CALIFORNIA COASTAL COMMISSION
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W15a

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Staff:	D. Lilly-SD
Staff Report:	May 26, 2011
Hearing Date:	June 15-17, 2011

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-10-31

Applicant: Teri Ely, State Department of Boating & Waterways

Agent: Lauren See

Description: Construction of a new public recreational dock adjacent to the existing Crown Cove Aquatic Center. Removal and reconstruction of concrete dock access path.

Site: Crown Cove Aquatic Center, 5000 Highway 75, Coronado, San Diego County. APN 615-30-03

Substantive File Documents: Certified Port Master Plan and City of Coronado Local Coastal Program

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed dock. The new dock will provide public access and recreational opportunities in association with the educational and recreational programs offered at the Aquatic Center. Mitigation for potential eelgrass, open water, and water quality impacts will be provided. As conditioned, no adverse impacts to coastal resources are anticipated.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 6-10-31 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. 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 the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development 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.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Eelgrass Mitigation and Monitoring Plan. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director, a final eelgrass mitigation and monitoring plan. Said plan shall be in substantial conformance with the conceptual Eelgrass Mitigation Plan for the Crown Cove Dock Project by RBF Consulting, dated May 16, 2011, which includes pre-construction and post-construction eelgrass surveys prepared in full compliance with the "Southern California Eelgrass Mitigation Policy (SCEMP)" adopted by the National Marine Fisheries Service. The applicant shall submit the post-construction eelgrass surveys for the review and approval of the Executive Director within thirty days after completion of the survey. If any existing eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio, in accordance with the Southern California Eelgrass Mitigation Policy.

The final plan shall also be in conformance with the May 16, 2011 plan revision by RBF to include the planting of additional eelgrass to compensate for the loss of open water foraging habitat, at a mitigation ratio of 1:1 (approximately 2,456 sq.ft.) The total eelgrass mitigation area shall be approximately 2,830 sq.ft.

The applicant shall undertake the development in accordance with the approved mitigation and monitoring plans. Any proposed changes to the approved plans shall be

reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Water Quality/Construction BMPs. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a construction BMP plan for the construction phase of the project designed by a licensed engineer or other qualified specialist. The plan shall incorporate the following Best Management Practices (BMPs) at a minimum:

a. The use of creosote treated wood is prohibited. If other treated wood products are proposed for use in or over the water the applicant must submit a report for approval by the Executive Director that shows how the treated wood products will not adversely impact water or sediment of San Diego Bay.

b. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized. Jetting for the installation of new piles is permitted, but methods that minimize dispersal of sediments must be used. If turbidity extends more than 100 feet from the work area or is visible at the surface for more than one hour, the contractor must modify the piling installation methods to reduce turbidity.

c. Silt curtains shall be utilized to control turbidity during placement and removal of all piles and placement of dredged materials for the construction of the eelgrass restoration site. The silt curtain shall be continually maintained without holes, rips or tears, and shall remain in place for the duration of pile installation. Silt curtain deployment and material placement for construction of the eelgrass restoration site shall be monitored by a qualified biological monitor to avoid adverse effects to adjacent eelgrass habitat. The monitor shall immediately report any turbidity plumes that extend more than 100 feet from the work area or persist longer than one hour to staff at the Coastal Commission's San Diego office.

d. Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.

e. Non-buoyant debris discharged into coastal waters shall be recovered as soon as possible after loss.

f. Erosion control/sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging, demolition and construction. BMPs designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activities shall be implemented prior to the on-set of such activity. These BMPs shall include, but are not limited to: storm drain inlets must be

protected with sandbags or berms, all stockpiles must be covered, the storage, application and disposal of pesticides, petroleum and other construction and chemical materials must be managed and controlled, and adequate sanitary and waste disposal facilities must be provided. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.

g. Temporary erosion control measures shall be implemented should construction or site preparation cease for a period of more than 30 days. These temporary erosion control measures shall be monitored and maintained until demolition or construction operations resume.

h. The areas to be disturbed by construction activities, including any temporary access roads, staging areas, and stockpile areas, shall be delineated.

i. At the end of the demolition/construction period, the applicant shall use divers or sonagraphic surveys to inspect the project area and ensure that no debris, trash or construction material has been left on the shoreline or in the water, and that the project has not created any hazard to navigation.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Staging Areas/Public Access. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, detailed plans for the location of staging areas and of access corridors to the construction site(s). The plans shall include, at a minimum, the following:

a. No overnight storage of equipment, construction materials, or excavated materials shall occur within wetlands, native vegetation areas or on the public beach or public parking spaces. Stockpiles shall be located away from the water, covered at all times and contained with runoff control measures.

b. Storage and staging areas shall be located in a manner that has the least impact on vehicular and pedestrian traffic at the Silver Strand State Beach and around the Aquatic Center.

c. No work shall occur between Memorial Day weekend and Labor Day of any year.

d. Staging site(s) shall be removed and/or restored immediately following completion of the development.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Disposal of Graded Spoils. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide evidence the Army Corps of Engineers and the California Department of Parks and Recreation have approved the proposed dredge spoils as suitable for deposition at Crown Cove beach, within Silver Strand State Beach or identify an alternate location for the disposal of graded spoils. If the alternate site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

5. Invasive Species. **PRIOR TO THE COMMENCEMENT OF IN-WATER WORK**, the applicant shall provide evidence that the disturbance of bay waters can occur without the risk of spreading the invasive green alga *Caulerpa taxifolia* as follows.

a. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any water activity authorized under this coastal development permit, the applicant shall undertake a survey of the project area (includes any other areas where the bottom could be disturbed by project activities) and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga Caulerpa taxifolia. The survey shall include a visual examination of the substrate.

b. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.

c. Within five (5) business days of completion of the survey, the applicant shall submit the survey:

    1. For the review and written approval of the Executive Director; and

    2. To the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (DFG) (858-467-4218) or Robert Hoffman, National Marine Fisheries Service (NMFS) (562-980-4043).

