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STAFF REPORT: CONSENT CALENDAR

Application No.: 6-20-0188

Applicant: City of San Diego

Agent: Eriberto Valdez

Location: De Anza Cove, Tecolote North, and Tecolote South in Mission Bay Park, Mission Bay, San Diego, San Diego County. (APN No. 435-480-17)

Project Description: De Anza Cove: renovate fitness station, install Americans with Disabilities Act (ADA) compliant sidewalks, install security lighting.

Tecolote Shores North and South: renovate playgrounds and restrooms, install ADA compliant sidewalks and parking spaces, repair parking lots, install security lighting, replace and consolidate fitness equipment.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of San Diego is proposing to renovate two existing playgrounds at Tecolote Shores North and South, including updating playground and fitness equipment, as well as adding ADA compliant sidewalks and parking spaces and new security lighting. The restrooms at Tecolote Shores North would be remodeled, and the restrooms at Tecolote Shores South would be replaced. The project also includes renovation of an existing

fitness area at De Anza Cove. The project site is located west of East Mission Bay Drive and Interstate 5 and within the eastern cove of Mission Bay in Mission Bay Park ([Exhibit 1](#)).

The primary Coastal Act issues raised by the proposed development are potential impacts to public access and water quality during construction. Construction of the project would be conducted in two phases outside of the summer months; however, the applicant has requested permission to construct during the summer, if necessary, due to delays beyond the applicant's control (i.e., delay in the delivery of the pre-manufactured restrooms and playground equipment), to ensure re-opening of facilities to the public occurs as soon as possible upon project completion. As proposed, the playground and parking lot at Tecolote Shores South will be accessible by the public during construction at Tecolote Shores North, and vice versa. As such, at least one of the playgrounds and parking lots will remain open to the public during construction and throughout the summer. Since the project would include improvements to the pathways along the bay shoreline, the applicant has proposed to provide an alternate pathway and signage during construction to ensure accessibility to the shoreline is maintained at all times. **Special Condition No. 2** requires the applicant to submit a public access management program that contains a construction phasing schedule that substantially conforms to the preliminary plan reviewed by the Commission and identifies the staging and storage areas, alternate pedestrian pathways that will be implemented while the shoreline pathway is under construction, and the signage that will be posted to notify the public of the alternative accessways. Special Condition No. 2 further requires permission from the Executive Director prior to conducting work during the summer, from Memorial Day weekend through Labor Day.

Because the project is located adjacent to Mission Bay and includes a large amount of new and replaced impervious surfaces, the project has a greater potential for generating polluted runoff or changing runoff flows that may adversely impact coastal resources. To ensure that appropriate best management practices (BMPs) are implemented in the two parking lots, **Special Condition No. 3** requires the applicant to submit a stormwater plan that identifies the stormwater pollution prevention measures to be used in the two parking lots and describes how the stormwater generated from the parking lot areas would be captured and treated. **Special Condition No. 4** requires the submittal of a construction and pollution prevention plan to ensure that proper BMPs are implemented during construction to secure on-site materials and capture runoff that may enter nearby storm drains that flow directly into the waters of Mission Bay.

Finally, **Special Condition No. 5** requires the applicant to submit a bird nesting survey to ensure that nesting birds are not adversely impacted during tree removal or construction activities.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-20-0188, as conditioned. The motion is on page 4. The standard of review is Chapter 3 of the Coastal Act.

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EXHIBITS

[Exhibit 1 – Location Maps](#)

[Exhibit 2 – Site Plans](#)

[Exhibit 3 – Visual Simulations](#)

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 Commissioners present.

II. 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 applicant 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Final Plans. 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 final plans that substantially conform with the plans titled "Plans for Construction of Tecolote Shores North and South Playground and De Anza Cove Adult Fitness Course Improvements" and provided to the San Diego Coastal Commission office on June 16, 2020.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

- 2. Public Access Management Program. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and written approval of the Executive Director, a Public Access Management Program that includes, at a minimum, the following:
 - A. The program shall include a construction phasing schedule and staging plan that substantially conforms to the plan titled "Tecolote Shores Phasing Exhibit" and provided to the San Diego Coastal Commission office on June 16, 2020.
 - B. The program shall include a plan for ensuring safe public access to and around construction areas and/or staging areas is maintained during all project operations. The plan shall include a description of the methods (such as signs, fencing, etc.) by which safe public access to and around construction areas and/or staging areas shall be maintained during all project operations.
 - C. The program shall include all necessary temporary access provisions, including an alternative to the public shoreline sidewalk during construction, to maintain public pedestrian access around the construction areas and/or staging areas and along the shoreline.
 - D. Construction activities, including staging and storage, shall not occur at Tecolote Shores North and South concurrently. At least one of the locations shall remain open to the public at all times.
 - E. Construction shall not occur between Memorial Day weekend and Labor Day unless, due to extenuating circumstances beyond the City's control (such as extensive delays due to severe weather, delivery of playground equipment/manufactured restrooms, or other environmental concerns) the Executive Director provides written authorization for such work.
 - F. Where public parking areas are used for construction staging or storage, the number of public parking spaces (on and off-street) utilized shall be the minimum necessary to implement the project.
 - G. Lateral access along the shoreline shall be maintained at all times throughout construction.
 - H. All recreational use areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
 - I. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.

