

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
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Staff: LRO-SD
Staff Report: December 15, 1995
Hearing Date: January 10-12, 1996



AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

F8c

Application No.: 6-93-165-A2

Applicant: City of San Diego

Agent: Tom Cartier

Original

Description: Implementation of Mission Bay Shoreline Protection, Phase I, including replenishment of existing rip rap rock revetment, construction of new rip rap rock revetment, construction of new bulkhead walls, pedestrian walkways, handicapped access, dredging of Mission Bay Channel Shoal and East Ski Islands, and related improvements.

Proposed

Amendment: Extend repair of 250-foot long rip rap revetment by an additional 273 feet to the west at Mission Point (Site 1); reclaim small rock that has migrated onto sandy beach cove and extend area of repair of 150-foot long rip rap revetment by an additional 35 linear feet to the west at Ventura Cove, south, (Site 5; extend 526-linear foot concrete bulkhead wall by an additional 80 linear feet to the south at Santa Clara Point (Site 11); extend repair of existing 150-linear foot rip rap revetment by an additional 20 feet to the north at North Cove (Site 19).

Site: Mission Point, Ventura Cove (south), Santa Clara Point and North Cove, Mission Bay Park, San Diego, San Diego County.

Substantive File Documents: Certified Mission Bay Park Land Use Plan; Mission Bay Park Shoreline Stabilization and Restoration Project Plan; Mission Bay Park Natural Resources Management Plan, 1989.

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed amendment with no new special conditions. However, the special conditions of the original permit which address a maintenance program, timing of construction and maintenance activities and staging areas/access corridors remain in effect.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit amendment for the proposed development, subject to the conditions below, on the grounds that the development, as amended, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Special Conditions.

The permit is subject to the following conditions:

1. Conditions of Prior Approval. All special conditions of the original permit remain in full force and effect and apply to the expanded areas of rehabilitation herein described.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Brief Amendment Description/Project History. The City of San Diego is requesting to do additional shoreline stabilization work at four sites that were approved for shoreline protection under Phase I of the City's shoreline stabilization project for Mission Bay. The City proposes to extend the repair of a 250-long rip rap revetment by an additional 273 feet to the west at Mission Point (Site 1); reclaim small rock that has migrated onto sandy beach cove and extend area of repair of a 150-foot long rip rap revetment by an additional 35 linear feet to the west at Ventura Cove, south (Site 5); extend a 526-linear foot concrete bulkhead wall by an additional 85 linear feet to the south at Santa Clara Point (Site 11); and, extend repair of an existing 150-linear foot rip rap revetment by an additional 20 feet to the north at North Cove (Site 19). The work at Site 5 requires a coastal development permit because it is within 20 feet of coastal waters.

The applicant also requested to incorporate replenishment of a failed section of revetment, including installation of a new filter fabric, below the Ingraham Street Bridge (Fishermen's Channel) as part of the subject amendment request, which the City asserts was part of the approved Phase II stabilization permit (CDP #6-94-208). However, there remains a question as to whether or not that work was authorized under the permit. Neither the permit or project plan described rehabilitation of rip rap at that location--only beach sand recontouring was authorized. For this reason, the requested work at that site would be subject to a separate coastal development permit; and, it is therefore not a part of the subject permit amendment.

The original permit was for replenishment of existing rip rap rock revetment, construction of new rip rap rock revetment, construction of new bulkhead walls, pedestrian walkways, handicapped access, dredging of Mission Bay

Channel Shoal and East Ski Island, and related improvements. The ten sites permitted under the original permit are as follows: Site 1 - Mission Point, Site 3 - Mariner's Point, Site 5 - Ventura Cove (south), Site 11 - Santa Clara Point, Site 13 - Riviera Shores, Site 19 - North Cove (Vacation Island), Site 23 - Ingraham Street (south bridge crossing), Site 24 - East Ski Island, Site 31 - De Anza Boat Ramp (North), Site 33 - Visitor Center, and the Mission Bay Channel Shoals. The site numbers refer to the projects as described in the Mission Bay Park Shoreline Stabilization and Restoration Project Plan (1989). Groups of individual projects have been approved by the Commission in several permit actions, including the subject permit for ten sites.

