

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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 original staff report

Th22a**Addendum**

September 5, 2014

To: Commissioners and Interested Persons

From: California Coastal Commission
 San Diego Staff

Subject: Addendum to **Item Th22a**, Coastal Commission Permit Application
No. 6-14-1048 (San Diego Dredging), for the Commission Meeting of
 Thursday, September 11, 2014.

Staff recommends the following corrections be made to the above-referenced staff report. Deletions shall be marked by a ~~strikethrough~~ and additions shall be underlined.

1. Based on the fact that the majority of the project site is situated on private property, on Page 8 of the staff report, Special Condition No. 4 shall be corrected as follows:

4. Assumption of Risk, Waiver of Liability, and Indemnity Agreement

- i. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs, (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- ii. ~~PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has~~

~~authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also include that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes—or any part, modification, or amendment thereof—remains in existence on or with respect to the subject property.~~

- ii. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

2. On Page 11 of the staff report, the first paragraph shall be corrected as follows:

Under the Coastal Act, certain types of routine repair and maintenance dredging are exempt from coastal development permit requirements. However, Section 13252(a)(3)(A)(B) of the California Code of Regulations states that any repair and maintenance work located in an environmentally sensitive habitat, any sandy area, or within 20 feet of coastal waters that includes the removal of sand or other beach materials or the presence of mechanized equipment requires a permit. Thus, the proposed work is not exempt routine repair and maintenance.

Th 22a

Alex Llerandi
CACC San Diego Office
7575 Metropolitan Dr #103
San Diego, CA 92018

Sept 3, 2014

RE: 6-14-1048 Briarfield Cove

Mr Llerandi,

I understand that the City of San Diego's application for a permit to restore and maintain Briarfield Cove on Mission Bay, is going to hearing next week.

I would like to express my support for the application. I am familiar with the history of the Cove since the early 80s.

The proposal is good for the environment, for the City and for the residents.

Thank you for your attention.



Paul Ross
1015 Archer St
San Diego, CA 92109

Letter of Support
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CALIFORNIA COASTAL COMMISSION

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Th22a

Filed: 6/27/14
180th Day: 12/24/14
Staff: A. Llerandi-SD
Staff Report: 8/21/14
Hearing Date: 9/10-12/14

STAFF REPORT: REGULAR CALENDAR

Application No.: 6-14-1048

Applicant: City of San Diego

Agent: Paul Jacob

Location: Briarfield Cove, Mission Bay, San Diego, San Diego County (APN Nos. 423-350-20-28)

Project Description: Dredge approximately 4,000 cubic yards of sand to restore the cove to historic depths, export the excavated sand to a City facility on Fiesta Island, and conduct on-going routine maintenance of the cove

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of this project, with conditions.

The City of San Diego is proposing to dredge approximately 4,000 cubic yards of sand from Briarfield Cove and export the sand to the City's storage facility on nearby Fiesta Island, as well as conduct future routine maintenance of the sand contours. Briarfield Cove is a sandy half-circle of beach ringed on its north side with private single family residences and bordered on the south by a public pedestrian bridge and Mission Bay Park, located in the community of Pacific Beach in the City of San Diego.

At the time the public pedestrian bridge was constructed in 1994, there was significant tidal flow under the bridge into the cove, with sufficient water depths to allow the Briarfield Cove homeowners to access Mission Bay with personal watercraft. However, over the last several decades the cove has filled in with sand such that during higher tides, little water reaches the area north of the bridge and the public pedestrian bridge, which is now just a few inches above the current sand level. The proposed dredging will return the cove to the depth and contours that existed prior to construction of the bridge.

The proposed development raises issues of potential impacts to public access, biological productivity, and water quality. Public access issues arise because the project site is a sandy beach along a popular marine park. Biological productivity and water quality issues arise because the project site is on a sandy beach near open water which contains eel grass.

However, as dredging will occur on a sandy area not currently accessible to the public, and the existing public pedestrian bridge will remain open during construction, no significant impact to public access will occur. There is no eel grass within the proposed dredge footprint. To further address the aforementioned issues, recommended conditions include requiring the applicant to adhere to approved construction staging and storage plans that implement the appropriate Best Management Practices (BMPs), ensuring that runoff and pollutants are contained on site. A timing condition prohibiting work during the busy summer months will ensure that public use in this popular aquatic park is not impacted. A condition dictating the weather and tidal parameters during which work can be conducted will ensure that the greatest space between the development and the water is present, and create the lowest chance of adverse impacts on coastal resources. Finally, because the City has not yet determined the parameters of the proposed future dredging, a special condition requires that the City notify the Executive Director to determine whether a coastal development permit or an amendment to this permit is required for such work.

As conditioned, the proposed development will not have adverse impacts on Coastal resources. Therefore, Commission staff recommends **approval of** coastal development permit 6-14-1048, as conditioned.