The permittee shall undertake development in conformance with the approved final program unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

- 3. Parking Lot Stormwater Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a stormwater plan that identifies the stormwater pollution prevention measures to be used and describes the capture and treatment of the stormwater runoff generated from the parking lots at Tecolote Shores North and Tecolote Shores South. The final plan shall comply with the following Low Impact Development standards:
- A. Minimize disturbance of coastal waters and natural drainage features such as stream corridors, rivers, wetlands, natural drainage patterns, drainage swales, groundwater recharge areas, floodplains, and topographical depressions.
 - B. Minimize removal of native vegetation, and plant additional non-invasive vegetation, particularly native plants that provide water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control.
 - C. Maintain or enhance appropriate on-site infiltration of runoff to the greatest extent feasible. Use strategies such as avoiding building impervious surfaces on highly permeable soils; amending soil if needed to enhance infiltration; and installing an infiltration Best Management Practice (BMP) (e.g., a vegetated swale, rain garden, or bio retention system).
 - D. Minimize the addition of impervious surfaces, and where feasible increase the area of pervious surfaces in re-development. Use strategies such as minimizing the footprint of buildings; minimizing the footprint of impervious pavement; and installing a permeable pavement system where pavement is required.
 - E. Disconnect impervious surface areas from the storm drain system, by interposing permeable areas between impervious surfaces and the storm drain system. Design curbs, berms, and similar structures to avoid isolation of vegetative landscaping and other permeable areas, and allow runoff to flow from impervious pavement to permeable areas for infiltration. Use strategies such as directing roof-top runoff into permeable landscaped areas; directing runoff from impervious pavement into distributed permeable areas (e.g., turf, medians, or parking islands); installing a vegetated swale or filter strip to intercept runoff sheet flow from impervious surfaces; and installing a rain barrel or cistern to capture and store roof-top runoff for later use in on-site irrigation.
 - F. Where on-site infiltration is not appropriate or feasible, use alternative BMPs to minimize post-development changes in runoff flows, such as installing an evapotranspiration BMP that does not infiltrate into the ground but uses evapotranspiration to reduce runoff (e.g., a vegetated “green roof,” flow-through

planter, or retention pond); directing runoff to an off-site infiltration facility; or implementing BMPs to reduce runoff volume, velocity, and flow rate before directing runoff to the storm drain system.

The permittee shall undertake development in conformance with the approved final plan unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

- 4. 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 Construction and Pollution Prevention Plan. 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. **General.** Best Management Practices (BMPs) and Good Housekeeping Practices (GHP's) designed to prevent spillage and 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 onset of such activity. The description and location of all water quality BMPs to be implemented during construction and demolition shall be specified.
1. BMPs designed to minimize adverse impacts resulting from construction and demolition activities shall be implemented prior to the onset of such activity, including BMPs to minimize erosion and sedimentation, minimize the discharge of pollutants and non-stormwater runoff, and minimize land disturbance, as applicable. The description and location of all water quality BMPs to be implemented during construction and demolition shall be specified.
 2. All BMPs shall be maintained in a functional condition throughout the duration of the construction and demolition activities, and shall be promptly removed when no longer required.
 3. 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 shall be prohibited, to minimize wildlife entanglement and plastic debris pollution. Only products with 100% biodegradable (not photodegradable) natural fiber netting shall be allowed.
 4. Temporary erosion control measures shall be implemented if construction or site preparation ceases for a period of more than 30 days. These temporary erosion control measures shall be monitored and maintained until demolition or construction operations resume.

5. All construction methods and equipment to be used shall be specified.

B. Staging and Storage of Equipment and Materials

1. Motorized equipment shall be staged and stored in the parking lot to reduce the potential for leaks or spills of fuel and other equipment fluids into coastal waters.
2. Staging and storage of construction equipment and materials (including debris) shall not take place on the shoreline pathway. 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.

