

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 6-23-0106

Applicant: City of San Diego

Agent: James Gartland

Location: Offshore 2000 Spindrift Dr and 1160 Coast Blvd, La Jolla, San Diego, San Diego County.

Project Description: Place nine seasonal navigational buoys and one permanent navigational buoy in the waters of La Jolla Cove to demarcate public swimming areas.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Proposed is the placement of buoy markers in the ocean to demarcate designated public swim areas in two areas in the La Jolla community of the City of San Diego. Seven buoys would be placed in La Jolla Cove seasonally from April 1 to October 31, and one additional buoy would remain year-round. Two additional seasonal buoys would be placed seaward of La Jolla Beach and Tennis Club (LJBTC), a private beachfront club/resort located south of La Jolla Shores beach.

The buoys are a public safety measure to separate the designated swim areas from the area used by boats and kayaks, during the time when the number of swimmers in the water is the highest and thus the chances are highest for collisions between swimmers and boaters. All buoys would be anchored in place by steel chains connected to a pyramid-shaped cast-iron anchor approximately one-square foot in size.

According to the City Lifeguard Service, placement of the proposed buoys is important for public safety. The terminus of Avenida de la Playa on La Jolla Shores is a public boat launch. Nearly year round, kayaks and other small boats are launched from this location, with the majority of the kayakers making their way south to view caves and other natural features that occur along the La Jolla shoreline between La Jolla Shores to the east and La Jolla Cove beach to the west. During the colder months, there are not typically any conflicts due to lower tourist and recreational activity. However, from approximately April through October, swimmers are in the water within the designated swim area immediately south of the boat launch and as such, conflicts can occur between swimmers and boaters resulting in a safety issue for the swimmers.

However, while the safe oversight of coastal waters to reduce public risk is the duty of the City and promotes public access by creating an environment where the public feels safe to recreate, the placement of buoys demarcating where and how people can recreate does create the risk of unintentionally discouraging the use of coastal waters. While La Jolla Cove Beach and its eight proposed buoys are surrounded by public park land, the two proposed seasonal buoys at the east end of the cove are next to the LJBTC and could create the appearance of exclusivity if the public believes that swim area is for resort users only. Furthermore, while the City of San Diego periodically grooms La Jolla Shores to remove trash from the sand, it does not groom any part of the beach seaward of the LJBTC as the upland is private. However, the sandy beach seaward of the LJBTC is regularly groomed by the club.¹ The presence of the proposed buoy line seaward of the LJBTC, taken together with the privately groomed beach at the LJBTC, further fosters an appearance of exclusivity regarding that portion of the beach and coastal waters where two of the buoys are proposed.

To address this risk, **Special Condition No. 1** requires the installation of public access signage at the north and south ends of the beach area on La Jolla Shores between the buoys and the LJBTC clearly informing the public that they are able to access those waters at all times and makes the presence of the buoys predicated on the signage's installation and maintenance. **Special Condition No. 2** allows one buoy off La Jolla Cove beach to remain year-round but restricts the placement of the nine seasonal buoys to April 1 to October 31 of any year, to limit the presence of swimming limits to when they are most needed.

La Jolla Cove is encompassed by the one-square mile Matlahuayl State Marine Reserve, one of several marine reserves along the coast of La Jolla. This marine protected area is intended to protect the biodiversity of the area from commercial activity, while still allowing recreational activity. Because the ten proposed buoys will be anchored to the sea floor, there is the potential that the anchors could disturb benthic habitat. However, the City submitted information showing that the location of the buoys will be over areas consisting substantially of unconsolidated sediment and mixed rock and sand. Coupled with the fact that the anchors are approximately one-square foot in

¹ Commission enforcement staff has contacted the LJBTC regarding this unpermitted activity, and staff is pursuing its options to address the matter.

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size and all but one will be out there seasonally, the risk of adverse impacts to the habitat of the marine reserve area is low.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-23-0106, 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 – Aerial View](#)

[Exhibit 2 – Vicinity Map](#)

[Exhibit 3 – Buoy Locations](#)

[Exhibit 4 – Existing Public Access Signage](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 6-22-0106 pursuant to the staff recommendation.