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EXHIBITS

Exhibit 1 – Location Map

Exhibit 2 – Aerial View

Exhibit 3 – Parcel Map

Exhibit 4 – Historic Aerial

Exhibit 5 – Grading Plan

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 6-14-1048 pursuant to staff recommendation.*

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:

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

This permit is granted subject to the following standard conditions:

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the 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 or interpretation of any condition will be resolved by the Executive Director of 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

The permit is subject to the following conditions:

1. **Final Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final site and grading plans. Said plans shall first be stamped by the City of San Diego and be in substantial conformance with the plans submitted by the applicant on June 27, 2014.

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.

2. **Staging, Storage, and Public Access Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT applicant shall submit to the Executive Director for review and approval a final staging and storage plan indicating the location of access corridors to the construction site and staging areas that shall not result in impacts to public access and shall include the following:

- a. No work shall occur on the public beach or pedestrian bridge between Memorial Day weekend and Labor Day of any year. However, the applicant may undertake construction during this period upon obtaining a written statement of the Executive Director authorizing construction on specified dates. To obtain such a determination, the applicant must submit information documenting that construction on the specified dates proposed will not cause adverse impacts on public access;
- b. No public parking spaces (on or off-street) shall be used for the staging of equipment, machinery and employee parking;
- c. Staging areas shall not be permitted on public beaches, within public beach parking lots, or in any other location that would otherwise restrict public access to the beach at any time;
- d. Immediately upon completion of work and/or when the staging site is no longer needed, the site shall be returned to its preconstruction state;
- e. The applicant shall submit evidence that the approved staging and storage plans/notes have been incorporated into construction documents;

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 change to the plans shall occur without a Commission-approved

amendment to the permit unless the Executive Director determines that no such amendment is legally required.

3. Construction Pollution Prevention Plan (CPPP). PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee shall submit for the review and approval of the Executive Director, a Construction Pollution Prevention Plan (CPPP) prepared and signed by licensed engineer that, at a minimum, includes the following:

- i. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall include:
 1. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
 2. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands, or their buffers;
 3. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
 4. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters or storm drains;
 5. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters;
 6. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
 7. If turbid conditions are generated during construction, a silt curtain will be utilized to control turbidity;

8. Floating booms will 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;
9. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
10. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
11. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a Coastal Development Permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
12. All construction materials stockpiled on site, excluding lumber, shall be covered and enclosed on all sides to ensure that the materials are not discharged to a storm drain inlet or receiving waters;
13. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. If thinners, petroleum products or solvents must be used on site, they shall be properly recycled or disposed after use and not be discharged into storm drains, sewers, receiving waters or onto the unpaved ground. ;
14. The discharge of any hazardous materials into any receiving waters shall be prohibited;
15. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The designated area shall be equipped with spill control materials and located to minimize the risk of spills reaching receiving waters, storm drains, sewers or unpaved ground. ;
16. Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters or wetlands. Hazardous materials management equipment shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms

and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;

17. Best Management Practices (BMPs) and Good Housekeeping Practices (Ghost) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and

18. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

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

4. Assumption of Risk, Waiver of Liability, and Indemnity Agreement

- i. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs, (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- ii. PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also include that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the

development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

5. **Maintenance of Briarfield Cove.** Prior to any future maintenance dredging at the site, the applicant shall contact the Executive Director to determine whether a coastal development permit or an amendment to this permit is legally required for such work.
6. **Public Rights.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that may exist on the property. The applicant shall not use this permit as evidence of a waiver of any public rights that may exist on the property.
7. **Proof of Legal Ability to Comply with Conditions.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall demonstrate his ability or authority to comply with all the terms and conditions of this coastal development permit by submitting information indicating approval from all record title property owners or a judgment from an arbitrator or court of law establishing the applicant's legal authority to proceed with the approved development and comply with the terms and conditions of this coastal development permit.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/HISTORY.

The proposed project is dredging approximately 4,000 cubic yards of sand that has accumulated over the years in Briarfield Cove so as to restore the area to historic depths and contours. The excavated sand will be transported to the City of San Diego's sand maintenance facility and storage site on nearby Fiesta Island to be stored for future use by the City in beach maintenance projects.

The project site is located at Briarfield Cove in the Pacific Beach community of the City of San Diego. Briarfield Cove is a developed residential area with nine single family residence arranged in a half circle around a sandy cove, with some water present depending on the tides. The development is bordered along the southern property line by a public pedestrian bridge that provides continuous public access over the waters of the cove.

In March 1983, the Commission approved the Sail Bay Master Plan (CDP No. 6-83-027), a proposal by the City of San Diego for major public recreational improvements in the northwest quadrant of Mission Bay Park. The plan included a number of stages and was gradually implemented over the subsequent decade. The Master Plan included the removal of private encroachments on public parkland, dredging portions of Sail Bay, widening of the sandy beach areas, completion of a continuous cement walkway around the perimeter of Sail Bay (Bayside Walk), construction of several activity nodes such as the Fanuel Street pocket park, an eelgrass mitigation program, and construction of a public pedestrian bridge connecting both sides of Briarfield Cove to Bayside Walk.