    3. If *Caulerpa* is found, then the NMFS and DFG contacts shall be notified within 24 hours of the discovery.

d. If *Caulerpa* is found, the applicant shall, prior to the commencement of any in-water activities, provide evidence to the Executive Director for review and written approval either that the *Caulerpa* discovered within the project and/or buffer area has been eradicated or that the project has been revised to avoid any contact with *Caulerpa*. No changes to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. Other Permits. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the applicant shall provide to the Executive Director, for review and written approval, copies of all other required state or federal discretionary permits (such as U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Regional Water Quality Control Board and the California Department of Fish and Game, and CA State Parks) for the development authorized by CDP #6-10-031.

The applicant shall inform the Executive Director of any changes to the project required by other state or federal agencies. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this permit, unless the Executive Director determines that no amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project is construction of a new public recreational dock in the Crown Cove inlet of San Diego Bay, adjacent to the existing Crown Cove Aquatic Center, on the bayside of the Silver Strand (State Route 75) at the Silver Strand State Beach in the City of Coronado. Currently, there is a concrete driveway/walkway all around the Crown Cove inlet, with a narrow concrete path near the middle of the cove leading to the water's edge. The project includes removal of this existing path and in roughly the same location, construction of a new concrete walkway which would slope down to a concrete abutment connecting to an 8-foot wide, 100-foot long gangway. The gangway would connect to a 5-foot long "transition plate" connecting the gangway to a 20-foot by 30-foot long fiberglass floating platform held in place with two concrete piles driven into the bay floor, and extending approximately 5 feet above the platform (see Exhibit #3).

The Crown Cove Aquatic Center is a collaborative effort among California Department of Boating & Waterways, California State Parks and Southwestern Community College. It operates as an off-campus facility of Southwestern Community College in Chula Vista, and provides a wide range of educational and recreational activities to the surrounding communities. The primary focus is to promote boating and water safety programs.

The dock would be accessible to the general public; however, the main purpose of the dock is to support educational programs offered at the aquatic center. The Aquatic Center intends to dock and maintain three non-motorized watercrafts (Catalina sailboats approximately 22 feet long and 8 feet wide) at the dock. It is not expected to be occupied by privately-owned vessels or used by the general public other than through Aquatic Center classes, with the exception of possible intermittent launching or loading of a limited number of personal water craft (i.e., kayaks, canoes, etc.). The dock has been designed to be ADA accessible.

The project originally included the placement of concrete "A-jacks" intended to create a fish habitat artificial reef, as mitigation to offset the impacts of the over-water shading created by the new dock. However, in response to the objections of several resource agencies and Coastal Commission staff, the applicant revised the project to include grading and planting of eelgrass in the open water area on the eastern side of the proposed dock as mitigation.

Only a portion of the project is located within the Commission's original permit jurisdiction—the concrete path on the beach, the concrete abutment, and approximately 12 linear feet of the gangway are within the Commission's jurisdiction; everything bayward of that point (the majority of the gangway, the platform, and the pilings) is within the San Diego Unified Port District's jurisdiction (see Exhibit #5). The Port exempted the portion in its jurisdiction under Section 8.c. (3) of the District's Coastal Development Permit Regulations for "New Construction of Conversion of Small Structures." However, because the project is one integrated development and cannot be logically segmented, this staff report analyses the impacts of the entire project, although the conditions imposed either memorialize mitigation proposed by the applicant or are imposed to ensure that the portion of the project within the Commission's jurisdiction is consistent with the Coastal Act. In addition, the area proposed to be graded and planted as mitigation for shading impacts is within the Commission's permit jurisdiction. Chapter 3 of the Coastal Act is the standard of review.

2. Biological Resources. The following Coastal Act policies are relevant to the proposed project:

Section 30230

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.

Section 30231

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...

Section 30233 states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:…

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.…

The proposed development would be a new public boating facility that would provide public access and recreational opportunities as permitted under Section 30233.

The project has the potential to impact eelgrass. Eelgrass is a marine flowering plant that functions as important habitat for a variety of fish and wildlife species. Eelgrass grows in soft sediments in estuaries and coastal bays, and occasionally offshore to depths of approximately 50 feet. Eelgrass canopy (consisting of shoots and leaves approximately two to three feet long) attracts many marine invertebrates and fishes, and the added vegetation and the vertical relief it provides enhances the abundance and the diversity of the marine life compared to areas where the sediments are barren. The vegetation also serves a nursery function for many juvenile fishes, including species of commercial and/or sports fish value such as the California halibut and barred and spotted sand bass. A diverse community of bottom-dwelling invertebrates lives within the soft sediments that cover the root and rhizome mass system. Eelgrass meadows are critical foraging centers for seabirds (such as the endangered California least tern) that seek out baitfish such as juvenile topsmelt attracted to the eelgrass cover. In addition, eelgrass is an important contributor to the detrital food web of bays as the decaying plant material is consumed by many benthic invertebrates (such as polychaete worms) and reduced to primary nutrients by bacteria.

