

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application No.: 6-19-0835

Applicant: City of San Diego Public Works Dept.

Agent: Peter Fogec

Location: Southern Mission Beach public streets, Mission Beach, San Diego, San Diego County (APN: N/A)

Project Description: Replace approx. 18,153 feet of water line, 2,350 feet of sewer line, 110 sewer laterals, and install 3 new maintenance holes.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The primary issues raised by this project relate to protection of public access, water quality, and archeological resources.

The project area is within south Mission Beach between San Fernando Place to the north and San Diego Place to the south. The project spans both the Coastal Commission's and the City of San Diego's jurisdiction areas for this segment of Mission Beach, and the City is seeking a consolidated permit from the Coastal Commission for the entire project.

The purpose of the project is to bring the water and sewer infrastructure up to current standards and lessen the likelihood of backups, overflows, and the frequency of needed

6-19-0835 (City of San Diego Public Works Dept.)

maintenance, not to induce greater growth in the Mission Beach community, which is already substantially developed under current zoning limits.

Mission Beach is the most densely developed community in San Diego and located on a narrow peninsula between the ocean and Mission Bay Park. Because of its coastal location and recreational amenities, Mission Beach is a popular coastal destination year-round, but especially so during the summer. The City has implemented many water and sewer infrastructure improvement projects in the past where permit requirements were waived, but those past projects were much smaller in scope, often involving just a couple of blocks. In this case, in order to ensure impacts to access, traffic, and circulation are minimized to the extent feasible, **Special Condition No. 1** requires final construction and staging plans detailing the boundaries of construction to ensure they do not encroach into additional areas of the community or the beach area. **Special Condition No. 3** prohibits any development during peak summer months when public access could be impacted and **Special Condition No. 4** requires the applicant to submit a written agreement indicating that he acknowledges and accepts the construction timing limitations and will submit a weekly construction schedule to confirm that work will not occur during summer.

Mission Beach is a long, narrow peninsula approximately two miles long and a quarter-mile wide at its narrowest, surrounded by water on three sides. **Special Condition No. 2** requires the applicant to submit a final construction water quality control plan to detail the measures that will be taken during the course of the water and sewer replacement to ensure that runoff is properly captured and treated before entering the municipal storm system.

Given the historic occupation of the greater San Diego area by native peoples, and the related chance that heretofore unknown archeological resources may be uncovered, the City, in its Mitigated Negative Declaration, drafted a Mitigation, Monitoring, and Reporting Program (MMRP) for the duration of the project to monitor for the presence of any uncovered resources. Upon review of the MMRP, **Special Condition No. 6** requires the City to adhere to the MMRP and supplements some of its provisions.

While the proposed infrastructure improvements would be below-grade and constitute a closed-loop system, because periodic storm and flood events occur throughout the Mission Beach community and could still impact the new pipes, **Special Condition No. 5** requires the applicant to acknowledge the risk of building in a hazardous location and ensures that the risks of property damage or loss arising from sea level rise or other changed circumstances are borne by the applicant enjoying the benefits of its new development.

Commission staff recommends **approval** of coastal development permit application 6-19-0835 as conditioned.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial View](#)

[Exhibit 3 – Project Area](#)

I. MOTION

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 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Submittal of Final Plans.**
 - (a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of the following plans:

- i. Final construction plans that conform with the plans submitted to the Coastal Commission, titled “Mission Beach Water and Sewer Replacement” and date-stamped received August 26, 2019.
 - ii. Final construction staging and storage plans indicating all locations where equipment, materials, and worker parking will be located during the duration of the project, and showing that no staging or storage will occur in public parking or beach areas, as explained in Special Condition No. 2(a).
- (b) The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. **Construction and Pollution Prevention Plan.**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a final Construction and Pollution Prevention Plan prepared and certified by a qualified and licensed professional. The final plan shall demonstrate that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:

- (a) **Protect Public Access.** Construction shall protect and maximize public access, including by:
 - i. Staging and storage of construction equipment and materials (including debris) shall not take place on the beach area, public parking, or public rights-of-way. Staging and storage of construction equipment and materials shall occur in inland areas at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible. Upon a showing of infeasibility, the applicant may submit a request for review and written approval to the Executive Director for staging and storage of construction equipment and materials closer than 50 feet from coastal water, drainage courses, and storm drain inlets. Construction is prohibited outside of the defined construction, staging, and storage areas.
 - ii. All construction methods to be used, including all methods to keep the construction areas separated from public recreational use areas (e.g., using unobtrusive fencing or equivalent measures to delineate construction areas), shall be clearly identified on the construction site map and described in the narrative description (see Section (h)).