At the time of this writing, work has been completed at Sites 1, 24 and 33. Construction has commenced, but has not yet been completed, at Site 11 - Santa Clara Point and construction is currently in progress at Site 13 - Riviera Shores. Permitted work at the other sites has not yet commenced. Thus, since the overall work has not been completed, the proposed modifications to four of the above listed sites are being processed as an amendment to the original permit. Because each site is unique and sited differently in its orientation to the bay, including the nature and use of its shoreline, each site will be addressed below with its own set of detailed findings:

Site 1 - Mission Point

a. Site/Project Description. The City is requesting to extend the repair of rock revetment from the previously-permitted boundary west an additional 273 feet. The original approval at this site included rehabilitation of 250 linear feet of existing rip rap including placing indigenous sand fill in an area in back of the rip rap. The originally approved rip rap repair did not extend further than the toe of the existing revetment and that work has been completed. The proposed amendment seeks to replenish the revetment in this area that has failed in the same fashion as the original work at this site. The entire tip of Mission Point has been armored with revetment and there is no sandy beach area. The upland park area consists of grassy picnic areas and picnic tables, paved walkways, children's play area and public restrooms. There will be no eelgrass or intertidal resource impacts as a result of the proposed amendment.

b. Shoreline Protection Devices/Geologic Hazards. Section 30235 of the Act states the following, in part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply....

As is noted above, the construction of shoreline protective devices may be permitted to protect existing principal structures in danger from erosion and

hazardous conditions, as is proposed throughout this project. If such a need for protection is documented, the Commission must then consider all possible alternatives, including modifications to the structures and alternative seawall designs to assure the least environmentally-damaging feasible alternative is chosen. In this case, such alternatives have been considered, not only of the subject site, but for all of the Phase I project sites. As noted in the original project, even though Mission Bay represents artificial filled tidelands, it does not experience the degree of tidal action and wave energy that naturally occurs along oceanfront areas. Nevertheless, the Bay does experience a great deal of reflected wave energy. This is readily apparent as numerous escarpments have formed and sloughing has occurred throughout the public parkland areas abutting the bay shoreline.

At the subject site, the revetment has failed and the rock is migrating down the slope into the bay. Erosion at this location is due to waves reflecting off of Hospitality Point and the timber bafflewall around both Mission and Mariner's Points, causing erosion along the inward side of both areas. The rehabilitation of existing rip rap is hence proposed to protect the public parklands from further sloughing and erosion. Alternatives addressed in the Shoreline Stabilization Plan included removal of the existing rip rap and replacement with a bulkhead wall. In this case, the preferred solution was replenishment of the existing rip rap. Therefore, the Commission finds that, since the rip rap will be in the same alignment and will not encroach further bayward nor landward than the existing revetment, it can be found consistent with Section 30235 of the Act.

c. Public Access. Many policies of the Coastal Act address the provision, protection and enhancement of public access to and along the shoreline, in particular Sections 30210, 30211, 30212.5, 30221, 30223 and 30252. These policies address maintaining the public's ability to reach and enjoy the water, preventing overcrowding by providing adequate recreational area, protecting suitable upland recreational sites, and providing adequate parking facilities for public use. The sites consist of public land within Mission Bay Park, and are located between the first public road and the sea.

At the subject site, there is no sandy beach area as the entire point is protected by existing rip rap revetment. The point primarily is used by the public for picnicking and passive recreational activities. The City is proposing the improvements to preserve existing parkland through the rehabilitation of existing rip rap. Since the rip rap will not extend any further bayward than the toe of the existing rip rap, nor further landward, the replenishment does not create any adverse impacts on the current public use pattern of the area. In particular, fishermen frequent this site; however, the proposed additional rip rap rehabilitation will not inhibit public access in any way and the public will be able to continue to use this site for fishing and other recreational purposes.