There is eelgrass along the shoreline of the cove. The proposed dock has been designed and located to minimize impacts to eelgrass. The proposed gangway and floating platform would extend over the area with eelgrass habitat to avoid direct impacts to habitat from the piles. The dock is also proposed to be oriented in a north-south direction to minimize the amount of shading that would occur over the eelgrass habitat.

Nevertheless, the eelgrass survey performed for the project determined that the proposed gangway will float over approximately 312 sq.ft. of existing eelgrass.

Therefore, the decking material of the gangway is proposed to be constructed of fiberglass grating with 33 percent open space to allow light to pass through and avoid potential shading impacts on eelgrass. However, this approach to avoid impacts to eelgrass is relatively new, and as such, there is a potential that despite the grated design, impacts to eelgrass could occur. Therefore, the applicant is also proposing to conduct pre- and post-eelgrass surveys prepared in compliance with the "Southern California Eelgrass Mitigation Policy (SCEMP)" adopted by the National Marine Fisheries Service)

Within 90 days prior to the commencement of construction, within 30 days following the completion of construction, and 1 year following the completion of construction,, a qualified biologist will conduct an additional eel grass survey of the project site to ensure that conditions have not changed that would result in Project impacts on this habitat. If post-construction eelgrass surveys determine that some loss of eelgrass habitat has occurred as a result of the project, the applicant will replace any eelgrass impacted by the project in the identified mitigation site located on the east side of the proposed dock, at a minimum 1.2:1 ratio, in accordance with the Southern California Eelgrass Mitigation Policy.

In addition to the potential eelgrass impacts, the dock and gangway would cover approximately 1,816 sq.ft. feet of shallow subtidal Bay habitat that is used by seabirds, including the endangered California least tern and California brown pelican. The three boats, when at dock, would exclude an additional 640 sq.ft. of water surface from the view of foraging seabirds.

Shadows cast by overwater structures affect both the plant and animal communities below the structures. Light is the single most important factor affecting aquatic plants. Light levels underneath overwater structures have been found to fall below threshold levels for the photosynthesis of diatoms, benthic algae, eelgrass, associated epiphytes and other autotrophs. These photosynthesizers are an essential part of nearshore habitat and the estuarine and nearshore food webs that support many species of marine and estuarine fishes. In addition, fishes rely on visual cues for spatial orientation, prey capture, schooling, predator avoidance and migration. The reduced-light conditions found under an overwater structure limit the ability of fishes, especially juveniles and larvae, to perform these essential activities. Shading from overwater structures may also reduce prey organism abundance and the complexity of the habitat by reducing aquatic vegetation and phytoplankton abundance.

As noted, portions of the proposed structure will be grated, thus potentially reducing the adverse impacts associated with the reduction of light in the project area. However, shaded structures also prevent foraging by birds like least terns. The California least tern feeds on small fish, crustaceans, and insects, and they forage by hovering over shallow to deep waters and diving or dipping onto the surface of the water to catch prey. They

require clear water to locate their prey that is found in the upper water column of the Bay and in nearshore ocean waters.

As mitigation for the 2,456 sq.ft of open water coverage, the project originally included the placement of "fish enhancement structures" or reef structures under and around the proposed floating dock platform, consisting of a series of pyramid-shaped, round-based modules of A-Jacks that would cover approximately 860 square feet of bay bottom in water depths from -9 to -10 MLLW. However, the Commission's ecologist, in consultation with staff at other resource agencies including the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and the Army Corps of Engineers (ACOE), advised the applicant that the proposed structures would not be appropriate mitigation for the loss of open water habitat, for several reasons.

The hard substrate approach is intended to increase fish production. However, the main effect of such a small reef is probably to attract and aggregate fish rather than to substantially increase the number of fish in the ocean. If these artificial reefs are fished, the net result may be to decrease the number of fish in the ocean. In addition, there is some evidence that artificial reefs in bays may serve as settling points for exotic invasive species. Placing artificial structures adjacent to eelgrass could also preclude natural eelgrass colonization during good years.

Thus, the applicant revised the project to include grading and planting of additional eelgrass at a ratio of 1:1 planted area to shaded area (see Exhibit #7). This additional mitigation will be located in open water just south and east of the proposed dock. The proposed mitigation area will be approximately 2,830 square feet maximum, and will range in depths between 0.0 and +2.0 ft MLLW. The grading for the mitigation area will consist of the excavation of approximately 260 cubic yards of sand. The graded area will consist of the 2,830 square foot mitigation area plus approximately 4,205 square feet of surface transitional area that will be contour graded around the eelgrass mitigation area, for a total footprint of approximately 7,035 square feet. The transitional area is required to match the existing grade of the shoreline and the surface elevation of the eelgrass mitigation area, and to avoid losing intertidal area. The transitional area will maintain the tidal area around the eelgrass mitigation site intact because it allows the tidal flows to continue to come on and off the shore without obstructions from abrupt changes in elevation. The transitional area has been designed so that very subtle changes to the elevation of the existing shoreline are required and no sandy beach area will be impacted. No existing eelgrass will be impacted.