- iii. All beaches, beach access points, and other recreational use areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.
- iv. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.

(b) **Property Owner Consent.** The Construction and Pollution Prevention Plan shall be submitted with evidence indicating that the owners of any properties on which construction activities are to take place, including properties to be crossed in accessing the site, consent to use of their properties.

(c) **Minimize Erosion and Sediment Discharge.** During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:

- i. Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.
- ii. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.
- iii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.
- iv. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area.
- v. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) that will be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.

(d) **Minimize Discharge of Construction Pollutants.** The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into

runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:

- i. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:
 - A. Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.
 - B. Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.
 - C. Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.
 - D. Prompt removal of all construction debris from the beach.
 - E. Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.
- ii. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall not take place on the beach, and shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

(e) **Minimize Other Impacts of Construction Activities.** Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:

- i. The damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction shall be minimized, to

achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.

- ii. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.
- iii. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.

(f) **Manage Construction-Phase BMPs.** Appropriate protocols shall be implemented to manage all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training), to protect coastal water quality.

(g) **Construction Site Map and Narrative Description.** The Construction and Pollution Prevention Plan shall include a construction site map and a narrative description addressing, at a minimum, the following required components:

1. A map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).
2. A description of the BMPs that will be implemented to minimize land disturbance activities, minimize the project footprint, minimize soil compaction, and minimize damage or removal of non-invasive vegetation. Include a construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.
3. A description of the BMPs that will be implemented to minimize erosion and sedimentation, control runoff and minimize the discharge of other pollutants resulting from construction activities. Include calculations that demonstrate proper sizing of BMPs.
4. A description and schedule for the management of all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training). Identify any temporary BMPs that will be converted to permanent post-development BMPs.

(h) **Construction Site Documents.** The Construction and Pollution Prevention Plan shall specify that copies of the signed CDP and the approved Construction and Pollution Prevention Plan be maintained in a conspicuous location at the construction job site at all times, and be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction and Pollution Prevention Plan, and the public review requirements applicable to them, prior to commencement of construction.

- (i) **Construction Coordinator.** The Construction and Pollution Prevention Plan shall specify that a construction coordinator be designated who may be contacted during construction should questions or emergencies arise regarding the construction. The coordinator's contact information (including, at a minimum, a telephone number available 24 hours a day for the duration of construction) shall be conspicuously posted at the job site and readily visible from public viewing areas, indicating that the coordinator should be contacted in the case of questions or emergencies. The coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- (j) **Progress Reports.** The permittee shall submit weekly reports reflecting progress and status of the project, including an identification of any outstanding issues that may have arisen since the last progress report, or are anticipated to arise in the foreseeable future.

The permittee shall undertake development in accordance with the approved Construction-Phase Pollution Prevention Plan, unless the Commission amends this permit or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.

- 3. **Timing of Development.** No construction shall take place for the project from Memorial Day Weekend to Labor Day of any year. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes (e.g., no street closures or use of public parking as staging areas).
- 4. **Written Agreement. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the property owner shall submit a written agreement, in a form and content acceptable to the Executive Director, that acknowledges and accepts the timing of development approved pursuant to Special Condition No. 3, and provide a weekly construction schedule to confirm that no construction will occur from Memorial Day Weekend to Labor Day.
- 5. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding, sea level rise, erosion and wave uprush; (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.

6. Area of Archaeological Significance

- (a) The applicant shall comply with all recommendations and mitigation measures contained in the Mitigation, Monitoring, and Reporting Program (MMRP) for the Mission Beach Water and Sewer Project as described in the “Addendum to Mitigated Negative Declaration” for Mitigated Negative Declaration (MND) No. 2011091045. The applicant shall also comply with the following monitoring conditions during construction:
1. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, a minimum of one Native American monitor from each tribal entity with documented ancestral ties to the appropriate tribal area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading, excavation work, site preparation or landscaping activities associated with the approved development;
 2. The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading and any other subsurface activity that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;
- (b) If an area of cultural deposits is discovered during the course of the project:
1. All construction and subsurface activity that have the potential to uncover or otherwise disturb cultural deposits in the area of the discovery or may foreclose mitigation options (not less than xxx-foot wide buffer around the discovery) shall cease immediately and shall not recommence except as provided in subsection C hereof; and the project archaeologist shall prepare and submit a Significance Testing Plan, for review and approval of the Executive Director, identifying measures to be undertaken to determine the significance of the find. The Plan shall be prepared in consultation with the Native American monitors, and the MLD when State Law mandates the identification of a MLD. The Executive Director shall determine the adequacy of the Plan and if it is found to be de minimis, it can be implemented without further Commission action. The Significance Testing Plan results, along with the project archaeologist’s recommendation as to whether the discovery should be considered significant, and the comments of the Native American monitors and MLD when State Law mandates the identification of a MLD, shall be submitted to the Executive Director for a determination of the significance of the discovery. If the Executive Director determines that the discovery is

significant, development shall not recommence and the permittee shall submit to the Executive Director a Supplementary Archaeological Plan in accordance with subsection (c), below.

