

**CALIFORNIA COASTAL COMMISSION**

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# F9a

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Staff: A. Llerandi-SD  
Staff Report: 10/22/14  
Hearing Date: 11/12-14/14

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-14-1438

**Applicant:** Four Granger, LLC

**Agent:** Eric Wilson

**Location:** 400 Seventh St, Imperial Beach, San Diego County  
(APN No. 626-010-27-00)

**Project Description:** Remodel and 483 square foot second-floor addition to an existing one-story 910 sq. ft. single family residence to create a two-story, 22-foot tall, 1,830 square foot single family residence with attached two-car garage; construct a new two-story, 24-foot tall, 2,294 square foot single family residence with attached two-car garage, all on a 7,500 square foot lot.

**Staff Recommendation:** Approval with Conditions

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### SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval with conditions. The proposed project would expand and remodel an existing single family residence and construct a second detached single family residence in a two-family residential zone.

The subject property is located on the northern end of the City of Imperial Beach, between the first public road and the sea, in the form of coastal salt marsh that is an

extension of San Diego Bay. The property is also located in close proximity to the Bayshore Bikeway, a popular bike and pedestrian path that encircles much of San Diego Bay. It currently contains a one-story single family residence in the front, street side half of the property, and a second home is proposed in the rear half. The surrounding lots to the north, south, and east are currently developed with residential structures, while to the west is the aforementioned salt marsh.

Major Coastal Act issues associated with this project include its proximity to, and potential impacts on, coastal salt marsh beyond the rear of the subject property. Spillage of light and runoff from the site, both during and after construction, could adversely affect the biological resources in the salt marsh. Furthermore, the property is located between the first public road and the sea, as well as in close proximity to the Bayshore Bikeway that encircles San Diego Bay. However, in this particular case, the proposed development is acceptable because the line of development on this and the neighboring properties has long been established, with all of the proposed development occurring landward of the rear property fence line. The addition of another residence in the rear of the property is not, according to the Commission's staff ecologist, going to substantially increase any impacts that might already be occurring to the salt marsh above what may already be caused by the existing residences.

To address these potential adverse impacts the Commission staff is recommending **Special Condition No. 1**, requiring the applicant to adhere to final, approved construction plans that observe all required height and setback restrictions. **Special Condition No. 2** requires the applicant to adhere to landscape limitations that lessen the likelihood of invasive or non-native plants from spreading from the property into the wetlands. **Special Condition No. 3** requires that the applicant submit and adhere to an approved drainage plan that retains runoff on-site where feasible, and directs any off-site runoff through appropriate BMPs. **Special Condition No. 4** requires that the applicant adhere to an approved construction pollution prevention control plan to ensure that construction of the approved project does not cause adverse impacts to the adjacent wetlands. **Special Condition No. 5** requires the applicant to recognize that the project site is adjacent to salt marsh which are an extension of San Diego Bay, and that flood risk from sea level rise or storm events are possible. **Special Condition No. 6** requires the applicant to record a deed restriction against the property so as to ensure that successors in interest have proper notice that these coastal resource protection measures are in place. Because lighting from the homes could spill onto the adjacent wetlands and adversely affect its habitat value, **Special Condition No. 7** requires the applicant to ensure that lighting in the final project is directed downward so as to fall on the private property. Finally, **Special Condition No. 8** requires the applicant to waive all future shoreline protection, as this project is knowingly being built next to coastal salt marsh and the San Diego Bay, which could be impacted by future sea level rise.

The City of Imperial Beach has a certified LCP that covers the majority of the City. However, the subject property, along with the northern half of Seventh Street, is retained original jurisdiction of the Coastal Commission due to the presence of historic tidelands. Thus, the standard of review is Chapter 3 of the Coastal Act, with the certified LCP used as guidance.

Commission staff recommends **approval** of coastal development permit application 6-14-1438 as conditioned.

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## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

## II. STANDARD CONDITIONS

This permit is granted subject to the following 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 of 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.