In 1993, when construction of the public pedestrian bridge was to commence, the property owners at either end of Briarfield Cove, adjacent to the ends of the then proposed public pedestrian bridge, wished to construct seawalls within their private property that would be constructed in conjunction with and physically connected to the public pedestrian bridge. To this end, the property owners applied for and were granted a CDP for the seawalls (CDP No. 6-93-199), and the seawalls and the public pedestrian bridge were subsequently constructed by early 1994.

When the public pedestrian bridge was originally constructed, there was significant tidal flow under the bridge and into the cove, with sufficient water depths to allow the Briarfield Cove homeowners to access Mission Bay with personal watercraft. However, due to the aforementioned widening of the nearby public beaches and the public pedestrian bridge's design utilizing a large number of support piers, sand has steadily accumulated in Briarfield Cove over the years until it reached the state that it is currently in: filled in with sand, little water reaching the area north of the bridge and the public pedestrian bridge being just a few inches above the current sand level. The City of San Diego is applying for this permit to excavate the sand and restore Briarfield Cove to the same depths and contours it was after implementation of the previous Sail Bay Master Plan, prior to the construction of the public pedestrian bridge.

Under the Coastal Act, certain types of routine maintenance dredging are exempt from coastal development permit requirements. However, Section 13252(3)(A)(B) of the California Code of Regulations states that any work located in an environmentally sensitive habitat, any sandy area, or within 20 feet of coastal waters that includes the removal of sand or other beach materials or the presence of mechanized equipment requires a permit. Thus, the proposed work is not exempt routine maintenance.

While Briarfield Cove is connected to Mission Bay Park in the City of San Diego, which is an area of deferred certification, it is within the boundaries of the community of Pacific Beach, which is governed by the City of San Diego's certified LCP. However, this portion of Pacific Beach is an area of original jurisdiction, with the Coastal Commission retaining coastal development permit authority. Thus, Chapter 3 of the Coastal Act is the legal standard of review and the certified LCP is used as guidance.

B. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

In carrying out the requirements 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.

The subject properties along the perimeter of Briarfield Cove are unusual in that each site includes a combination of a developed single family residence, sandy beach, and, at least at high tides, water areas. In recent years, both sandy beach and water have seldom been present at the same time, as the cove is devoid of water at low tide and, due to the accumulation of sand over the years, little to no water enters the cove during high tides. Although the surrounding sandy beach areas in Mission Bay see a high level of public use, there is no evidence that the public uses the sand bayward of the existing residences, north of the pedestrian bridge. The presence of the public pedestrian bridge and approved private seawalls on the bayward side of the properties at either end of the public pedestrian bridge prevent public access to the sandy area north of the public pedestrian bridge except through the private residential properties. The only apparent pedestrian access to the sand appears to be through the private properties encircling Briarfield Cove. The limited nature of the access to this sandy area is further highlighted by the manner in which the City proposed to conduct the excavation – using a crane to lift earth moving machinery such as Bobcats over the public pedestrian bridge, due to their inability to fit between the single family residences.

As a mean high tide line determination has not been recently conducted at the subject site, it is unclear the extent to which the sandy area north of the pedestrian bridge is public property. However, the proposed project will remove sand that has filled in the cove over the last several decades, increasing tidal flow to the area, and returning the site to the depth and contours that previously existed prior to construction of the bridge. Public access will not be adversely affected because the sandy area within Briarfield Cove is not accessible to the public. The site is well served by the surrounding sandy beach areas, which are well used due to their easily accessible nature. Furthermore, because of the public pedestrian bridge, the sandy area within Briarfield Cove has not been needed to provide continuous public access around the shoreline of this portion of Mission Bay for decades. However, because there has not been a mean high tide line determination done for this site, **Special Condition No. 6** informs the applicants that the Commission's approval of this permit does not constitute a waiver of any public rights that may exist at Briarfield Cove.

In order to restore the cove to previously approved depths, the dredging includes the removal of some sand that has accumulated on the south side of the pedestrian bridge. Thus, sandy beach area that is now available for walking or recreational use at lower tides will be converted to open water. However, this area has historically consisted of open water prior to the Sail Bay improvements and construction of the pedestrian bridge. The purpose of the bridge construction was to provide and maintain continuous public access over the water of the cove. The sandy area south of the pedestrian bridge is frequently submerged or wet from tidal action, and given the immediately adjacent public pedestrian bridge, is likely not often used for access or recreation. The wide sandy beaches on either side of the bridge ensure that adequate public recreational area will be available after the dredging. As proposed, the pedestrian bridge will remain open to the public during construction. Construction activities should not impact any public access or recreation, as the area proposed to be dredged is not accessible to the public.