The sand removed from the mitigation area will be spread in areas along the existing beach so that it can remain in the Crown Cove area. Because the mitigation area is located just several yards from the proposed disposal beach, the sand is expected to be suitable for beach nourishment. Testing has determined that the material is 97% sand, and, in addition, Special Condition #4 requires the applicant to provide evidence that the ACOE and the California Department of Parks and Recreation have approved the proposed dredge spoils as suitable for deposition at Crown Cove State beach. If testing does determine the material cannot be placed on the beach, the applicant must identify an

alternate location for the disposal of the graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment may be required first.

As noted, all eelgrass mitigation shall be conducted in accordance with the SCEMP. Post-transplant monitoring surveys will be conducted during the active vegetative growth periods of eelgrass (March through October) at intervals of 3 months, 6 months, 1 year, 2 years, 3 years, 4 years, and 5 years after the transplant to determine the health of the transplanted vegetation and to evaluate transplant success based on established criteria. Eelgrass areal cover and shoot density of eelgrass will be determined during each monitoring survey. Undisturbed areas of the eelgrass meadows in the vicinity of the transplant site will be selected as a control area when assessing the results of the transplant. If yearly criteria are not met, then a replant will be conducted.

The Commission's ecologist has reviewed the eelgrass mitigation plan and determined that the new eelgrass provided will help offset the shading impacts of the proposed dock by providing additional high quality fish habitat. Staff at NMFS, USFWS, and ACOE have also given preliminary approval to the project and mitigation plan. Special Condition #1 requires the applicant to submit a final eelgrass mitigation and monitoring program consistent with the proposed draft plan.

Demolition/construction, debris removal and erosion and sediment control measures implemented during construction can serve to minimize the potential for adverse impacts to water quality resulting from the use of construction materials and methods. To ensure that these measures are properly implemented and in order to ensure that adverse effects to coastal water quality do not result from the proposed project, Special Condition #2 requires the applicant to submit final construction BMP programs for Executive Director review and approval. These BMP programs must include measures such as the use of turbidity screens/siltation curtains to isolate the work area, floating booms to contain debris or spills, minimization of bottom disturbance, removal of bottom debris following demolition and prior to construction, recovery of any non-buoyant debris by divers as soon as possible after loss, storage of all construction materials or waste in a manner which prevents their movement via runoff, or any other means, into coastal waters, the removal of any and all construction equipment, materials and debris from the project site at the conclusion of construction, the disposal of all demolition and construction debris at an appropriate site, and the implementation of appropriate erosion and sediment control BMPs.

To ensure that the proposed project does not cause the dispersal of the invasive water plant Caulerpa, Special Condition #5 requires the applicant, prior to any in-water work, to survey the project area for the presence of Caulerpa. If Caulerpa is found in the project area, then prior to commencement of any in-water work, the applicant must provide evidence that the Caulerpa within the project site has been eradicated. Special Condition #6 requires the applicant to submit copies of all other required state or federal discretionary permits to the commission prior to the commencement of construction.

In summary, the proposed project has been sited and designed to minimize impacts to sensitive biological resources. As conditioned, all impacts to marine resources that cannot be avoided will be mitigated, consistent with the resource protection policies of the Coastal Act.

3. Public Access and Recreation. The following Coastal Act policies are most applicable to the proposed development, and state, in part:

Section 30210.

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 30212.

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

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

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. …

Section 30213.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. …

Section 30220.

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30223.

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30224.

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

The proposed project is a new public recreational dock that will encourage recreational boating use and provide new water access opportunities in association with the existing Aquatic Center. No adverse impacts to recreation are expected other than short-term restrictions on access to the dock site during the actual construction period. Special Condition #3 prohibits construction from occurring between Memorial Day weekend and Labor Day in order to minimize these impacts.

Implementation of the eelgrass mitigation area will not adversely affect the existing recreational uses at the beach. As discussed above, the eelgrass mitigation area will be located in a flat intertidal area located next to the proposed dock to the east, and will have a minimal impact on the beach profile. The majority of the beach recreation in the area occurs on the ocean side of the state park, not on the subject site. However, beach visitors and swimmers that do use this area mostly recreate at the area of the beach to the north of the proposed eelgrass mitigation area and proposed dock, because it is closer to the restrooms and showers and is located in front of the lifeguard tower. The depth of the bay bottom is also deeper is this area, which makes it more conducive to swimming. Neither the project nor the eelgrass mitigation area will result in the loss of use of any of the existing fire rings on the beach. The project will not hinder the Crown Cove Aquatic Center from storing or launching their sailboats, kayaks, canoes, etc., that are currently stored on the higher elevations of the sandy beach. Therefore, as conditioned, the proposed project can be found consistent with the public access and recreational policies of the Coastal Act.

