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STAFF REPORT: REGULAR CALENDAR

Application No.: 6-20-0311

Applicant: City of San Diego

Agent: Gretchen Eichar

Location: SeaWorld Drive and Friars Road, Mission Bay Park, San Diego, San Diego County

Project Description: Install approx. 18,000 linear ft. of new 24-in. and 12-in. diameter water main pipelines, abandon in place 2,657 ft. of existing 8-in. and 12-in. pipelines, and install 9 new fire hydrants, all within SeaWorld Drive and Friars Road rights-of-way.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project is the replacement of water mains along a 1.7-mile stretch of Friars Road and SeaWorld Drive within and next to Mission Bay Park. The City proposes to abandon in place 2,657 linear feet of existing 8-inch and 12-inch water main pipelines and install 18,000 linear feet of new 12-inch and 24-inch water main pipelines and 9 new fire hydrants within the Friars Road and SeaWorld Drive rights-of-way. The work is expected to take approximately six months, with staging and storage to be sited within the paved rights-of-way and occur at night between 8 PM and 6 AM to avoid traffic impacts. To help facilitate public vehicle, bicycle, and pedestrian traffic through the project area for the duration of work, the City will implement a traffic plan

that will maintain the pedestrian and bicycle facilities along the north side of the roads, as well as a minimum of one vehicle lane in each direction.

SeaWorld Drive and Friars Road are primary access points to Mission Bay Park, a highly visited coastal destination. **Special Condition No. 1** requires the City to submit final construction and staging plans showing that all work will be confined to the paved rights-of-way and not encroach into the surrounding park space, as well as a final traffic control plan to ensure that public ingress and egress from Mission Bay Park will not be adversely impacted. **Special Condition No. 2** requires that all work occurring during the summer period from Memorial Day Weekend to Labor Day of any year must occur at night between the hours of 8 PM and 6 AM to avoid traffic impacts.

Because the project site is located between the San Diego River and Mission Bay, **Special Condition No. 3** requires the City to submit a final construction pollution prevention plan detailing the best management practices that will be implemented to control and treat runoff from the project site. **Special Condition No. 5** requires that any excess materials be disposed at a legal site outside of the Coastal Zone.

There are several known Native American cultural sites recorded within close vicinity of the project. While the project will occur solely in previously disturbed areas within the rights-of-way of Sea World Drive and Friars Road, **Special Condition No. 4** requires archaeological monitoring during construction and details procedures for identification and protection of any exposed archaeological or cultural resources.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-20-0311, as conditioned. The motion is on Page 4. Because Mission Bay Park is an area of deferred certification, the Commission retains coastal development permit authority and the Chapter 3 policies of the Coastal Act are the standard of review.

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EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial View](#)

[Exhibit 3 – Project Plans](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 6-20-0311 subject to conditions set forth in the staff recommendation specified below.

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

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

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. Submittal of Final Plans.

- a. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the review and written approval of the Executive Director, a full-size set of the following final plans:
 - a. Final construction plans that substantially conform with the plans submitted to the Commission on May 28, 2020, titled "Alvarado 2nd Pipeline Extension: 60% Submittal;"
 - b. Final staging and storage plan that site construction staging and storage within the SeaWorld Drive and Friars Road rights-of-way and avoid encroachment into the adjacent park space;
 - c. Final Traffic Control Plans that substantially conform to the plans submitted to the Commission on August 25, 2020, titled "Alvarado Pipeline Project Traffic Control within the Mission Beach Park/Sea World Area," dated August 4, 2020.
- 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. Summer Work.

All construction activity conducted during the summer period between Memorial Day Weekend and Labor Day of any year may only occur between the hours of 8 PM and 6 AM. No construction activity shall occur outside of these hours during the summer period 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.

3. Construction and Pollution Prevention Plan.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee 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 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) **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.

- b) **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, sandbag 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) shall be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.
- c. **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.
- d) **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.
- e) **Construction In, Over, or Adjacent to Coastal Waters and Habitat.** Construction taking place in, over, or adjacent to coastal waters and habitat

shall protect the coastal waters and habitat by implementing additional BMPs, including:

- i. No construction equipment or materials (including debris) shall be allowed at any time on the beach or riverbank.
- ii. Construction activity shall not be conducted below the mean high tide line, unless tidal waters have receded and the area is part of the authorized work area.
- iii. All construction equipment and materials placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction equipment and materials shall be removed in their entirety from the beach area by sunset each day that work occurs. The only exceptions shall be for erosion and sediment controls and/or construction area boundary fencing, where such controls and/or fencing are placed as close to the base of the seawall/bluff as possible and are minimized in their extent.
- iv. Tarps or other devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters.
- v. All erosion and sediment controls shall be in place prior to the commencement of construction, as well as at the end of each workday. At a minimum, if grading is taking place, sediment control BMPs shall be installed at the perimeter of the construction site to prevent construction-related sediment and debris from entering the ocean, waterways, natural drainage swales, and the storm drain system, or being deposited on the beach.
- vi. Only rubber-tired construction vehicles shall be allowed on the beach; the only exception shall be that tracked vehicles may be used if the Executive Director agrees that they are required to safely carry out construction. When transiting on the beach, all construction vehicles shall remain as high on the upper beach as possible and shall avoid contact with ocean waters and intertidal areas.
- vii. All debris resulting from construction activities shall be removed from the beach within 24 hours.
- viii. If preservative-treated wood is used, appropriate BMPs shall be implemented that meet industry standards for the selection, storage, and construction practices for use of preservative-treated wood in aquatic environments; at a minimum, those standards identified by the Western Wood Preservers Institute, et al. in *Treated Wood in Aquatic Environments: A Specification and Environmental Guide to Selecting, Installing and Managing Wood Preservation Systems in Aquatic and*

Wetland Environments (2012) or current revision thereof (<http://www.wwpinstitute.org/documents/TWinAquaticEnvironments-withLinks12.20.12.pdf>). The preservative-treated wood shall be certified by a third-party inspection program, as indicated by the presence of a BMP Quality Mark or Certificate of Compliance, to have been produced in accordance with industry BMP standards designed to minimize adverse impacts in aquatic environments.

- 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:
 - i. 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).
 - ii. 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.
 - iii. 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.
 - iv. 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.

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 a written determination that no amendment is legally required for any proposed minor deviations.

4. 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 Alvarado 2nd Pipeline Extension as described in the "Addendum to Mitigated Negative Declaration" for Mitigated Negative Declaration (MND) No. 255100. The applicant shall also comply with the following monitoring conditions during construction:
 - i. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, a Native American monitor representing tribal entities with documented ancestral ties to the project 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 project grading, excavation work, site preparation or landscaping activities associated with the approved development that are identified as having the potential to uncover or otherwise disturb cultural deposits;
 - ii. 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:
 - i. 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 (observing not less than a 100-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 an MLD. The Executive Director shall determine the adequacy of the Plan, and if the discovery is found to be less than significant, the Plan may 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 Archeological 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, relocation, or 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.
 - 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 within 30 days of completion of the mitigation measures detailed in the approved archaeological monitoring plan or Supplementary Archaeological Plan that are required to protect significant archaeological finds.

5. Disposal of Graded Material.

By acceptance of this permit, the applicant agrees that all excess spoils exported from the project site must be disposed of at a legal site outside of the coastal zone. Disposal of graded materials within the coastal zone will require a separate coastal development permit or an amendment to this permit.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The proposed project is part of a larger effort by the City of San Diego to upgrade and replace water mains along Friars Road west of the Interstate-805 highway and then along SeaWorld Drive to West Mission Bay Drive in Mission Bay Park. Of the six-mile long project, only the western 1.7 miles along the terminus of Friars Road and a segment of SeaWorld Drive is in the Coastal Zone ([Exhibit 2](#)). Within the Coastal Zone, the City proposes to abandon two existing 8-inch and 12-inch diameter water mains and install 18,000 feet of new 12-inch and 24-inch water mains in parallel within the SeaWorld Drive and Friars Road rights-of-way adjacent to Mission Bay Park and the San Diego River, as well as 9 new fire hydrants along the rights-of-way ([Exhibit 3](#)). Installation of the new pipes will require excavation of approximately 6-foot-wide trenches in the rights-of-way, and the abandoned pipe segments will be excavated at their two ends, filled with slurry, and capped.

Mission Bay Park has a certified Land Use Plan (LUP), but no certified Implementation Plan (IP), and is thus an area of deferred certification. Within the project site, Chapter 3 policies of the Coastal Act are the standard of review with the City's certified LCP used as guidance.

B. Public Access and Recreation

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

SeaWorld Drive and Friars Road are among the few primary access points to Mission Bay Park, a highly visited coastal destination. Because the proposed construction and staging activity will occur within the paved rights-of-way of these two roads, they will occupy substantial portions of the travel lanes and impede the public's ability to enter Mission Bay Park. While the entire pipeline project is expected to take several years to complete, the City expects the portion of the project within the coastal zone to take approximately six months.