With respect to construction impacts, the proposed amendment has been conditioned such that the original special conditions of approval remain in full force and effect. In particular, a maintenance program, timing of construction, and staging areas/access corridors will remain applicable to the

proposed amendment. The City will construct the project outside the summer beach season, and minimize the public areas needed for staging areas and access corridors. Therefore, as conditioned, the proposed work at this site will not result in any adverse impacts to public access and it can be found consistent with the cited policies of the Coastal Act. Furthermore, as required in Section 30604(c) for developments between the first public road and the sea, the project is found consistent with all other public access and recreation policies of the Act.

d. Visual Resources. Section 30251 of the Act, states the following, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas....

Although some erosion has occurred at this site, it is not significantly different from other armored areas in Mission Bay Park. After the proposed rehabilitation activities, there will remain areas of grassy uplands, as there are today. The actual construction phase may have some adverse visual impacts, but this is only temporary until the improvements are completed. The Commission finds the amendment request, as conditioned, fully consistent with Section 30251 of the Act.

Site 5 - Ventura Cove.

a. Site/Project Description. Proposed at this site is the reclamation of small rock that has migrated into the sandy beach cove and replenishment of the failed revetment from the previously-permitted boundary approximately 35 additional linear feet to the west ending at an existing concrete drainage channel. New larger rock and reclaimed rock will be used at this site. The surrounding area is comprised of grassy picnic areas with tables and paved walkways. As in the original proposal, the proposed amendment to replenish the additional rip rap is with in-kind material. The applicant has stated no attempt will be made to remove any rock from areas that support eelgrass and as such, no eelgrass or intertidal impacts will occur from the proposed work. The previously-permitted work at this site has not been completed to date.

b. Shoreline Protective Devices/Geologic Hazards. The existing revetment just west of the approved replenishment area has failed causing rock to migrate into the lower intertidal and high subtidal area between the west end of the currently permitted construction and the existing concrete drainage channel. The applicant has indicated that removing the small rock that is strewn on the sandy beach and expanding the area of revetment rehabilitation will stabilize the site and help prevent future rock migration into the cove. In addition, the rehabilitation will protect the grassy parkland areas for public use. Since the replenishment is with in-kind material in the same project footprint as the existing rip rap, the proposal will not result in any

adverse impacts to shoreline sand supply and can be found consistent with Section 30235 of the Act.

c. Public Access. The subject area is primarily used for picnicking and sunbathing. The water adjacent to the area that is proposed to be rehabilitated with rip rap is not accessed by the public because of the rip rap. As such, the proposed additional rehabilitation of the rip rap will not adversely affect the public's pattern of use of the area nor interfere with existing public access opportunities. In fact, large stones, which are one to two feet in diameter, have migrated onto the sandy beach, thus inhibiting public access to some degree at this location. The proposed amendment to recapture those rocks and re-position them along with new rip rap, will improve public access at this site. Furthermore, the areas of open sandy beach further to the west where the shoreline is devoid of rip rap will continue to be available for public access to the water. Therefore, the Commission finds the proposal can be found consistent with the cited policies of the Coastal Act. Furthermore, as required in Section 30604(c) for developments between the first public road and the sea, the project is found consistent with all other public access and recreation policies of the Act.

d. Visual Resources. As the proposed rip rap rehabilitation will be in the same alignment and configuration as that which presently exists, no new visual impacts will occur as a result of the proposed work. Furthermore, the rip rap will be compatible to that which presently exists at the site, consistent with Section 30251 of the Act.