## III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Revised Final Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final project and water quality BMP plans. Said plans shall first be approved by the City of Imperial Beach and be in substantial

conformance with the plans submitted by the applicant on August 5, 2014, except that the plans shall be modified to include the following:

- a. Lighting shall be identified on the plan, and shall indicate that all lighting shall be directed and shielded so that light is directed towards the ground and away from the salt marsh wetlands. The intensity and number of lights shall be minimized to prevent adverse impacts to marine resources.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the 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. **Final Landscape Plan.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a detailed landscape plan, approved by the City of Imperial Beach, indicating the type, size, extent, and location of all plant materials, the proposed irrigation system, and other landscape features. Native, non-invasive, drought tolerant plants shall be used to the maximum extent feasible.
  - a. All landscaping shall be drought tolerant and native or non-invasive plant species. All landscape materials within the identified view corridors shall be species with a growth potential not to exceed three feet at maturity. No plant species listed as invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property.
  - b. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director a landscaping monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successor in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved 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 legally required.

3. **Drainage Plan.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a drainage and runoff control plan approved by the City of Imperial Beach documenting that the runoff from the roof, driveway, and other impervious surfaces of the existing and proposed structures will be collected and directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation prior to being discharged off site in a non-erosive manner.

The applicant shall undertake development 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 Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

4. **Construction Pollution Prevention Plan (CPPP).** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee shall submit for the review and approval of the Executive Director, a Construction Pollution Prevention Plan (CPPP) prepared and signed by licensed engineer that, at a minimum, includes the following:

- i. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall include:
  1. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
  2. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands, or their buffers;
  3. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;

4. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters or storm drains;
5. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
6. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
7. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
8. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a Coastal Development Permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
9. All construction materials stockpiled on site, excluding lumber, shall be covered and enclosed on all sides to ensure that the materials are not discharged to a storm drain inlet or receiving waters;
10. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. If thinners, petroleum products or solvents must be used on site, they shall be properly recycled or disposed after use and not be discharged into storm drains, sewers, receiving waters or onto the unpaved ground. ;
11. The discharge of any hazardous materials into any receiving waters shall be prohibited;
12. Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters or wetlands. Hazardous materials management equipment shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum



products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;

13. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
14. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

The applicant shall undertake development 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 Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

#### **5. Assumption of Risk, Waiver of Liability, and Indemnity Agreement**

- i. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs, (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- ii. PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also include that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the

development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

- iii. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

6. **Deed Restriction.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property subject to the terms and conditions that restrict the use and enjoyment of that property, and (2) imposing the special conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence or with respect to the subject property.

7. **No Future Shoreline Protective Device.**

- i. By acceptance of the permit, the applicant agrees, on behalf of themselves and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to coastal development permit No. 6-14-1438 including, but not limited to, the residences, and any future improvements, in the event the development is threatened with damage or destruction from sea level rise, flooding, erosion, storm conditions, or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resource Code Section 30235.
- ii. By acceptance of this permit, the applicant further agrees, on behalf of themselves and all successors and assigns, that the landowners shall remove the development authorized by this permit if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the wetland before they are removed, the landowners shall remove all recoverable debris associated with the development from the wetland and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

## IV. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION

The proposed project would remodel and construct a 483 square foot second-floor addition to an existing one-story 910 sq. ft. single family residence to create a two-story, 22-foot tall, 1,860 square foot single family residence with attached two-car garage and construct a new two-story, 24-foot tall, 2,294 square foot single family residence with attached two-car garage, all on a 7,500 square foot lot at 400 Seventh Street in the City of Imperial Beach.