In order to avoid impacts to public traffic, the City proposes to conduct the work during the night between the hours of 8 PM and 6 AM. To facilitate public vehicle, bicycle, and

pedestrian traffic through the project area for the duration of work, the City will implement a traffic plan that will maintain the pedestrian and bicycle facilities along the north sides of the rights-of-way, as well as a minimum of one lane of vehicle traffic in each direction. Staging, storage, and construction activity will occur within the paved rights-of-way and will not encroach into the adjacent park space or San Diego River channel to avoid impacting public recreation.

To ensure that the frequency and severity of impacts are reduced to the greatest extent feasible, **Special Condition No. 1** requires the City to submit final construction and staging plans showing that all work will be confined to the paved rights-of-way and not encroach into the surrounding park space, as well as a final traffic control plan to ensure that public ingress and egress from Mission Bay Park will not be adversely impacted. While the City proposes to work at night for the duration of the project, because the months of highest visitation to Mission Bay Park occur during the summer, **Special Condition No. 2** requires that all work occurring during the summer period from Memorial Day Weekend to Labor Day of any year must occur at night between the hours of 8 PM and 6 AM to avoid traffic impacts. Thus, as conditioned, the installation of the new water pipelines will conform with the public access policies of Chapter 3 of the Coastal Act.

C. Marine Resources and Water Quality

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreation, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The new water pipelines within the coastal zone will be installed within the paved rights-of-way of SeaWorld Drive and Friars Road. Both of these road segments are in close proximity to Mission Bay Park to the north and the San Diego River to the south. Both bodies of water are deemed impacted by runoff yet are still used for recreation by the public and as habitat by wildlife.

While all work will occur within the paved portions of the rights-of-way and not encroach into adjacent park space or river channel, because the proposed work involves excavation and the use of heavy machinery, runoff or chemical leaks from the construction site have the potential to enter the City's storm water system and discharge into coastal waters. To address this risk, construction best management practices (BMPs) will control and treat runoff from the site to protect the water quality of the river and marine environments. **Special Condition No. 3** requires the City to submit a final construction pollution prevention plan detailing the BMPs that will be implemented to control and treat runoff from the project site. Due to the below-grade nature of the proposed work and related excavation, **Special Condition No. 5** requires that if any excess spoils must be exported from the site, they must be disposed at a legal site outside of the Coastal Zone. Thus, as conditioned, the new water pipelines will not adversely impact coastal waters, and the project can be found consistent with the water quality policies of Chapter 3 of the Coastal Act.

D. Cultural Resources

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The City commissioned a Cultural Resource Technical Report for the Alvarado 2nd Pipeline Extension Project to identify any known cultural resources along the project's six-mile alignment and the potential for the project to uncover any previously unknown cultural resources. The technical report acknowledged the presence of several known Native American cultural sites recorded within close vicinity of the project alignment, and in response, the City drafted a Mitigation, Monitoring, and Reporting Program (MMRP) in its Mitigated Negative Declaration No. 255100 prepared pursuant to CEQA. The MMRP was drafted in cooperation with the City's tribal liaison and the representatives of the local Native American tribes.

While the City believes that the segment of work proposed in the Coastal Zone has a low probability of uncovering cultural resources due to being within the paved public rights-of-way and along the alignment of previously installed pipelines where fill was placed during the dredging and construction of Mission Bay Park, there is potential that subsurface cultural material could be present under the paved portion of the roads. Therefore, **Special Condition No. 4** requires archaeological monitoring during construction so that any exposed archaeological or cultural resources are avoided to the extent feasible, and if unavoidable are identified quickly and the appropriate notification and protection measures are implemented. Thus, as conditioned, the proposed development can be found in conformance with the cultural resource policies of Chapter 3 of the Coastal Act.

E. Local Coastal Planning

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The LUP for the Mission Bay Park LUP segment of the City of San Diego LCP was certified on May 11, 1995, but no implementation plan has been developed as yet, 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 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 Local Coastal Program that is in conformity with the provisions of Chapter 3.

F. California Environmental Quality Act (CEQA)

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The City of San Diego prepared an Addendum to Mitigated Negative Declaration No. 255100.

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 project footprint and staging, water quality BMPs, and archeological monitoring 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.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Addendum to Mitigated Negative Declaration No. 255100 for the Alvarado 2nd Pipeline Extension dated October 27, 2020.