- (c) A permittee seeking to recommence construction following discovery of cultural deposits determined to be significant pursuant to the process established in the Significance Testing Plan in subsection B(i) shall submit a Supplementary Archaeological Plan for the review and written approval of the Executive Director, prepared by the project archaeologist in consultation with the Native American monitor(s) of the appropriate tribe, and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD. The Supplementary Archaeology Plan shall identify proposed investigation and mitigation measures, which can range from in-situ preservation to recovery and/or relocation/reburial. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect archaeological resources, any further development may only be undertaken consistent with the provisions of the approved Supplementary Archaeological Plan, as well as, to the extent applicable, the original approved archaeological plan.
- i. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director.
 - ii. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission to authorize a new archaeological approach.
 - iii. A report verifying compliance with this condition shall be submitted to the Executive Director for review and written approval, upon completion of the mitigation measures detailed in the approved archaeological monitoring plan and/or Supplementary Archaeological Plan required to protect significant archaeological finds.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The Mission Beach Water and Sewer Replacement project proposes to replace-in-place approximately 18,135 linear feet of existing water pipeline and replace-in-place approximately 2,350 feet of existing sewer mains, and approximately 110 sewer laterals. Additionally, three new maintenance holes will be installed, which would require a 10-ft. by 10-ft. excavation area with depths ranging from 5-7 feet. The project proposes to replace the existing water pipeline with 8-in. and 12-in. diameter pipes with depths ranging from 3-5 feet. The project proposed to replace the existing sewer pipeline with 8-in. and 10-in. diameter pipes with depths ranging 3-10 feet. Trench width would be 3-5 feet. There will also be new appurtenances such as valves, tees, crosses, maintenance holes, and bends. The proposed facilities are intended to bring the system up to current standards and lessen the likelihood of backups, overflows, and the frequency of needed maintenance.

Mission Beach is a fully developed urban community without any sensitive biological habitat. Land uses include existing residential, institutional, industrial, and commercial developments. The construction staging area will be approximately 10,000 sq. ft., with the location to be selected by the contractor once the City puts the project out the bid, and the excavation area will be approximately 73,440 sq. ft. The vast majority of the project would occur within the developed public rights-of-way and public utility easements of previously disturbed private property. The three proposed new maintenance hole locations will be constructed in the public rights-of-ways along vehicular alleys, and involve soils that have not been previously disturbed. Construction is expected to take place over the course of twenty months; no work is proposed during the summer months or on holidays.

The project area is within south Mission Beach between San Fernando Place to the north and San Diego Place to the south. The project spans both the Coastal Commission's and the City of San Diego's jurisdiction areas for this segment of Mission Beach, and the City is seeking a consolidated permit from the Coastal Commission for the entire project.

The City has implemented many water and sewer infrastructure improvement projects in the past where permit requirements were waived, but those past projects were much smaller in scope, often involving just a couple of blocks (CDP No. 6-19-0931-W). Mission Beach is the most densely developed community in San Diego and located on a narrow peninsula between the ocean and Mission Bay Park. Because of its coastal location and recreational amenities, Mission Beach is a popular coastal destination year-round, but especially so during the summer. Due to the physically constrained nature of the community, public street parking is chronically in short supply, and the high demand placed on it by the public and residents can adversely impact public access through discouraging visitors from coming to the community or exacerbating traffic issues through prolonged periods of driving while looking for available parking. The roads and alleys of Mission Beach are narrow and have limited access and space to accommodate construction activities and staging, demolition and construction activity, and very often

any construction work in the public rights-of-way in Mission Beach require their closure and redirection of public traffic, which could impede public access by occupying public parking spaces or blocking public right-of-ways with materials or debris. Therefore, **Special Condition No. 1** requires final construction and staging plans detailing the boundaries of construction to ensure they do not encroach into additional areas of the community or the beach area. **Special Condition No. 3** prohibits any development during peak summer months when public access could be impacted and **Special Condition No. 4** requires the applicant to submit a written agreement indicating that he acknowledges and accepts the construction timing limitations and will submit a weekly construction schedule to confirm that work will not occur during summer.

