to be permeable, including the shortened, relocated utility access road. Since the road is only used occasionally by vehicles for power line maintenance purposes, it should not contribute any significant amounts of pollutants to the watershed and, in any case, the uses will not increase over what already occurs on the existing road. Moreover, the increase in the amount of wetlands will enhance the filtering function of this area, which ultimately drains into Los Penasquitos Lagoon.

However, adverse impacts could result from the construction phase of the development, since the removal of fill and recontouring of the site will result in temporarily exposed soils. The applicant is proposing a number of temporary erosion control Best Management Practices (BMPs); these measures will minimize, if not eliminate, any potential adverse impacts from project construction on the water quality of the adjacent streams and downstream Los Penasquitos Lagoon. The Commission finds that, as conditioned, the development is consistent with Section 30231 of the Act.

4. Public Access. Chapter 3 is standard of review because the access impacts being evaluated are those caused by the restoration project itself. The most applicable policies 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 30214.

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. ...

Los Penasquitos Canyon Preserve is within the designated MHPA preserve. 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 County Parks personnel, the City's Metropolitan Wastewater Department, San Diego Gas & Electric 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. The most heavily used trail is located on the south side of Los Penasquitos Creek, outside of, but nearby, the subject mitigation site; use of this road will not be affected by the proposed project. The existing utility road which currently crosses through the middle of the subject mitigation site will be removed and restored. Although this will somewhat limit access in this particular location, the new habitats need several years without much human encroachment to successfully reach maturity. Moreover, the site will remain open, such that people can access it at will, dependent only on the water levels of the restored streams.

Access to this area will likely be constrained and at least intermittently unavailable during construction, and the applicant proposes to post signs to alert the public to stay out of the revegetation areas of the project to protect the newly created and existing habitats. The Commission finds the temporary impacts on public access acceptable, since the finished project will increase coastal resources and thus provide a more enjoyable recreational experience for the public. Therefore, the Commission finds the proposed amendment, as conditioned, consistent with the cited public access and recreation policies of Chapter 3 of the Coastal 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.

This project is intended only as mitigation for the impacts of SR 56, which will occur within Pacific Highlands Ranch, a component of the City of San Diego LCP. However, the actual mitigation site is located in Los Penasquitos Canyon Preserve, which 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 remains an area of deferred certification, where the Commission retains coastal development permit authority and Chapter 3 is the standard of review.