The City has proposed to conduct additional dredging at the subject site in the future. However, at this time, the parameters of this dredging, including the proposed amount of sand removal, location, timing, and so forth, are unknown.

To ensure impacts to public access to Mission Bay Park during dredging are further minimized, **Special Condition No. 2** requires the applicant to submit construction staging and storage plans for the review and written approval of the Executive Director prior to the issuance of the coastal development permit, to ensure they the approved development is conducted in such a manner so as to avoid impacts to public access, such as avoiding staging in public beach and parking areas. Furthermore, the approved dredging will not be permitted to occur during the busy summer months. However, due to the limited working conditions in which the dredging can occur (described in detail below in Section C), there is the potential that the project timeline could be substantially drawn out such that dredging might not be fully completed by Memorial Day. Thus, **Special Condition No. 2** allows the potential for work to occur during the summer if the City sufficiently demonstrates to the Executive Director that the time and manner of any work during that period will be sufficiently limited in scope, timeframe, and design to

avoid adversely impacting public access. Due to the presence of various interest holders in Briarfield Cove, **Special Condition No. 7** requires the City to demonstrate that it has obtained all necessary legal authority to conduct the approved development as conditioned. Therefore, the Commission finds that all public access concerns associated with the development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

C. BIOLOGICAL PRODUCTIVITY/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 recreational, 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 water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project will excavate approximately 4,000 cubic yards of sand from Briarfield Cove to restore it to historic contours and export the excavated sand to the City's sand storage facility on nearby Fiesta Island.

While under other circumstances the dredging could be completed in just a couple of days, because Briarfield Cove is encircled by homes and adjacent to Mission Bay Park, the work can only occur during extremely low tides (coinciding with new moon and full moon cycles), during the daytime, when there are no storm events. Thus, the work may take up to twenty days. When the working conditions are met, the City will utilize a crane on the bayward side of the public pedestrian bridge to lift a small number of earth moving machines, such as Bobcats, over the public pedestrian bridge and into Briarfield Cove. The Bobcats will excavate a tunnel under the public pedestrian bridge through which to create access to Briarfield Cove and push sand out from the cove, where it will be loaded onto waiting trucks to be driven to the Fiesta Island sand storage facility. When the tide rises, excavation will cease, the equipment will be removed or stored on the upland sandy beach out of the water's reach, and resumption will await the subsequent extremely low tide.

While Briarfield Cove is almost completely silted in, the area still experiences tidal influences, especially bayward of the public pedestrian bridge. Because the City will be working both in the cove and south of the public pedestrian bridge, the potential for adverse water quality and biological impacts exist. The waters of Mission Bay Park contain stands of eel grass throughout its area, which is a species of special biological significance given its role, among other attributes, in providing egg-laying and nursery habitat for fish species and thus warrants special protection under Section 30230 of the Coastal Act. In order to maintain optimum populations of eel grass, the applicant must employ specific water quality measures during construction. Runoff from either the earth moving equipment or from the excavated sand could pollute the nearby waters or increase turbidity. Besides timing excavation to coincide with extremely low tides, the City has proposed other BMP measures such as creating a sand berm between the excavation area and the water while work is proceeding, to prevent wave action reaching the excavation area and to prevent potential runoff from flowing into the water.

The City has also requested approval for future maintenance measures to maintain the historic depths and contours of Briarfield Cove. However, because the City has not yet determined the parameters of the proposed future dredging, the extent of any impacts associated with that dredging cannot be determined or assessed at this time. Therefore, **Special Condition No. 5** makes clear that maintenance activities not exempted by Coastal Commission regulation will require a determination by the Executive Director as to whether a new permit or an amendment to this permit is legally required prior to implementation of such activities.

To protect marine resources and coastal water quality, **Special Condition No. 1** requires the applicant to adhere to approved final grading plans in order to ensure the final excavation adheres to approved design that does not impact the surrounding public beaches. **Special Condition No. 3** requires the applicant to submit and adhere to a Construction Pollution Prevention Plan in order to ensure that construction activity on the subject property does not impact the water quality of Mission Bay Park. Required measures to protect water quality include, but are not limited to, prohibition on storage of equipment or materials where it would be subject to water action, prompt removal of all debris, implementation of BMPs to capture and filter any runoff, and moving all maintenance and fueling work away from the bay. **Special Condition No. 4** requires the applicant to recognize that the project site is a tidally influenced area that poses risks of flooding or wave damage in the future.

In conclusion, the proposed development raises concerns regarding biological productivity and water quality impacts to coastal water bodies associated with construction activities. As conditioned, these potential impacts have been minimized and, therefore, the project be found consistent with Sections 30230 and 30231 of the Coastal Act.

D. LOCAL COASTAL PLANNING

Section 30604(a) 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 and issues permits for development in its area of jurisdiction. However, the subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act as well as with the certified LCP which the Commission uses as guidance in this area. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Pacific Beach community.