The subject property is located on the northern end of the City of Imperial Beach, between the first public road and the sea, in the form of coastal salt marsh that is an extension of San Diego Bay. The salt marsh is a former salt pond that was breached and restored years ago to become part of the San Diego National Wildlife Refuge. This salt marsh sits along the northwest corner of the municipal boundary of Imperial Beach, adjacent to the southern municipal boundary of the City of Coronado. The subject property is also located in close proximity to the Bayshore Bikeway, a popular bike and pedestrian path that encircles much of San Diego Bay. The property, like the majority of the neighboring parcels, currently contains a one-story single family residence in the front, street side half of the property, and a second single family residence is proposed in the rear half of the lot.

Major Coastal Act issues associated with this project include its proximity to, and potential impacts on, coastal salt marsh beyond the rear of the subject property. Spillage of light and runoff from the site, both during and after construction, could adversely affect the biological resources in the salt marsh. Furthermore, the property is located between the first public road and the sea, as well as in close proximity to the Bayshore Bikeway that rings San Diego Bay. To address these potential adverse impacts the Commission staff is recommending **Special Condition No. 1**, requiring the applicant to adhere to final, approved construction plans that observe all required height and setback restrictions. **Special Condition No. 2** requires the applicant to adhere to landscape limitations that lessen the likelihood of invasive or non-native plants from spreading from the property into the wetlands. **Special Condition No. 3** requires that the applicant submit and adhere to an approved drainage plan that retains runoff on-site where feasible, and directs any off-site runoff through appropriate BMPs. **Special Condition No. 4** requires that the applicant adhere to an approved construction pollution prevention control plan to ensure that construction of the approved project does not cause adverse impacts to the adjacent wetlands. **Special Condition No. 5** requires the applicant to recognize that the project site is adjacent to salt marsh which are an extension of San Diego Bay, and that flood risk from sea level rise or storm events are possible. **Special Condition No. 6** requires the applicant to record a deed restriction against the property so as to ensure that successors in interest have proper notice that these coastal resource protection measures are in place. Because lighting from the homes could spill onto the adjacent wetlands and adversely affect its habitat value, **Special Condition No. 7** requires the applicant to waive all future shoreline protection, as this project is knowingly being built next to coastal salt marsh and the San Diego Bay, which could be impacted by future sea level rise.

Commission staff recommends **approval** of coastal development permit application 6-14-1438 as conditioned.

## **B. BIOLOGICAL RESOURCES**

Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized, while Section 30233 limits diking, filling, or dredging of wetlands to the least environmentally damaging alternative for a specified list of permitted uses, of which this development is not.

The subject property is located in a developed residential neighborhood, with developed parcels to the north, south, and east of the property. However, to the west of the rear property line is a former salt pond that now functions as a salt marsh.

While the subject property and the neighboring properties have been developed and disturbed for decades, the majority of the properties have not been substantially redeveloped since passage of the Coastal Act. Thus, while current zoning permits up to two residences on the lots, many currently have one only residence on the street-side halves of the properties.

The proposed development would add as second residence on the western side of the subject property, moving the footprint of development closer to the rear property line and the adjacent wetlands. A wetland delineation carried out in conjunction with a nearby project to the south – Bernardo Shores – identified the vegetative resources immediately west of the rear property lines of the subject property and its neighbors. The delineation found mostly salt pan, southern coastal marsh, and saline meadow to the west of the subject property, with disturbed soils and nonnative vegetation interspersed. Thus, the proposed second residence in the rear would be approximately 15 feet from wetlands. Although the project will not directly impact any wetland habitat, the Commission typically requires a 100-foot buffer between development and wetland habitat. However, the entirety of the proposed development would still occur within the existing, disturbed footprint of the private property, and would not encroach westward beyond the rear fence line toward the salt marsh. In addition, there are numerous other lots neighboring the subject property that have their rear property line in the same alignment, with disturbed soil and development contained therein, as the certified LCP for the City of Imperial Beach permits two single family residence on lots of at least 7,500 square feet, of which the subject property and its neighbors are. Thus, review by the Commission's staff ecologist determined that any impacts originating from the new, rear residence would not be substantially greater than what may already be originating from the development currently present.