Mission Beach is a long, narrow peninsula approximately two miles long and a quarter-mile wide at its narrowest. Thus, coastal waters are always in close proximity, and runoff from the community enters either the ocean or Mission Bay. As such, sizeable construction activity in the community poses risks to the water quality of coastal waters due to either increased turbidity from soil movement or introduction of pollutants from construction materials and equipment. **Special Condition No. 2** requires the applicant to submit a final construction water quality control plan to detail the measures that will be taken during the course of the water and sewer replacement to ensure that runoff is properly captured and treated before entering the municipal storm system.

Mission Beach has long been developed and several past improvements of the existing water and sewer infrastructure have been permitted by the Coastal Commission and City. Those past projects were sited in previously disturbed soils that were already known to not contain archeological resources. However, in the current project, the City will have to disturb a small amount of previously undisturbed soils in order to install the three new maintenance holes. Given the historic occupation of the greater San Diego area by native peoples, and the related chance that heretofore unknown archeological resources may be uncovered, the City, in its Mitigated Negative Declaration, drafted a Mitigation, Monitoring, and Reporting Program (MMRP) for the duration of the project to monitor for the presence of any uncovered resources. Upon review of the MMRP, **Special Condition No. 6** requires the City to adhere to the MMRP and supplements some of its provisions.

Sea level rise is expected to exacerbate existing coastal hazards by raising mean water levels and extending flood zones inland. As noted in the Commission's 2015 Sea Level Rise Guidance and other studies, increased sea level is expected to cause increased inundation of beaches, reduced accretion, or increased erosion of beaches. The Mission Beach community is low-lying area on a narrow peninsula situated between the Pacific Ocean to the west and Mission Bay to the east, which currently experiences periodic flooding that will likely increase with sea level rise. Because there is a wide sandy beach (approximately 200 feet wide) and a public boardwalk (approximately 20 feet wide) protected by a seawall between the subject property and the Pacific Ocean, wave run up and overtopping are not expected to significantly impact this inland site over the life of the proposed improvements; however, as a near-shore property, the proposed development may be threatened by sea-level rise at some point in the future.

While the proposed infrastructure improvements would be below-grade and constitute a closed-loop system, because periodic storm and flood events occur throughout the Mission Beach community and could still impact the new pipes, **Special Condition No. 5** requires the applicant to acknowledge the risk of building in a hazardous location and ensures that the risks of property damage or loss arising from sea level rise or other changed circumstances are borne by the applicant enjoying the benefits of its new development.

B. 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 conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

C. GROWTH INDUCEMENT

As proposed, this development will not be growth-inducing. The proposed water and sewer facility upgrade is located within a developed urban community. The proposed facilities are intended bring the system up to current standards and lessen the likelihood of backups, overflows, and frequency of needed maintenance. System capacity is not being increased, consistent with Section 30250 of the Coastal Act.

D. PALEONTOLOGICAL RESOURCES

Mission Beach has been developed since the turn of the twentieth century, and is the most densely developed community in San Diego. As such, the majority of the peninsular community has long been disturbed by construction activity. Because most infrastructure work such as the replacement of existing water and sewer lines in public rights-of-way involves previously disturbed soils, the probability of uncovering archeological or paleontological resources is low, as only areas that were previously excavated would be involved. However, because the installation of three new maintenance holes will involve the disturbance of a relatively small amount of previously undisturbed soils, there is a possibility that heretofore unknown resources may be uncovered. To that end, a Mitigation, Monitoring, and Reporting Program was drafted by the City as part of its Mitigated Negative Declaration process, and upon review, the Commission has incorporated this program into its special conditions, with additional provisions to supplement it. Thus, as conditioned, it is unlikely that the proposed development will cause adverse impacts to archeological resources, and the development can be found consistent with Chapter 3 of the Coastal Act.

E. COASTAL HAZARDS

Coastal Act Sections 30235 and 30253 acknowledges that seawalls, revetments, and other such “hard” structures designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, with the exception of coastal dependent uses, Section 30235 limits the construction of shoreline protective works to those required to

protect existing permitted structures or public beaches in danger from erosion. Section 30253 requires that new development be sited, designed, and built in a manner to not require construction of shoreline protection devices that would substantially alter natural landforms along the shoreline.

The proposed development has been designed to withstand periodic flooding and, as conditioned, will not rely on shoreline protection in the future. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30235 and 30253 of the Coastal Act.

F. LOCAL COASTAL PLANNING

The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Mission Beach community.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City of San Diego determined that no CEQA review was required for the proposed project since it does not require a discretionary permit, but only a ministerial construction permit. 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.