E. 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 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 final plans, staging and timing, and water quality, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

G:\San Diego\Reports\2014\6-14-1048 Briarfield Cove staff report.doc)

APPENDIX A

- 1) Pacific Beach Community Plan
- 2) CDP No. 6-83-027
- 3) Army Corps of Engineers Permit No. 84-111-RA



SEE 1248 MAP

RAND McNALLY

EXHIBIT NO. 1
APPLICATION NO
6-14-1048
Location Map

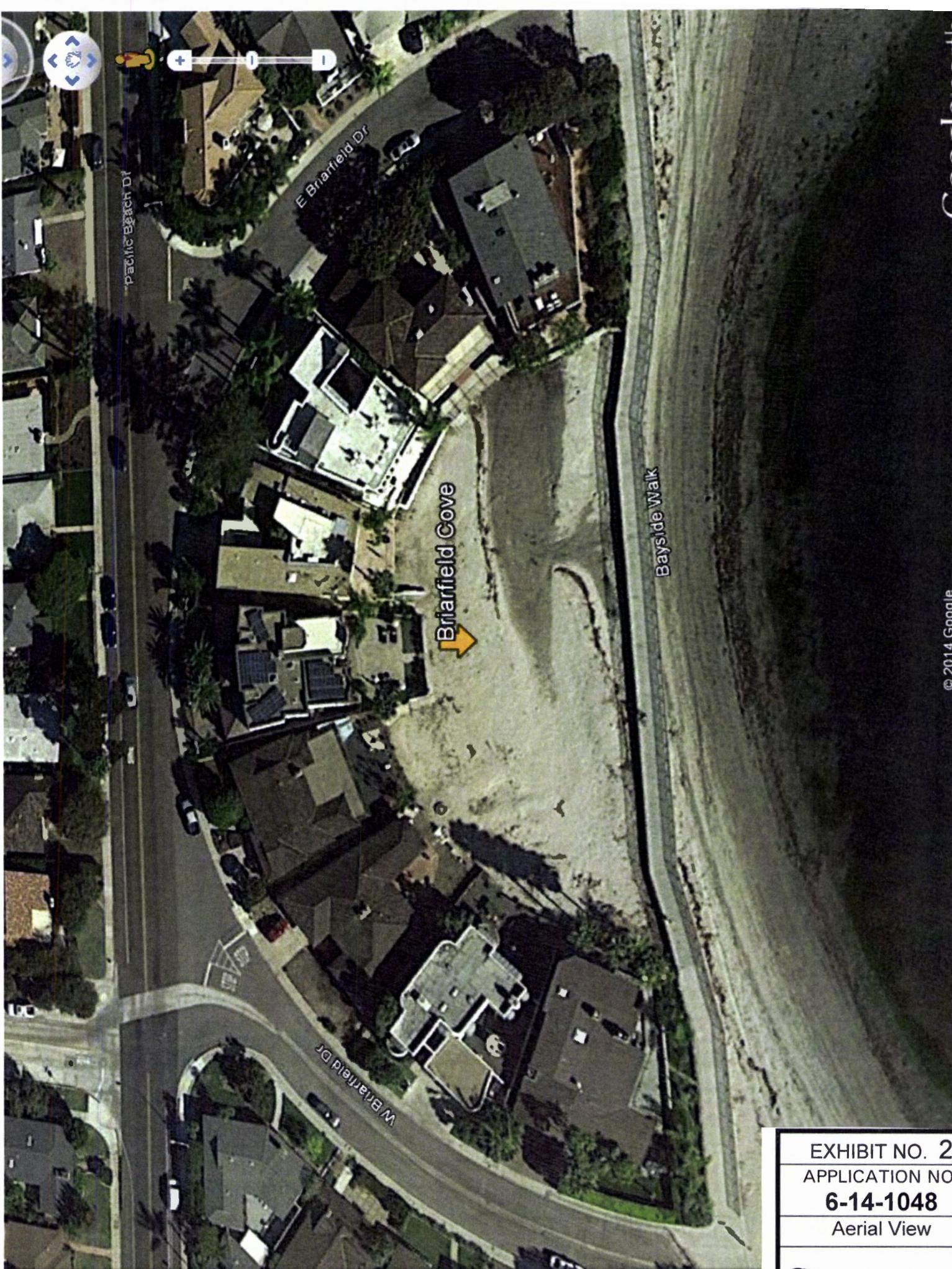
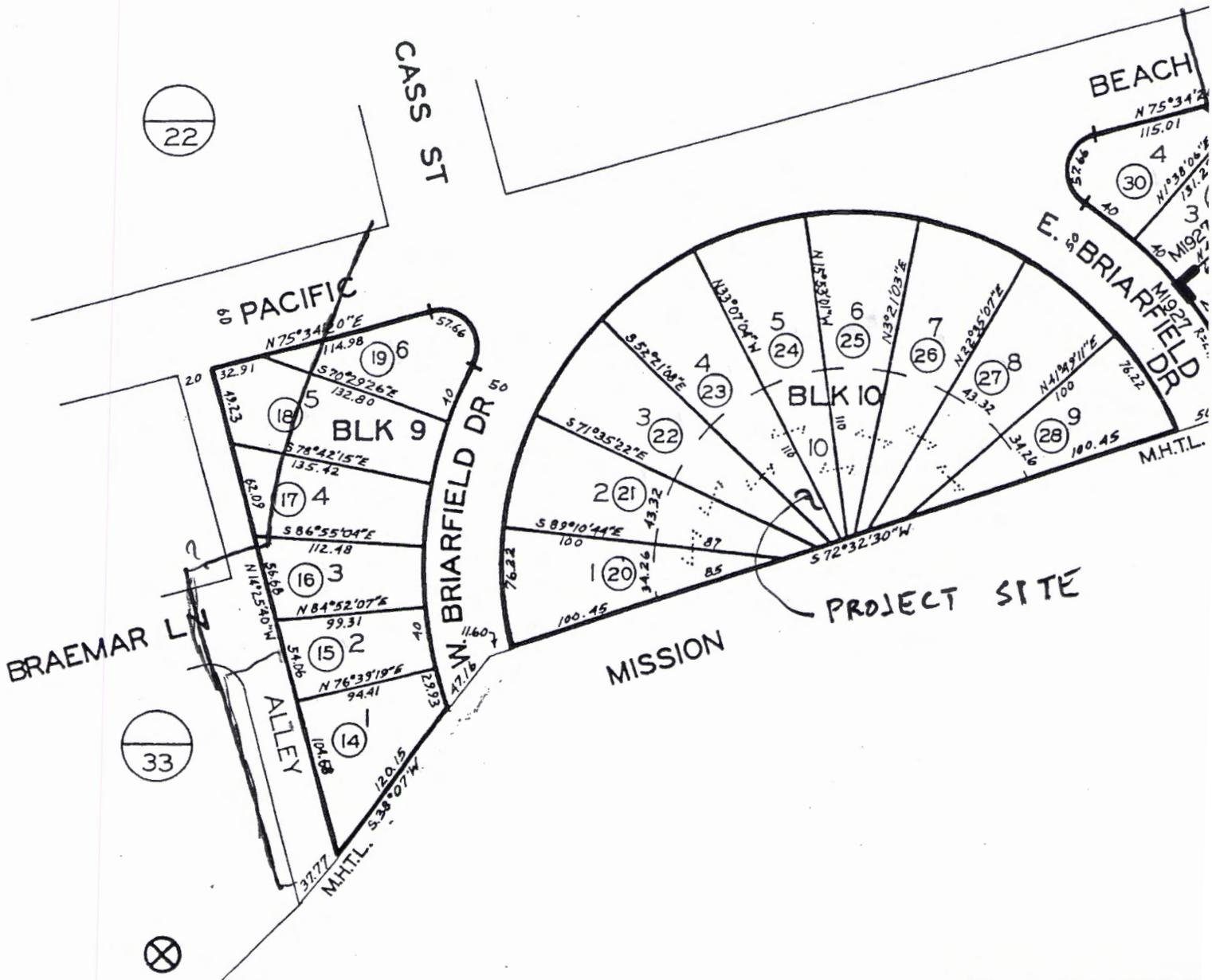