While the proposed development would be contained within the disturbed boundaries of the subject property, there is still the potential for indirect impacts to the wetlands from both the construction of the residence and the finished development. Possible indirect impacts that could result during construction include polluted runoff from the site and erosion. Indirect impacts from the finished development include runoff and lighting

spillage. To mitigate these potential impacts, the permit requires that a construction pollution prevention plan be approved and implemented during construction of the residences, and that the finished development institute lighting and drainage plans that retain as much of the runoff and lighting on site as feasible.

The proposed development will not have an adverse impact on any sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate temporary and permanent erosion controls (BMPs) will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

### **C. COMMUNITY CHARACTER/VISUAL QUALITY**

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. While the predominant line of development on the surrounding lots has single residences on the landward side of the lots, lots with two residences or single structures that span into the rear of the lots are present nearby. These uses are residential in character, and the proposed development will be the same use. The greater development footprint will still be contained within the legal boundaries of the property and will not block public views of the wetlands and San Diego Bay. The new second story on the existing residence and the new two-story residence will be visible from State Route 75 and a small portion of the Bayshore Bikeway across the salt marsh. However, the views would be brief, distance, and in the direction of existing development, not toward the bay or ocean. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

### **D. PUBLIC ACCESS/PARKING**

As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities, as it will have all required number of off-street parking spaces. Access to and along the Bayshore Bikeway will not be adversely affected, as users will still be able to park on the public street and depart from there if they so wish. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

### **E. WATER QUALITY**

The proposed development has a potential to discharge polluted runoff from the project site into coastal waters. Because runoff from the project site either flows west, directly into the wetlands, or east, onto the City street which in turn drains into a nearby storm drain that directly connects to the same wetland, the potential for runoff from the project site to impact the wetland's water quality is high.

To address this concern, the development, as proposed and conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant

vegetation to reduce and treat the runoff discharged from the site, and the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Section 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters to protect human health.

#### **F. HAZARDS**

Development adjacent to the ocean or bay is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources, and shorelines processes. Because the subject property is adjacent to a salt marsh that is in turn an extension of San Diego Bay, risks from future sea level rise are present. The installation of a protective device along the rear of this and neighboring properties would adversely affect the hydrological and shoreline systems currently existing within the San Diego National Wildlife Refuge. Furthermore, installation of shoreline protective devices along some properties merely redirects water elsewhere, creating a "domino effect" of neighboring properties installing their own protective devices until much of the shoreline is substantially altered, both visually and hydrologically, adversely impacting coastal resources.

To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require a drainage plan to direct, treat, and minimize flow of water offsite and minimize erosion impacts, prohibit construction of protective devices (such as seawalls) in the future, and to require that the landowner and any successor in interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Section 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

#### **G. LOCAL COASTAL PLANNING**

The City of Imperial Beach has a certified LCP and has assumed permit authority for the majority of the city. However, the subject site, along with the northern half of the seaward side of Seventh Street, is retained original jurisdiction of the Coastal Commission as historic tidelands. As such, the standard of review is Chapter 3 of the Coastal Act, with the certified LCP used as guidance. As described above, the proposed project has been conditioned to avoid impacts on biological resources, water quality, and public access, and will be consistent with the all applicable Chapter 3 polices. The certified LUP designates the property as Two-Family Detached Residential, which is what the proposed development consists of, thus conforming to the certified land use designation. Therefore, the Commission finds that approval project, as conditioned, will not prejudice the ability of the City of Imperial Beach to continue to implement its certified LCP.