C. Construction Activities In and Adjacent to Coastal Waters

1. Construction work and equipment operations below the mean high water line shall be minimized to the extent feasible, and, where possible, shall be limited to times when tidal waters have receded from the authorized work areas.
2. All work shall be performed during favorable tidal, ocean, wind, and weather conditions that will enhance the ability to contain and remove, to the maximum extent feasible, construction and demolition debris.
3. Equipment or construction materials not essential for construction work shall not be allowed at any time in the intertidal zone.
4. The footprint of areas within which demolition and construction activities are to take place (including staging and storage of equipment, materials, and debris; and equipment fueling and maintenance) shall be minimized to the extent feasible, to minimize impacts on the marine environment. Construction activities shall be prohibited outside of designated construction, staging, storage, and maintenance areas.
5. Vegetable-oil-based hydraulic fluids shall be used in heavy equipment used in construction lasting one week or longer overwater or adjacent to coastal waters, if feasible.
6. Biodiesel fuel shall be used in heavy equipment used in construction lasting one week or longer overwater or adjacent to coastal waters, if feasible.

7. All work shall take place during daylight hours, and lighting of the shoreline and bay area is prohibited.

D. Stockpile and Debris Management

1. All demolition and construction materials, equipment, debris, and waste shall be properly stored and contained, and shall not be placed or stored where it may be subject to wave, wind, rain, or tidal dispersion, to prevent pollutants from entering coastal waters, sensitive habitats, and the storm drain system.
2. All stockpiles, construction materials, and demolition debris shall be enclosed on all sides, covered during rain events, and not stored in contact with the soil, and shall be located a minimum of 50 feet from coastal waters, sensitive habitat, and storm drain inlets.
3. Sediment control BMPs shall be installed at the perimeter of staging and storage areas, to prevent sediment in runoff from construction-related activities from entering coastal waters.
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 debris, sediment, and other pollutants that may potentially be discharged into coastal waters.
5. All trash and debris shall be disposed of in the proper trash and recycling receptacles at the end of every construction day.
6. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
7. All debris resulting from demolition or construction activities, and any remaining construction materials, shall be removed from the project site within 24 hours of completion of the project.
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.

E. Spill Prevention and Equipment Maintenance

1. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of construction products or materials that may have adverse environmental impacts. The discharge of any construction products or materials into coastal waters shall be prohibited.

2. Leaks or spills of fuel, oil, grease, lubricants, hydraulic fluid, chemicals, preservatives, paints, or other construction products or materials shall be immediately contained on-site and disposed of in an environmentally-safe manner as soon as feasible.
3. Construction vehicles, machinery and equipment operating at the project site shall be inspected daily to ensure there are no leaking fluids, and shall be serviced immediately if a leak is found. Reasonable and prudent measures shall be undertaken to prevent any discharge of fuel or oily waste from heavy machinery or construction equipment into coastal waters. The applicants shall have adequate equipment and materials available to contain any such spill immediately.
4. 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 take place at a designated area located at least 50 feet from coastal waters, sensitive habitat, and storm drain inlets (unless these 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.
5. Equipment, machinery, and vehicles shall be washed only in designated areas specifically designed to contain runoff and prevent discharges into coastal waters. Thinners, oils, and solvents shall not be discharged into the sanitary sewer or storm drain systems.

The applicant shall submit evidence that the approved water quality plan has been incorporated into construction bid documents.

5. **Nesting Bird Survey.** Should tree removal occur during the bird nesting season, February 15 to September 15, a qualified biologist with experience in conducting bird surveys shall conduct a survey no more than 72 hours prior to removal of the tree in order to determine the presence or absence of nesting birds. If any active nests are detected, the tree will be flagged and mapped, and removal of the tree will be prohibited until the nesting cycle is complete.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The project site is located west of East Mission Bay Drive and Interstate 5 and within the eastern cove of Mission Bay in Mission Bay Park ([Exhibit 1](#)). The applicant is proposing to renovate two existing playgrounds, including updating playground and fitness equipment, providing Americans with Disabilities Act (ADA) compliant sidewalks and parking spaces, and new security lighting at Tecolote Shores North and South. The

restrooms in Tecolote Shores North would be remodeled and the restrooms in Tecolote Shores South would be replaced ([Exhibit 2](#)). The project also includes renovation of an existing fitness area, including updating fitness equipment and providing ADA compliant sidewalks and new security lighting at De Anza Cove, in Mission Bay Park. The playground areas, fitness areas, and restrooms would also be designed to facilitate ADA access and usability. **Special Condition No.1** requires the submittal of final plans.