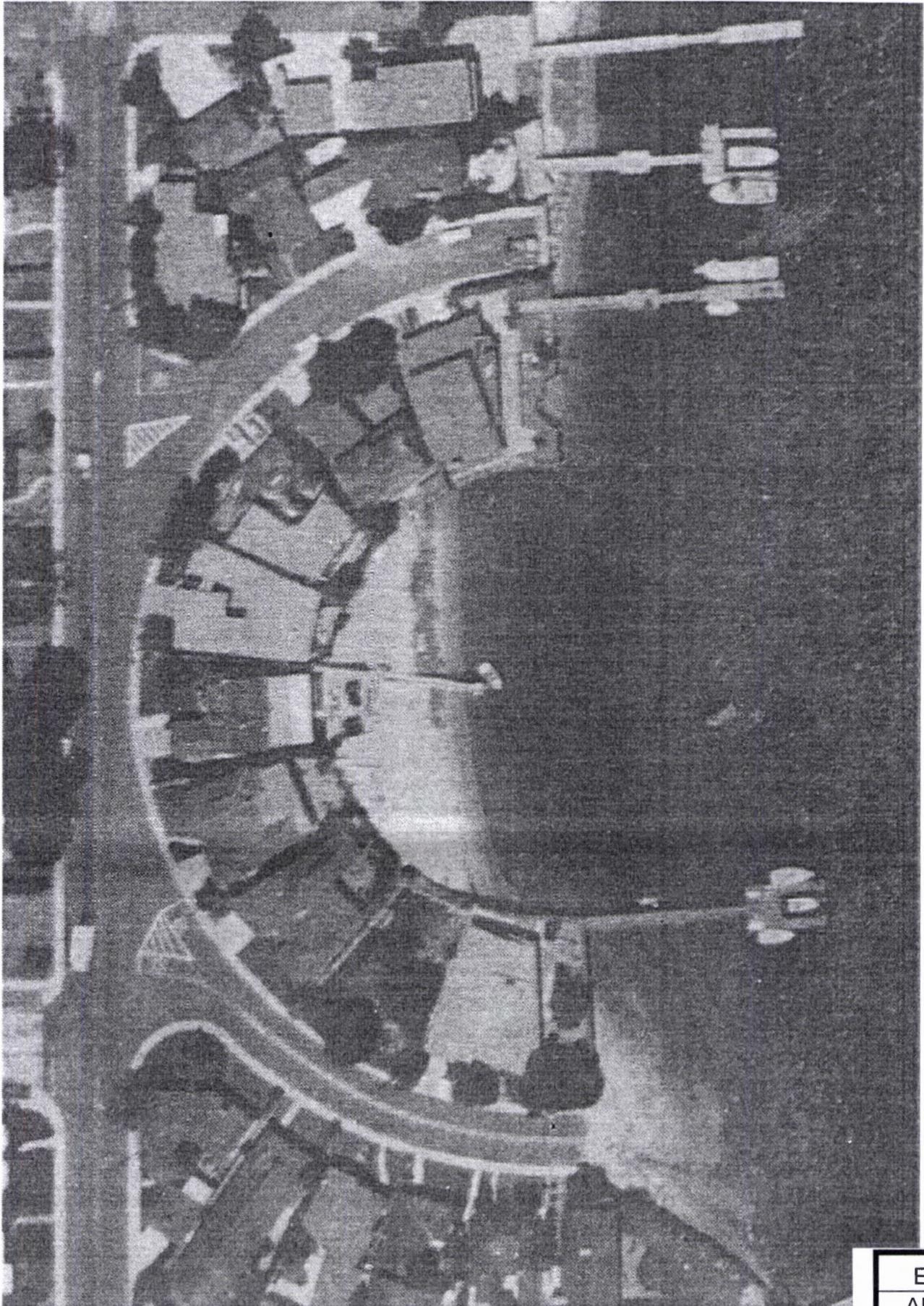
EXHIBIT NO. 2
APPLICATION NO.
6-14-1048
Aerial View