#### **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

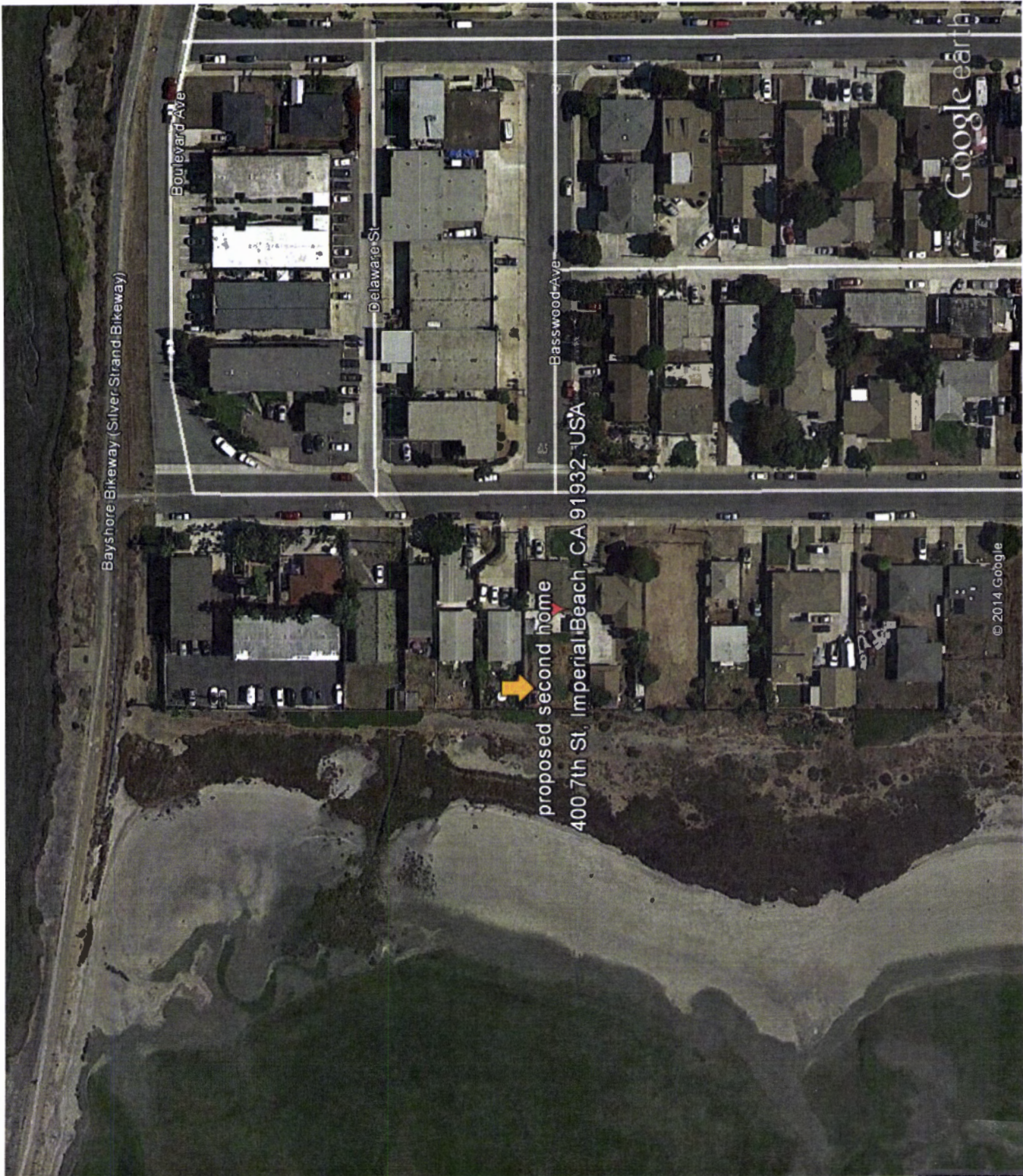
As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

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### **Appendix A – Substantive File Documents**