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. Designated Public Swim Area and Public Access Signage.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, a signage plan that includes the following:

- a. A minimum of four (4) signs shall be installed in a prominent area visible to the public. At least one sign shall be installed at each of the following locations:
 1. At the north end of the demarcated swim area at the terminus of Avenida de la Playa;
 2. At the north end of the demarcated swim area on the wooden barricade that extends west from the terminus of Avenida de la Playa;
 3. At the entrance to the Marine Room public beach accessway (near Roseland Drive); and
 4. At the south end of the demarcated swim area on the northern or southern wall of the Marine Room public accessway (at eye level), subject to landowner approval.
- b. The signs shall be a minimum of 2' x 18" in size and include the following language, using a sans serif font that is legible from a distance of at least five feet:

DESIGNATED PUBLIC SWIM AREA

All waters between
Avenida de la Playa and Roseland Drive
are open to the public, including waters
protected by ropes and buoys.

Public Access Always Permitted

- c. A written agreement that the authorization for the buoys is predicated on the presence of the signs, and the signs shall remain and be maintained, including replacement if damaged, for the life of the permit.
- d. Any signage that is inconsistent with the terms of this permit placed on City property by private entities or individuals not authorized through a coastal development permit shall be removed by the City.

The permittee shall undertake the development in accordance with the approved signage program. Any proposed changes to the approved signage program shall be reported to the Executive Director. No changes to the approved signage program shall occur without a Coastal Commission-approved amendment to this

coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Location and Timing of Placement of Buoys in the Ocean.** The proposed buoys shall be placed consistent with Exhibit No. 3 of CDP No. 6-23-0106. One (1) buoy shall be allowed to be placed in the ocean year-round, and the remaining nine (9) buoys shall be placed in the ocean starting April 1st and must be removed by October 31st of the year they are placed.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

Proposed is the placement of buoy markers in the ocean to demarcate designated public swim areas in two areas in the La Jolla community of the City of San Diego. Seven buoys would be placed in La Jolla Cove seasonally from April 1 to October 31, and one additional buoy would remain year round. Two additional seasonal buoys would be placed seaward of La Jolla Beach and Tennis Club (LJBTC), a private beachfront club/resort located south of La Jolla Shores beach.

The buoys are a public safety measure to separate the designated swim areas from the area used by boats and kayaks during the time when the number of swimmers in the water is the highest and thus the chances are highest for collisions between swimmers and boaters. All buoys would be anchored in place by steel chains connected to a pyramid-shaped cast-iron anchor approximately one-square foot in size.

The site is within an area of original jurisdiction where the Chapter 3 policies of the Coastal Act are the standard of review with the City's certified LCP used as guidance.

B. History

The City of San Diego Lifeguard Services is tasked with overseeing the safe use of the City's shoreline and littoral waters by the public. Within the city, La Jolla Cove is one its most popular coastal recreation destinations. Due to the presence of beaches, sea caves, and marine mammals such as sea lions, La Jolla Cove is frequented by swimmers, surfers, kayakers, and divers year-round. With such a high number of people and uses occurring within the boundaries of the cove, the City's Lifeguard Services is proposing to use "private aids to navigation" (PATON) buoys to separate swimmers from the kayaks and kayak tours that paddle out to the sea caves. Placement of eight buoys in La Jolla Cove was first approved for a one-year period in May 2022 (CDP No. 6-22-0123-W).

The Commission has a long history with the placement of buoys in the water in front of the Jolla Beach and Tennis Club. The LJBTC is situated on an 18 acre parcel of land that retains ownership of the beach up to the Mean High Tide Line (MHTL). The areas seaward of the MHTL are tidelands held in trust for the public. Placement of the buoys directly offshore of the LJBTC has raised concerns that the buoys could give the perception that the swim area demarcated is private and not available to the public. On January 12, 2005, the Coastal Commission reviewed and approved a claim of vested rights (6-04-36-VRC) by the City of San Diego for placement of two buoys in the water in a portion of a designated public swim area seaward of the LJBTC. The claim of vested rights, which was submitted by the City of San Diego Fire-Rescue Department/Lifeguard Services Division, was to: 1) designate a swim area for the general public in the ocean (seaward of the LJBTC) and, 2) place buoy markers to mark a portion of the designated swimming area. According to the City, the bathing and swimming zone was designated in April of 1966. Pursuant to City of San Diego

Resolution No. 186513, the bathing and swimming zone was described as the beach and waters extending between Avenida de la Playa and 45 ft. north of Roseland Drive in La Jolla. No western limit of the swim area was established. Subsequently, in 1994, the westerly boundary of this swim area was designated as extending 1,000 feet seaward of the Mean High Tide Line (MHTL) pursuant to Ordinance No. 0-18073.