4. Local Coastal Planning. While the project is within the City of Coronado, which has a certified LCP, the subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. In addition, a portion of the project site is within the San Diego Unified Port District's jurisdiction and the Port reviewed and exempted the portion of the project within its jurisdiction. As discussed above, as conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the Port of San Diego to continue to implement its certified Port Master Plan or the City of Coronado its certified Local Coastal Program.

5. Consistency with the 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 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 shading and eelgrass impacts 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 is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

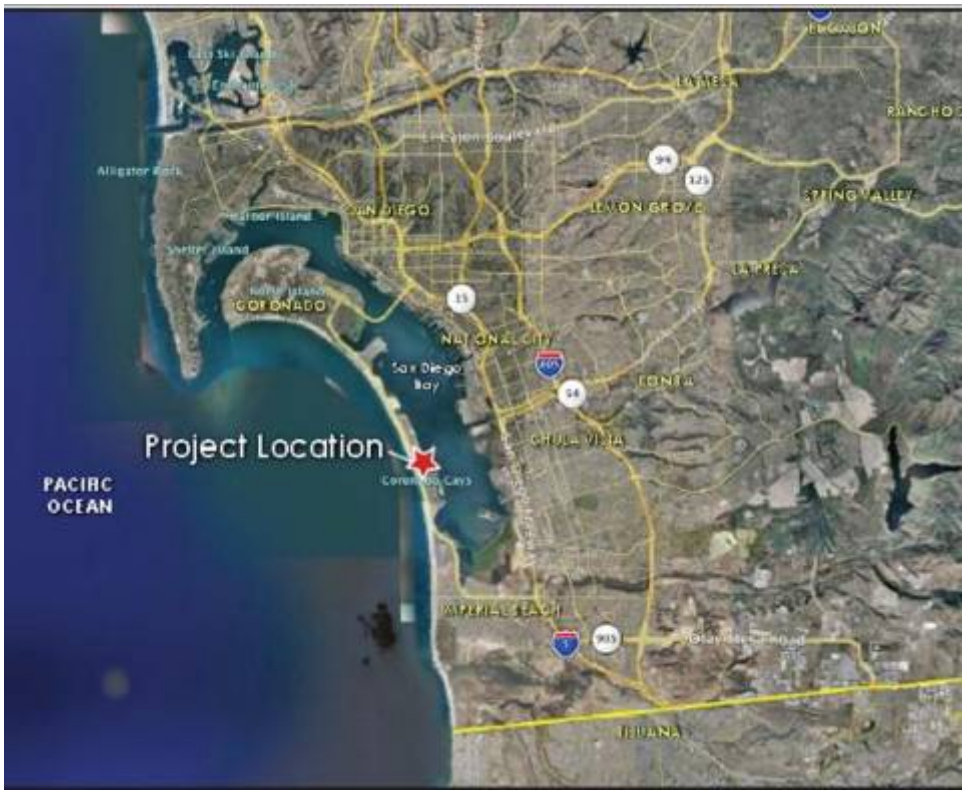


EXHIBIT NO. 1

APPLICATION NO.
6-10-31

Location Map

California Coastal Commission

EXHIBIT NO. 2

APPLICATION NO.
6-10-31

Existing Conditions

California Coastal Commission

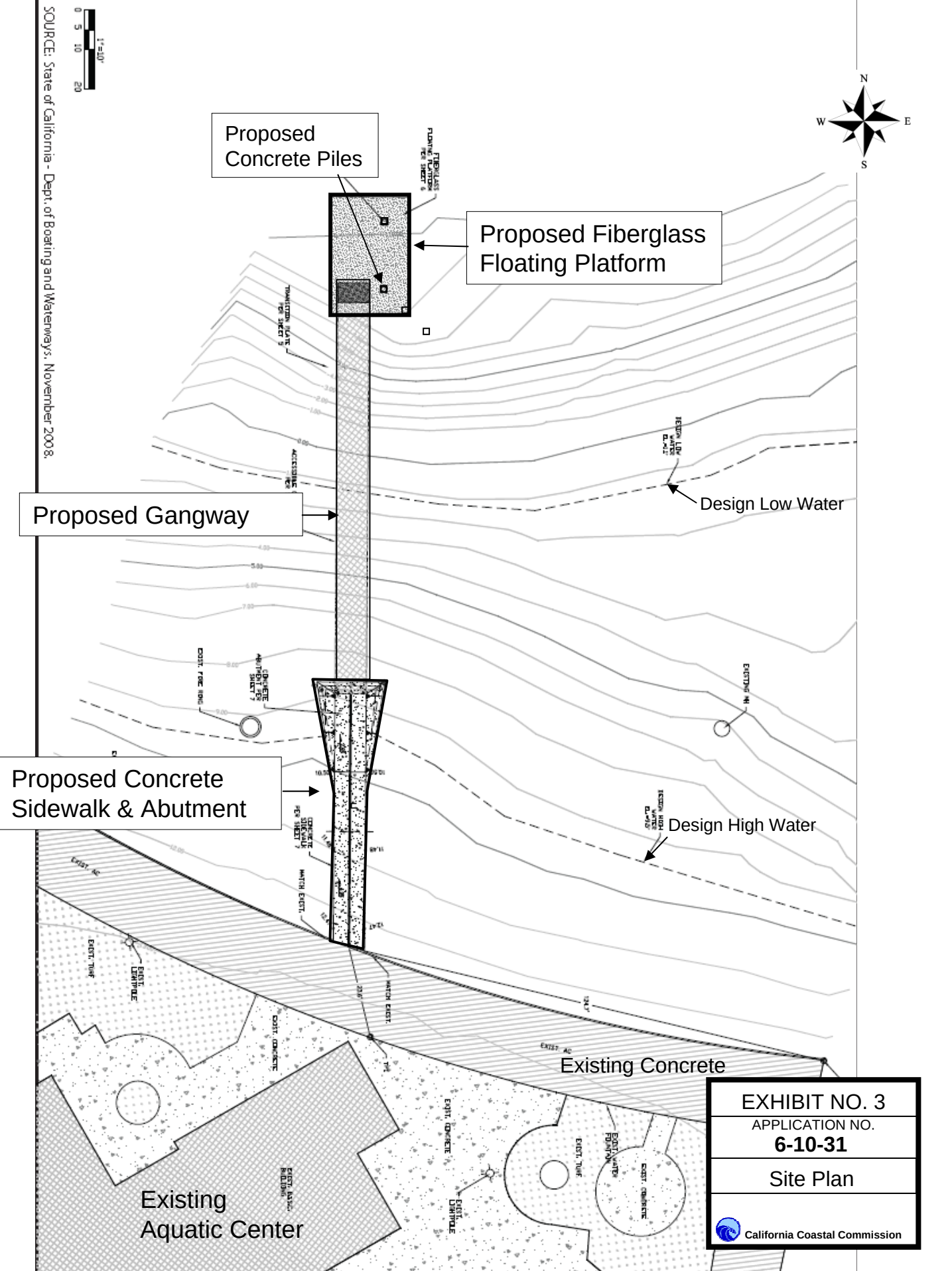
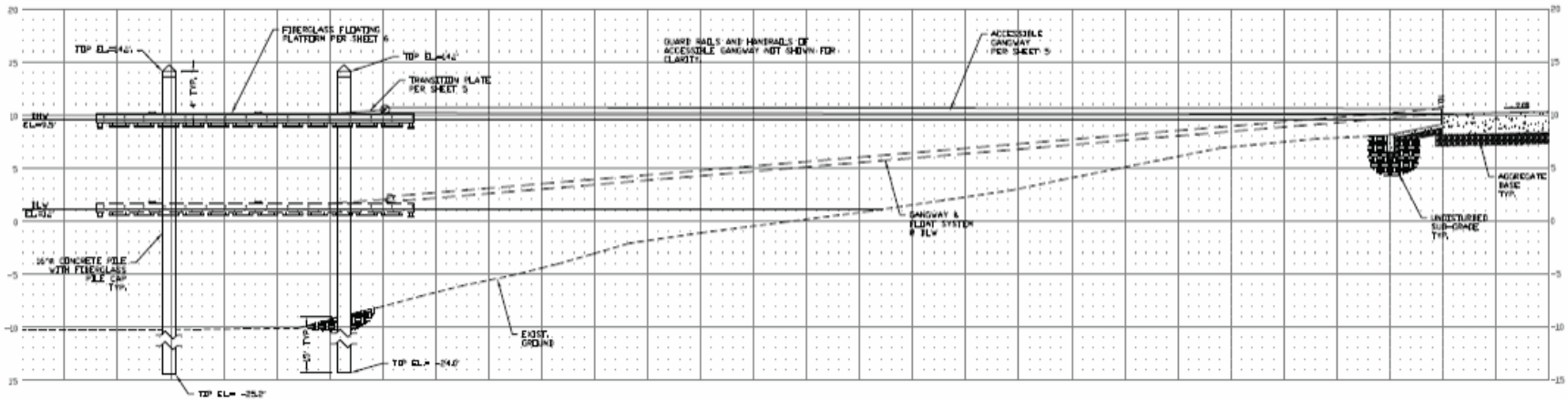


EXHIBIT NO. 3

APPLICATION NO.
6-10-31

Site Plan

California Coastal Commission



SOURCE: State of California - Dept. of Boating and Waterways. November 2008.