Site 11 - Santa Clara Point

a. Site/Project Description. Proposed at this site is to extend the permitted 526-linear foot bulkhead wall with hand railing and access stairways an additional approx. 80 feet to the south to extend past and replace the existing wood pile bulkhead, which is failing. The originally approved work is located around the northeast and northern tip of Santa Clara Point. The amended area for the proposed work is located west of the existing one-story structure housing the Mission Bay Aquatic Center. The site includes an existing boat dock, several boats and recreational equipment are beached along the shore immediately west of the structure. A paved parking lot is situated to the south. The proposed work would occur landward of the existing eelgrass beds and no impacts to environmental resources are anticipated. The originally-permitted work at this site is currently underway.

b. Shoreline Protective Devices/Geologic Hazards. The City is proposing additional shoreline protection at this site to protect an existing structure, the Mission Bay Aquatic Center, which is popular for the renting of boating and sporting equipment to be used in the Bay (i.e., sailboats, wind surfing boards, etc.) and to protect existing parklands. This area has experienced erosion due to water-skiing activities and wind driven waves which have resulted in escarpments along this area of shoreline which threaten the Mission Bay Aquatic Center. In particular, where the currently proposed work will be located, an existing wood pile type of retaining wall is structurally

failing but has not yet been demolished. The City states failure of the wood structure is eminent and would lead to undermining of the slope. Several alternatives to shoreline protection were considered at this site. The preferred solution to correct erosion at this site, as identified in the Shoreline Stabilization Plan, is the construction of the bulkhead wall.

In summary, the City is proposing an extension of a permitted bulkhead wall to protect both an existing commercial structure and public parklands which are threatened. Further, the extension of the bulkhead wall will prevent undermining of the slope and maintain the current delineation between upland and beach area. The toe of the proposed bulkhead wall will be aligned at the toe of the existing escarpment and extend its full length, to the beginning of the existing sandy beach area which is located to the south. The sandy beach area was proposed for beach replenishment pursuant to CDP No. 6-94-208 for Phase II of the Mission Bay Shoreline Stabilization project. The proposed bulkhead wall will extend only to the beginning of the sandy beach as noted. The top of the wall will be at elevation +9.0 MSL so that the grassy area will be resloped approximately 10 feet landward to create a gentle bayward slope and maintain as much of a flat grassy area as possible. The proposed design will have no impact to sandy beach to the southwest or to the Phase II beach replenishment south of the wall. In addition, since the proposed bulkhead wall will replace the existing failing timber wall, it will match the existing alignment and elevation of the current timber wall. Beach access stairs are proposed on the west side of the dock to match the stairs on the east side of the dock. In addition, the City will comply with the original conditions of approval which required a beach maintenance program at this particular site. Therefore, as conditioned, the proposed bulkhead wall extension can be found consistent with Section 30235 of the Act.

c. Public Access. Generally, the entire Santa Clara Point is accessible, for strolling along the beach, although in several places as noted previously, there is an existing 3-4 foot high scarp. People usually tend to find the lowest and most accessible point to gain access from the upper parkland area down to the beach in this area. The proposed bulkhead wall extension will not change the current use pattern of the area as access will still be provided to the beach. Therefore, the proposal will not have any adverse impacts on public access opportunities, since the upland park amenities will remain available to the public and the beach area includes a sand maintenance program, pursuant to the original conditions of approval. Thus, the proposal at this site can be found to meet the public access and recreation requirements of the Coastal Act.

With respect to construction impacts, as noted previously, the original conditions of approval, which remain in full force and effect, will require the City to construct the project outside the summer beach season, and to minimize the public areas needed for staging areas and access corridors. Therefore, as conditioned, the proposed work at this site can be found consistent with the public access and recreation policies of the Coastal Act. Furthermore, as required in Section 30604(c) for developments between the first public road and the sea, the project is found consistent with all other public access and recreation policies of the Act.

d. Visual Resources. The top of the proposed concrete bulkhead wall will be at a similar elevation as the adjacent public parkland after the slope is regraded, as discussed in the previous finding. After the bulkhead wall is constructed, there will remain areas of grassy uplands, as there are today. The actual construction phase may have some adverse visual impacts but this is only temporary. Since the bulkhead wall will not result in any permanent adverse visual impacts, the Commission finds the proposal at this site, as conditioned, consistent with Section 30251 of the Act.