According to the City, at least since 1966 when the swim area was designated by the City Council resolution, a string of marker buoys has been placed in the water each summer to mark a safe swim area. The City acknowledges that the buoys mark off a much smaller swim area than the public swim area designated by the City in 1966 and that it was not City lifeguards or other City personnel who placed the buoys, but employees or agents of the adjacent LJBTC. The City has stated previously that even though the buoys marked off a much smaller swim area than the designated public swim area and were placed by the private beach club around only the portion of the designated public swim area in front of the Beach Club, demarcation of this swim area with buoy markers is important due to the fact that a public boat launch exists at the northern edge of the swim area (at the terminus of Avenida de la Playa). The purpose of the buoy markers is to keep boats out of the swimming area in order to ensure public safety of the people swimming in that area. As such, the buoy markers were traditionally placed at the beginning of Memorial Day weekend and removed after Labor Day each year.

Subsequent to the Commission's approval of the vested rights claim, the Sierra Club filed a lawsuit against the Commission, the City and the LJBTC, challenging the Commission's decision. A settlement agreement was reached that included several stipulations, one of which provided that the City was to apply for a coastal development permit for placement of the buoys within thirty days of the court's signing of the stipulated order. The stipulation also permitted the City to place or remove the buoys pending the outcome of the coastal development permit as long as the placement of the buoys was consistent with past practice. In compliance with the settlement agreement, the City submitted Coastal Development Permit (CDP) application no. 6-05-140, which was reviewed and approved by the Commission on July 13, 2006. At that time and since then, the City has proposed placement of the buoys earlier and their removal later than in previous years (April 1st through October 31st rather than Memorial Day weekend through Labor Day), to accommodate the increased volume of beach users who go into the ocean when the water starts to become warmer.

To address concerns about privatization of the water, the Commission approved CDP No. 6-05-140 subject to several conditions, one of which included the placement of the signage to make it clear to the public that public beach access adjacent to the designated public swim area (and the LJBTC) is permitted and that the designated public swim area surrounded by ropes and buoys is open to the public. At the hearing, there was concern expressed regarding the wording of the signage, as well as about public access and beach wrack. The Commission approved the permit with revisions to the proposed special conditions and required a minimum of four signs to be installed in prominent areas and visible to the public along the beach. The language of the signage was to read as follows:

Designated Public Swim Area. All waters between Avenida de la Playa and Roseland Drive are open to the public, including waters protected by ropes and Buoys. Public beach access permitted.

In September 2006, the LJBTC filed suit challenging the Commission's conditions of approval for the beach buoy CDP. Sierra Club intervened in the lawsuit. The lawsuit focused on the wording of the sign. The court dismissed the LJBTC's claims against the Commission with leave to amend. The court, however, allowed LJBTC to proceed with its claims seeking declaratory and injunctive relief to prevent the City from installing the signage.

Subsequently, the parties to the lawsuit (LJBTC, the City, the Sierra Club, the Commission and the State Lands Commission) entered into settlement discussions regarding what portions of the beach in front of the club are open to the public. After extensive negotiations with legal staff and planning staff, an agreement was reached between Commission staff, the City and the LJBTC regarding a way to demonstrate which portions of the beach are open for public use. The agreed-upon revisions to the wording on the signage as well as the placement of a yellow flag on the beach resulted in an amendment request (ref. CDP No. 6-05-140-A1), which was considered by the Commission at its April 10, 2008 hearing. Due to concerns raised at that hearing, the matter was continued. The amendment request was further revised to address concerns raised at the hearing by the Commission, which included revising the proposed signage language and that the signage include a picture or a diagram that depicts the public access area with a yellow line. Also included was to be the placement of a yellow flag on the beach at the center point of the yellow line. The end points of the yellow line were to be marked by a visible yellow marker such as yellow paint, yellow flags or other appropriate fixture. At its June 12, 2008, hearing, the Commission denied the amendment request due to concerns with the proposed demarcation of the public vs. private beach areas. Subsequently, CDP No. 6-05-140 expired on July 13, 2008.