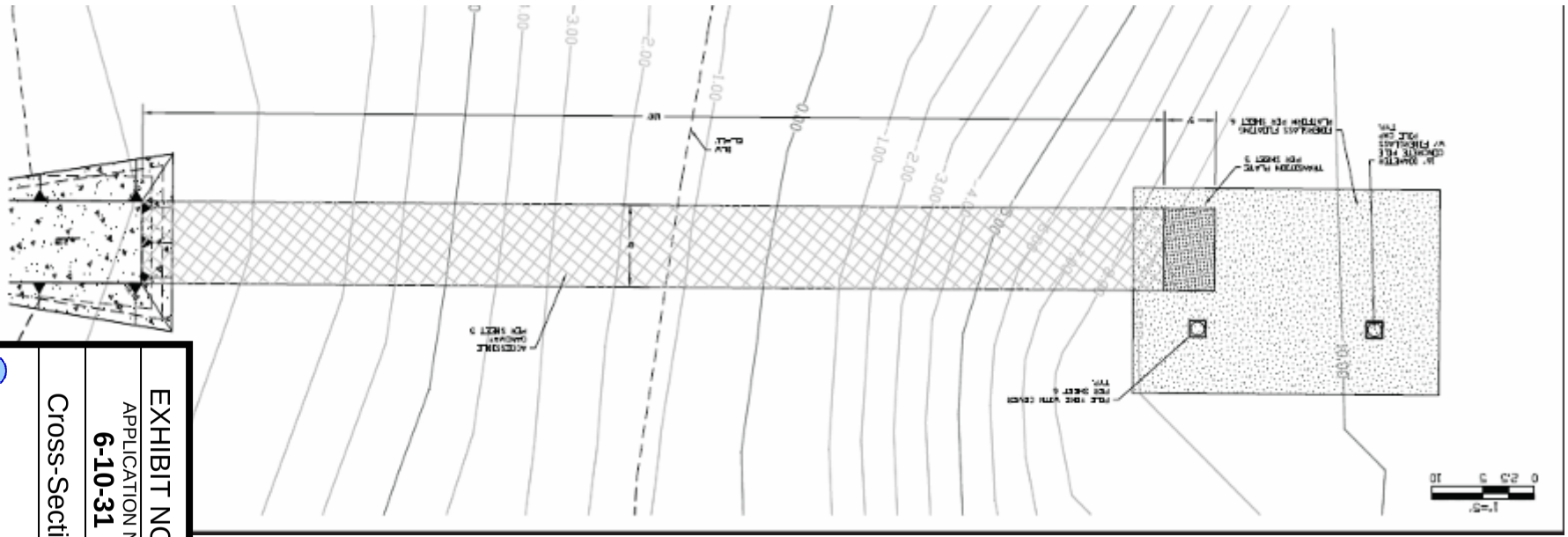


EXHIBIT NO. 4

APPLICATION NO. **6-10-31**

Cross-Section

California Coastal Commission

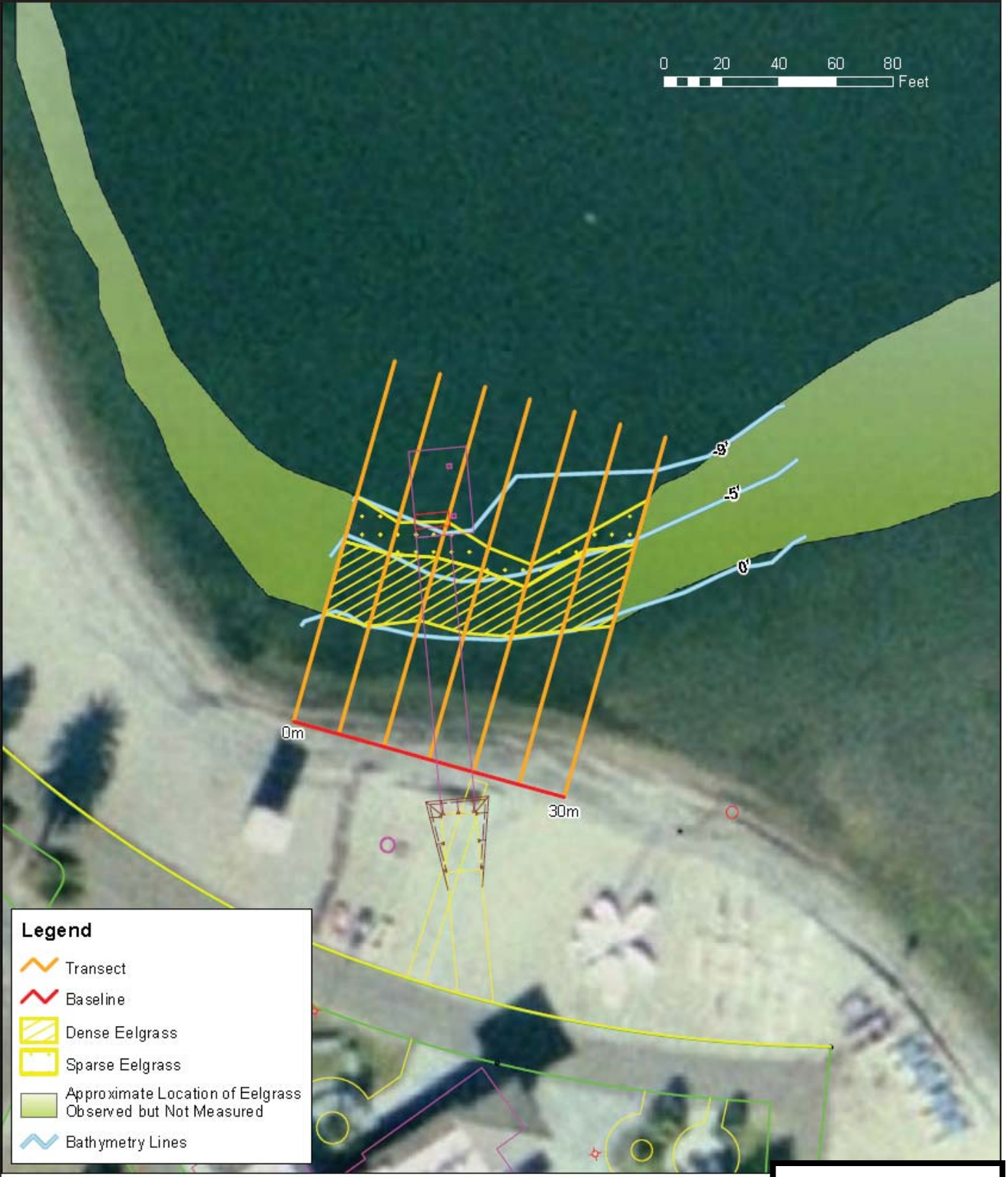
EXHIBIT NO. 5

APPLICATION NO.