- Imperial Beach certified LCP
- Draft Initial Study for Bernardo Shores, September 2014





earth

feet  
meters

700  
200



EXHIBIT NO. 1  
APPLICATION NO.  
**6-14-1438**  
Vicinity Map



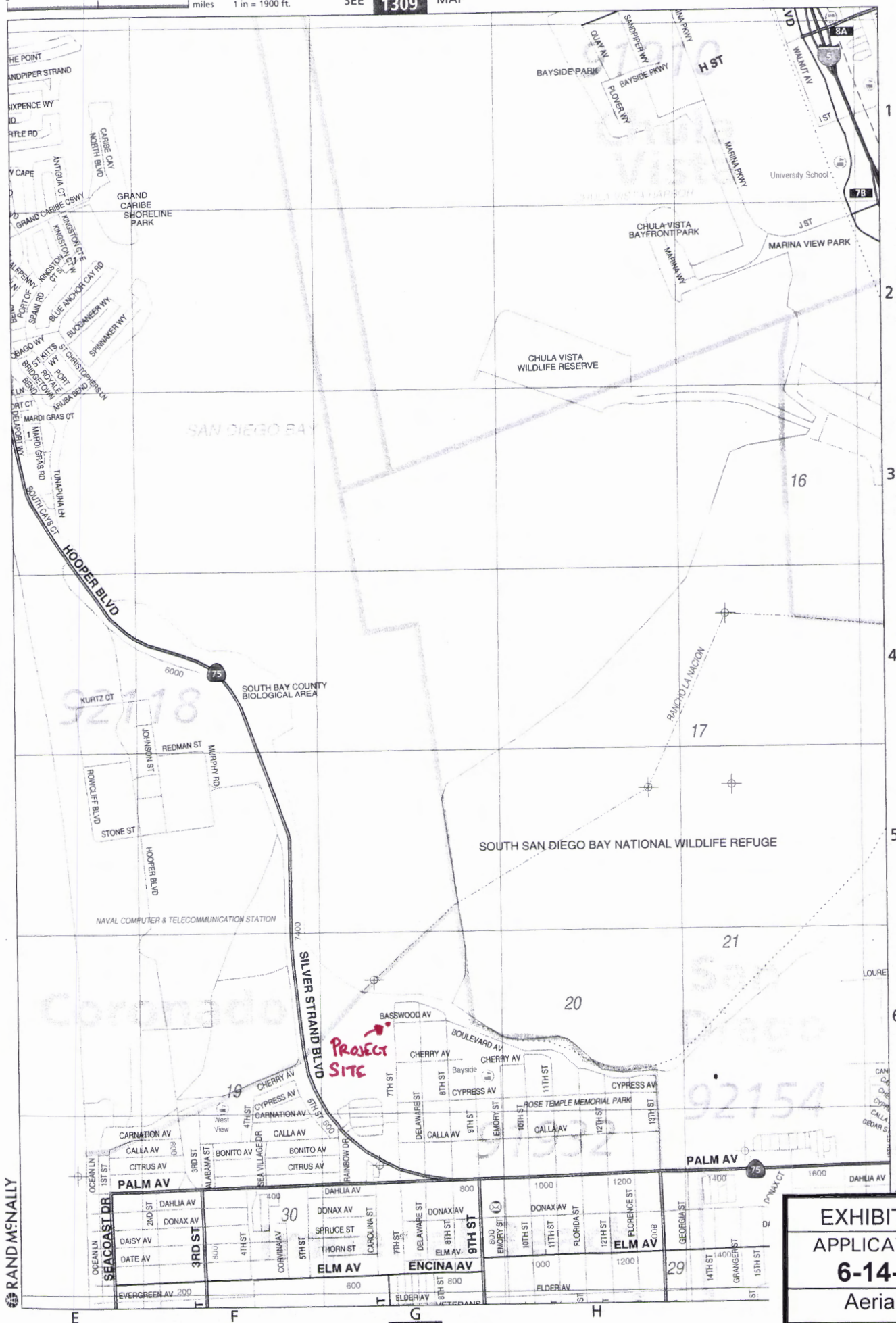


EXHIBIT NO. 2  
APPLICATION NO.  
**6-14-1438**  
Aerial View





# Vegetation and Sensitive Resources/Impacts

BERN