The parties then met again to see if a revised settlement could be reached. Based on those discussions, the City subsequently submitted a new application for the buoy placement on December 31, 2008, with revised signage language. Because of concerns raised relative to new signage that had been separately posted at the site by the LJBTC, Commission staff began discussions with representatives of the LJBTC to address their signage. However, because the swim season was approaching and no agreement had been reached, the City's application was brought to the Commission as a de minimis waiver for placement of the buoys for only the 2009 season (reference CDP No. 6-08-124-W). At the April 2009 hearing, the Commission did not object to the waiver.

The following year, the City of San Diego applied for CDP No. 6-09-075 seeking another multi-year authorization for the placement of two buoys in La Jolla Cove by the LJBTC. That CDP was approved by the Commission at the February 2010 hearing with a five-year duration.

That permit required a sign program consisting of the following:

- a. A minimum of four (4) signs shall be installed in a prominent area and visible to the public. At least one sign shall be installed at each of the following locations:
 1. At the north end of the demarcated swim area at the terminus of Avenida de la Playa;
 2. At the north end of the demarcated swim area on the wooden barricade that extends west from the terminus of Avenida de la Playa;
 3. At the entrance to the Marine Room public beach accessway (near Roseland Drive); and
 4. At the south end of the demarcated swim area on the northern or southern wall of the Marine Room public beach accessway (at eye level), subject to landowner approval.
- b. The signs shall be a minimum of 2' x 18" in size and include the following language:

DESIGNATED PUBLIC SWIM AREA

All waters between
Avenida de la Playa and Roseland Drive
are open to the public, including waters
protected by ropes and buoys.

Public Access Always Permitted

- c. A written agreement that the signs shall remain and be maintained (and replaced if damaged) for the life of the permit.

The permit subsequently expired, and in 2022, the City applied for a one-year authorization to place the same ten buoys being applied for now (CDP No. 6-22-0123-W).

Commission staff recently visited the beach along La Jolla Shores and determined that the public access signs installed by the City pursuant to the previous permit are now missing or badly faded so as to be illegible, impacting the public's ability to be aware that that waters adjacent to the LJBTC are open to public recreation (Exhibit 4).

C. 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.

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(i) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(ii) Adequate access exists nearby, or

[...]

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

According to the City Lifeguard Service, placement of the proposed buoys is important for public safety. The terminus of Avenida de la Playa on La Jolla Shores is a public boat launch. Nearly year round, kayaks and other small boats are launched from this location, with the majority of the kayakers making their way south to view caves and other natural features that occur along the La Jolla shoreline between La Jolla Shores to the east and La Jolla Cove beach to the west. During the colder months, there are not typically any conflicts due to lower tourist and recreational activity. However, from approximately April through October, swimmers are in the water within the designated swim area immediately south of the boat launch and as such, conflicts can occur between swimmers and boaters resulting in a safety issue for the swimmers.

As such, the City places the buoys in the water to demarcate the safe swimming area such that boats and swimmers are kept separated. Previously, the historical northern boundary of the buoy location along La Jolla Shores was several hundred feet south of Avenida de la Playa. According to the City, the previous alignment created problems with kayakers in that they would often enter and exit the water in that area between the end of the Avenida de la Playa and the previous northern boundary of the swim buoy line, because it gave the appearance of an open zone, not a swim zone. By moving the buoys further north, adjacent to Avenida de la Playa, it makes it clear that this area is part of the swim zone and kayakers and surfers are not to enter that area. With the

proposed new alignment immediately adjacent to the boat launch, kayaks and boats are directed west along the buoys directly as they are launched and do not head south until beyond the buoy line. Similarly, the proposed buoys offshore of La Jolla Cove beach on the west end of the cove demarcate a triangular public swim area that kayakers are not allowed to enter.