Site 19 - North Cove

a. Site/Project Description. The originally permitted work at this location was for the replenishment of existing rip rap with 1,313 tons of rip rap rock revetment 30-feet wide on a filter fabric over approx. 150-lineal feet of shoreline. The proposed amendment is to extend this rip rap replenishment an additional 20 feet to the north to an existing park sign. The subject site is located on Vacation Isle (Princess Resorts) which is open to the public. Vacation Isle is comprised, in part, of a large resort with individual detached suites, tennis courts, swimming pools, and other amenities associated with the resort. The area where the work is proposed is along an inlet where rock has migrated. The project site is bayward of a public sidewalk which borders several detached suites. Vacation Isle is located south of Riviera Shores across the Bay to the west of the Ingraham Street bridge (south crossing). There will be no impacts to eelgrass nor intertidal/bay/open water at this location. Regarding the status of the permitted work at this site, repair of the existing rip rap has not yet occurred.

b. Shoreline Protective Devices/Geologic Hazards. The reason the shoreline protection is needed at this location is due to erosion that is occurring in the southeast corner removing existing rock revetment and exposing underlying fill material. According to the City, the area sustains such high energy waves that no other practical softscape alternative (new beach sand) can be implemented to adequately protect the shoreline. As the proposed additional 20 feet of rip rap rehabilitation will be in the same alignment as the existing rip rap and will not involve any bayward encroachment, it can be found consistent with Section 30235 of the Act.

c. Public Access. North Cove is accessible to the public from Ingraham Street. Presently, there are signs at the entrance to the Princess Resort that identify North Cove and indicate it is open to the public. The area consists of a walkway, grassy picnic area with a few tables and fire rings, and a small sandy beach with fire rings north of where the proposed work will occur. Because the erosion at this site has been so severe, the existing rip rap has slid down the steep slope into the bay. The sand slope has deteriorated, and sand has filled in the area that previously contained rock. The proposed rip rap replenishment will stabilize the failed revetment area and restore it to its prior condition. According to the City, neither presently nor historically, has there been usable sandy beach in this area. The existing sandy beach area to the west will remain intact and the pattern

of use of this area will remain unchanged as a result of the work at this location. Therefore, the proposed additional rip rap rehabilitation can be found consistent with all of the public access and recreation policies of the Coastal Act.

d. Visual Resources. This area is not as highly visible to the public as other areas throughout Mission Bay. Nonetheless, it is visible by those using the area and/or Vacation Isle. However, as the proposed rip rap replenishment will be in the same location as the existing rip rap, it should pose no additional nor adverse visual impacts. Therefore, the work at this site can be found consistent with Section 30251.

2. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit or permit amendment shall be issued only if the Commission finds that the permitted development or permit amendment 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. Such a finding can be made for the proposed project, as conditioned. These sites are currently designated as Park and Shoreline in the Mission Bay Park Master Plan; as existing, and with project implementation, the sites are fully consistent with that designation. An EIR for the overall stabilization program was prepared and certified by the City of San Diego; it included the preferred alternatives for the subject sites. The original conditions of approval remain in full force and effect.

The Mission Bay Park Master Plan (land use plan) was certified by the Commission in May, 1995. The proposed project, which will serve to enhance continued public use of the existing sand beaches at several sites, is consistent with the recently-certified Mission Bay Park Master Plan.