R. LOVE
 1-12-83
 SAN DIEGO COUNTY
 ASSESSOR'S MAP
 BOOK 423 PG 35 SHT 1 OF 3

THIS MAP WAS PREPARED FOR ASSESSMEN
 ASSUMED FOR THE ACCURACY OF THE D
 MAY NOT COMPLY WITH LOCAL SUBDI

EXHIBIT NO. 3
 APPLICATION NO.
6-14-1048
 Parcel Map



1976

EXHIBIT NO. 4
APPLICATION NO
6-14-1048
Historic Aerial

TOPOGRAPHIC SURVEY

THIS IS IN FULL PAYMENT OF SERVICES RENDERED BY ME TO THE CALIFORNIA COAST COMMISSION FOR THE TOPOGRAPHIC SURVEY OF THE PROJECTS OF THE CALIFORNIA COAST COMMISSION, ACCORDING TO MAP NUMBER 1048-1, 1048-2, 1048-3, 1048-4, 1048-5, 1048-6, 1048-7, 1048-8, 1048-9, 1048-10, 1048-11, 1048-12, 1048-13, 1048-14, 1048-15, 1048-16, 1048-17, 1048-18, 1048-19, 1048-20, 1048-21, 1048-22, 1048-23, 1048-24, 1048-25, 1048-26, 1048-27, 1048-28, 1048-29, 1048-30, 1048-31, 1048-32, 1048-33, 1048-34, 1048-35, 1048-36, 1048-37, 1048-38, 1048-39, 1048-40, 1048-41, 1048-42, 1048-43, 1048-44, 1048-45, 1048-46, 1048-47, 1048-48, 1048-49, 1048-50, 1048-51, 1048-52, 1048-53, 1048-54, 1048-55, 1048-56, 1048-57, 1048-58, 1048-59, 1048-60, 1048-61, 1048-62, 1048-63, 1048-64, 1048-65, 1048-66, 1048-67, 1048-68, 1048-69, 1048-70, 1048-71, 1048-72, 1048-73, 1048-74, 1048-75, 1048-76, 1048-77, 1048-78, 1048-79, 1048-80, 1048-81, 1048-82, 1048-83, 1048-84, 1048-85, 1048-86, 1048-87, 1048-88, 1048-89, 1048-90, 1048-91, 1048-92, 1048-93, 1048-94, 1048-95, 1048-96, 1048-97, 1048-98, 1048-99, 1048-100.