The added benefit of this configuration is that the lifeguards can now focus less on avoiding conflicts between boaters and swimmers and directing boat traffic and instead focus on their primary duties (i.e., watching for dangerous surf conditions, etc.). In addition, the placement of the buoys has been found by the lifeguards to improve the safety of the swim zone by providing a guide for kayakers and boaters heading toward the La Jolla Caves area, which is to the south of the swim zones. The buoy configuration guides the boaters to return to this area as they head north from their areas of interest and keeps them out of the swim zones. As stated earlier, the La Jolla Sea Caves to the south are the main attraction for boaters and kayakers in the area. In fact, the City has stated that all of the kayak companies that have been permitted to operate in the area promote trips to the La Jolla Sea Caves. It is rare to see boaters going north. Because the swim zones are near the public boat launch, it is necessary to install buoys to clearly mark the swim zone in the interest of public safety. Thus, from a safety standpoint, the Commission finds that the revised buoy placement is a significant improvement over the previous alignment, as it will minimize potentially hazardous interactions between boaters and swimmers.

However, while the safe oversight of coastal waters to reduce public risk is the duty of the City and promotes public access by creating an environment where the public feels safe to recreate, the placement of buoys demarcating where and how people can recreate does create the risk of unintentionally discouraging the use of coastal waters. While La Jolla Cove Beach and its eight proposed buoys are surrounded by public park land, the two proposed seasonal buoys at the east end of the cove are next to the LJBTC and could create the appearance of exclusivity if the public believes that swim area is for resort users only. Furthermore, while the City of San Diego periodically grooms La Jolla Shores to remove trash from the sand, it does not groom any part of the beach seaward of the LJBTC, as the upland is private. However, the sandy beach seaward of the LJBTC is regularly groomed by the club.² The presence of the proposed buoy line seaward of the LJBTC, taken together with the privately groomed beach at the LJBTC, further fosters an appearance of exclusivity regarding that portion of the beach and coastal waters where two of the seasonal buoys are proposed.

To address this risk, **Special Condition No. 1** requires the installation of public access signage at the north and south ends of the beach area on La Jolla Shores between the buoys and the LJBTC clearly informing the public that they are able to access those waters at all times, and makes the presence of the buoys predicated on the signage's installation and maintenance. **Special Condition No. 2** allows one buoy off La Jolla

² Commission enforcement staff has contacted the LJBTC regarding this unpermitted activity, and staff is pursuing its options to address this matter.

Cove beach to remain year-round but restricts the placement of the nine seasonal buoys to April 1 to October 31 of any year, to limit the presence of swimming limits to when they are most needed.

The previous approvals of the buoys were limited to time periods from one to five years, so the Commission could periodically reevaluate if the buoys were having any adverse impact on public access. Because there have been no reports of the public being discouraged from using the water area, the subject permit allows the placement of the buoys to continue as proposed without any time limit on the length of the approval. Any changes to the number, location, or timing of placement of the buoys would require an amendment to this permit. Thus, as conditioned, the proposed development is consistent with the public access policies of Chapter 3 of the Coastal Act.

D. Biological Resources

Section 30230 of the Coastal Act states the following:

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, recreational, scientific, and educational purposes.

La Jolla Cove is encompassed by the one-square mile Matlahuayl State Marine Reserve, one of several marine reserves along the coast of La Jolla. This marine protected area is intended to protect the biodiversity of the area from commercial activity, while still allowing recreational activity. Because the ten proposed buoys will be anchored to the sea floor, there is the potential that the anchors could disturb benthic habitat. However, the City submitted information showing that the location of the buoys will be over areas consisting substantially of unconsolidated sediment and mixed rock and sand. Coupled with the fact that the anchors are approximately one-square foot in size and all but one will be out there seasonally, the risk of adverse impacts to the habitat of the marine reserve area is low. Thus, the proposed development is consistent with the biological 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 City of San Diego has a certified LCP, but the location of the proposed buoys are in the coastal waters of La Jolla Cove, in the Commission's jurisdiction area. Therefore, Chapter 3 of the Coastal Act is the standard of review. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the

project, as conditioned, will not prejudice the ability of the local government to implement its certified Local Coastal Program.

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 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 found the project to be exempt under CEQA sections 15301, 15304, and 15311(c).

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 signage and buoy location 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