6-10-31

Jurisdictional Boundary

California Coastal Commission



Source: Chambers Group Inc. July 2009.

RBF CONSULTING

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Survey Transects & Eelgrass Dens

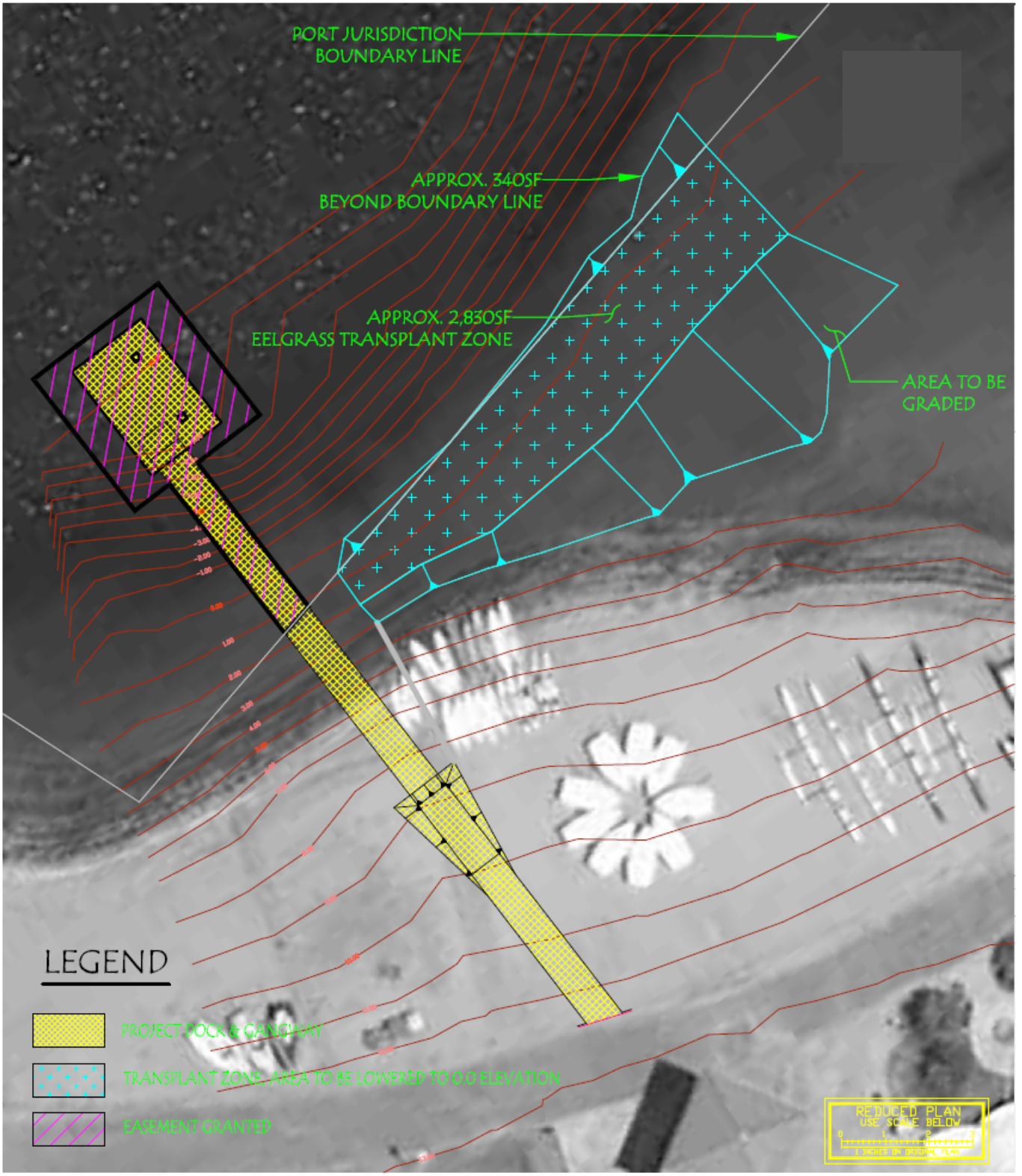
Crown Cove Dock - Initial Study

EXHIBIT NO. 6

APPLICATION NO.
6-10-31

Existing Eelgrass

California Coastal Commission



SCALE 1" = 30'	EELGRASS MITIGATION PLAN	EXHIBIT NO. 7
DATE MAY 2011	SILVER STRAND SB CROWN COVE DOCK	APPLICATION NO. **6-10-31**
SHEET NUMBER 1 of 1	FY 2010-2011 MINOR CAPITAL OUTLAY	Eelgrass Mitigation
		California Coastal Commission