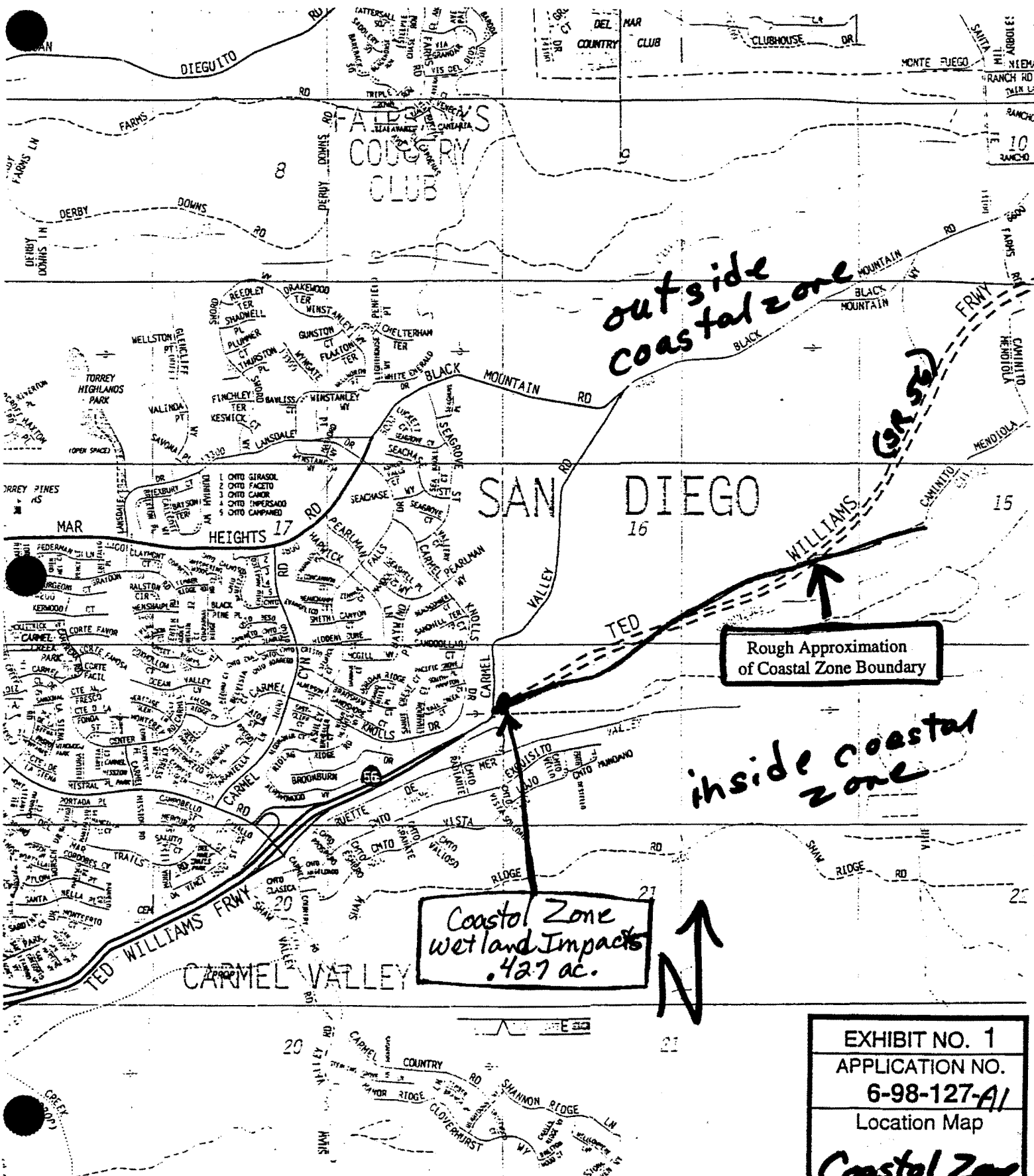
The adequacy of the new mitigation for impacts caused by development within Subarea III has been reviewed pursuant to the certified LCP policies for Pacific Highlands Ranch, but the impacts caused by the restoration project itself have been reviewed for

consistency with Chapter 3 of the Coastal Act. The proposed restoration plan is fully consistent with the draft master plan, and is indeed a priority project under that plan. As discussed in previous findings, the proposal, as conditioned, is also fully consistent with all applicable LCP policies of the Pacific Highlands Ranch Subarea Plan and of Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed amendment, 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, or permit amendments, to be supported by a finding showing the permit, or permit amendment, 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 all applicable LCP and Chapter 3 policies. Conditions have been imposed to ensure that implementation and monitoring of the restoration project is carried out pursuant to the requirements of applicable state and federal permits. 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, as amended, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

6-98-127A



outside coastal zone

Rough Approximation of Coastal Zone Boundary

inside coastal zone

Coastal Zone Wetland Impacts .427 ac.

EXHIBIT NO. 1
APPLICATION NO. 6-98-127-A/1
Location Map
Coastal Zone
Portion of California Coastal Commission

WETLANDS REVEGETATION LEGEND:









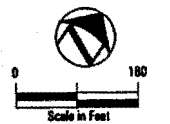
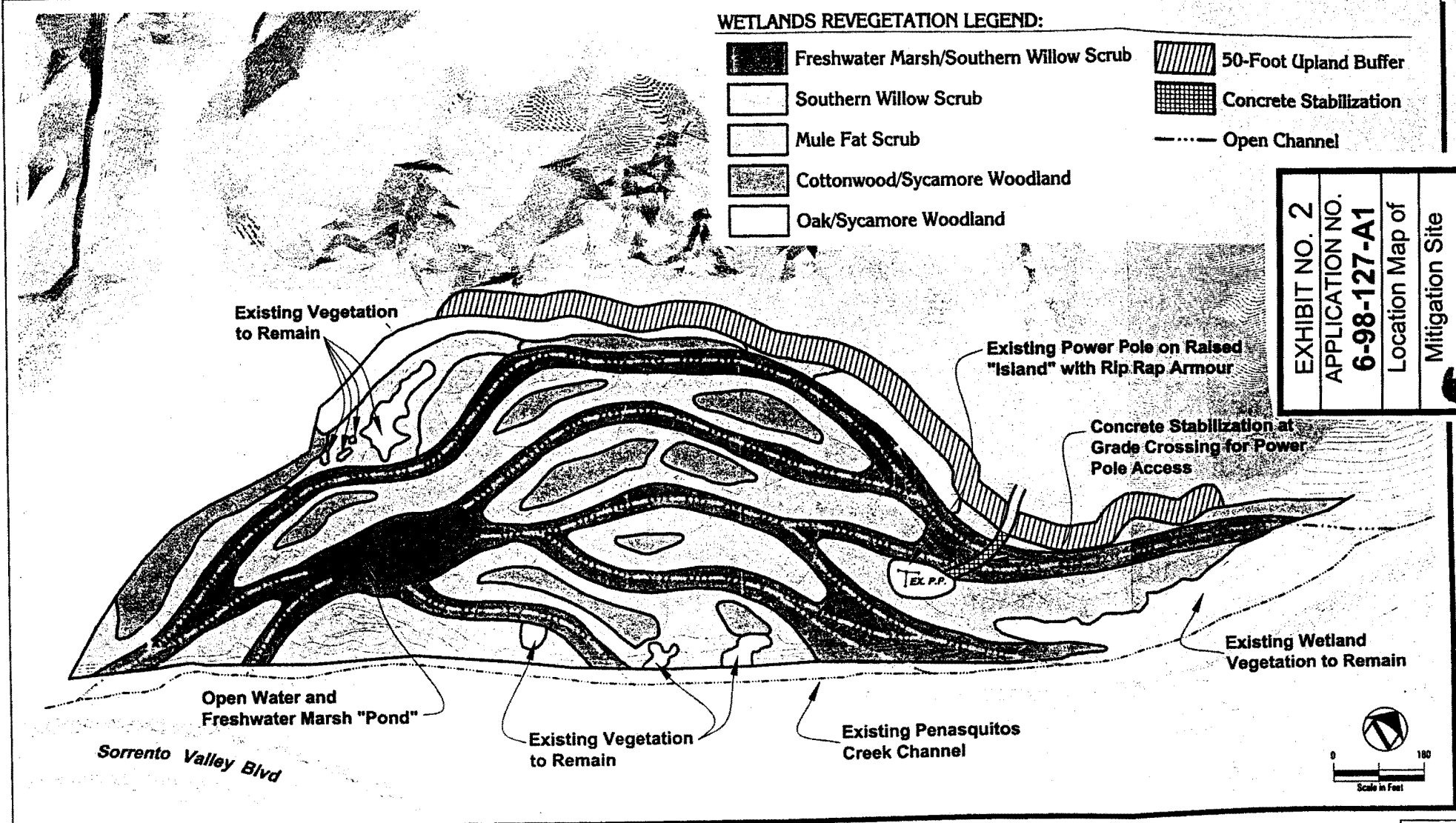
-  Freshwater Marsh/Southern Willow Scrub
-  Southern Willow Scrub
-  Mule Fat Scrub
-  Cottonwood/Sycamore Woodland
-  Oak/Sycamore Woodland
-  50-Foot Upland Buffer
-  Concrete Stabilization
-  Open Channel

EXHIBIT NO. 2
APPLICATION NO.
6-98-127-A1
Location Map of
Mitigation Site
 California Coastal Commission



El Cuervo Norte Conceptual Wetland Mitigation & Monitoring Report
Conceptual Wetlands Revegetation Plan

FIGURE
5



El Cuervo Norte Conceptual Wetland Mitigation & Monitoring Report
 Aerial Photograph of Mitigation Site

FIGURE
 4

EXHIBIT NO. 3
APPLICATION NO. 127-A1
6-98
Mitigation Site Plan