The applicant proposes to use a phased construction approach that entails completing construction of Tecolote Shores North and De Anza Cove prior to beginning construction at Tecolote Shores South. The two construction phases will each last up to nine months with an additional plant establishment and maintenance period of approximately three months after each phase. While the applicant plans to complete construction activities for the first phase in May 2021 and the second phase in May 2022, prior to the summer season, the applicant has requested permission to construct during the summer if necessary due to delays beyond the applicant's control (i.e., delay in the delivery of the pre-manufactured restrooms and playground equipment), to ensure re-opening of facilities to the public as soon as possible upon project completion. In this case, the two playgrounds are located approximately 700 feet from each other and the phased construction approach will ensure at least one of the playgrounds remains open to the public during construction and throughout the summer.

Construction staging will occur within and adjacent to the Tecolote Shores North and Tecolote Shores South parking lots. However, the parking lot at Tecolote Shores South will be accessible by the public during construction at Tecolote Shores North, and vice versa. Existing parallel parking on East Mission Bay Drive will remain open. Finally, since the project would include improvements to the pedestrian pathway along the shoreline, the applicant has proposed to provide an alternate pathway and signage during construction to ensure accessibility to the shoreline is maintained at all times. **Special Condition No. 2** requires the submittal of a public access management program that contains a construction phasing schedule that substantially conforms to the plan reviewed by the Commission and identifies the staging and storage areas to be used, alternate pedestrian pathway that will be implemented while the shoreline pathway is under construction, and the signage that will be posted to notify the public of the alternative accessways. Special Condition No. 2 further requires permission from the Executive Director prior to conducting work during the summer, from Memorial Day weekend through Labor Day.

The proposed project is located adjacent to Mission Bay and includes a large amount of new and replaced impervious surfaces. As such, the project has a greater potential for generating polluted runoff or changing runoff flows that may adversely impact coastal resources and is therefore considered a Development of Water Quality Concern (DWQC). For DWQCs, the Commission has historically required that structural best management practices (BMPs) be sized, designed, and managed to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85th percentile 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-based BMPs. In this case, the project plans identify that the two playground and fitness areas have been designed to capture and store a stormwater volume greater than the 85th percentile storm event. To ensure that appropriate BMPs are implemented in the

two parking lots, **Special Condition No. 3** requires the applicant to submit a stormwater plan for the two parking lots that identifies the stormwater pollution prevention measures to be used in the two parking lots and describes how the stormwater generated from the parking lot areas would be captured and treated. To ensure that construction activities do not impact water quality by allowing sediment or pollutants to enter bay waters, **Special Condition No. 4** requires the submittal of a construction pollution and prevention plan to ensure that proper BMPs are implemented to secure on-site materials and capture runoff that may enter nearby storm drains that flow directly into the waters of Mission Bay.

The proposed project includes the removal of 18 trees; however, 34 new trees would be planted resulting in a net increase of trees. To ensure nesting birds are not impacted during the removal of the trees, **Special Condition No. 5** requires the applicant to conduct a nest survey within 72 hours prior to the removal of the trees during bird nesting season (February 15th through September 15th) to determine the presence or absence of nesting birds. If any active nests are detected, the tree will be flagged and avoided until the nesting cycle is complete.

The City proposes to upgrade existing lighting to light emitting diode (LED) fixtures as part of the project. The replacement of the existing lighting with LED lighting could impact nearby marine and avian species within Mission Bay. While LED lighting is more energy efficient than traditional lighting, LED lighting has the potential to disrupt natural circadian rhythms leading to disruption in behaviors (e.g., breeding, foraging) and sleep due to the high blue light frequencies in LED lights. Environmental studies recommend a Correlated Color Temperature (CCT) of 3,000 Kelvin or below, a range that contains less blue light. In this case, the applicant has proposed 3,000 Kelvin lighting so no substantial impacts are expected.

Mission Bay Park is located in an area of both original and deferred certification, where the Commission retains jurisdiction and Chapter 3 policies of the Coastal Act are the standard of review. The Commission has certified the Mission Bay Park Master Plan as the Land Use Plan for Mission Bay Park, which serves as guidance.

B. Biological Resources

Coastal Act policies 30240 and 30251 protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

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 erosion controls (construction BMPs) and permanent stormwater treatment 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. 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 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. Local Coastal Planning

The Land Use Plan (LUP) for the Mission Bay Park segment of the City of San Diego Local Coastal Program (LCP) was certified on May 11, 1995, but no implementation plan has been developed as of yet; thus, 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 and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a LCP that is in conformity with the provisions of Chapter 3.

F. California Environmental Quality Act

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The City of San Diego found the proposed project categorically exempt from CEQA requirements under Section 15302 "Replacement or Reconstruction" and Section 15303 "New Construction or Conversion of Small Structures" of CEQA.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing public access and water quality will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.