BENCHMARK

THE BENCHMARK WAS SET BY ME AT THE INTERSECTION OF JAMES ST AND PALMDALE BEACH ON ELEVATION = 1,900 ± 0.1.

SURVEYOR'S STATEMENT

I, PHILIP S. BUTCHER, A LICENSED LAND SURVEYOR IN THE STATE OF CALIFORNIA, HAVE MADE THIS SURVEY IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACTS OF THE STATE OF CALIFORNIA, AND I CERTIFY THAT THE SAME IS TRUE AND CORRECT AS SHOWN.

PHILIP S. BUTCHER
 License No. 4019

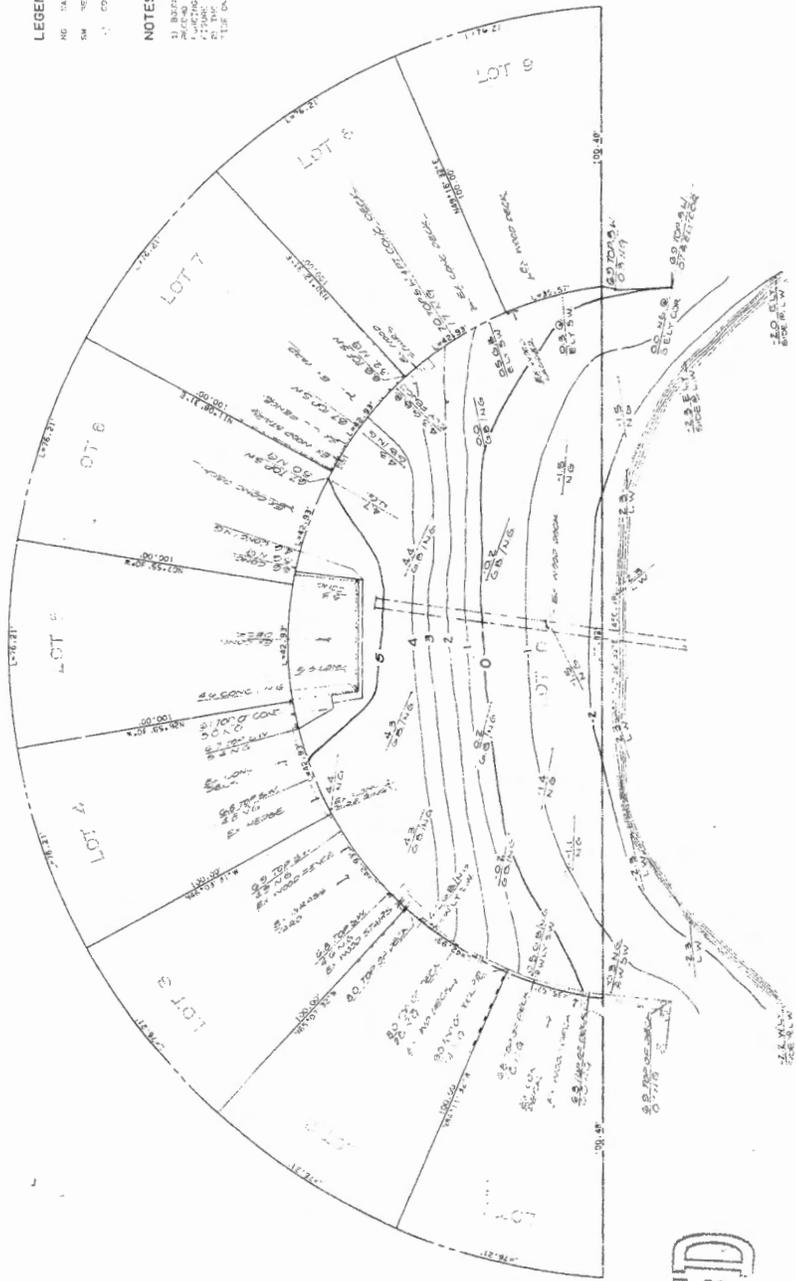


LEGEND

- NE NATURAL BOUND
- SW NEA 1/4
- CONCRETE

NOTES

1) BENCHMARK DATA SHOWN HEREON IS COMPILED FROM THE SURVEYING ACTS OF THE STATE OF CALIFORNIA, AND IS SUBJECT TO THE PROVISIONS OF THE SURVEYING ACTS OF THE STATE OF CALIFORNIA. THE SURVEYING ACTS OF THE STATE OF CALIFORNIA ARE SUBJECT TO THE PROVISIONS OF THE SURVEYING ACTS OF THE STATE OF CALIFORNIA.



RECEIVED

JUN 27 2014

LIFORNIA
 COMMISSION
 COAST DISTRICT

EXHIBIT NO. 5
 APPLICATION NO
6-14-1048
 Grading Plan