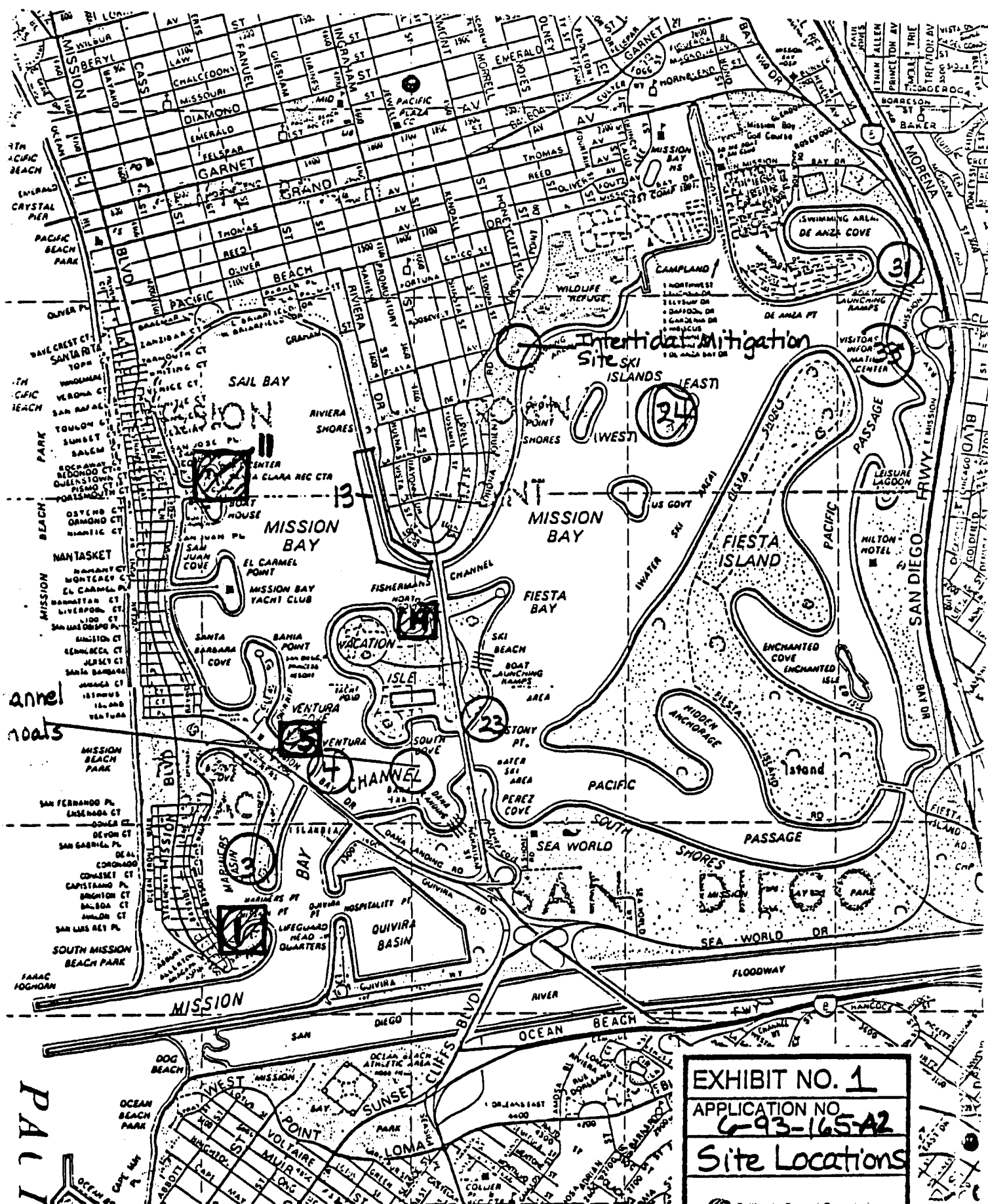
Although the City of San Diego has a fully-certified Local Coastal Program, Mission Bay Park is an area of deferred certification, wherein the Commission retains coastal development permit authority. Moreover, because the majority of Mission Bay Park was created on filled tidelands, it is unlikely that permit jurisdiction for most of the area within the Master Plan boundaries will ever pass to the City. For that reason, Chapter 3 of the Coastal Act will remain the standard of review for most projects within the park although the certified Master Plan now provides guidance. As demonstrated in the preceding findings, the proposed development, with the attached special conditions, has been found consistent with all applicable policies of Chapter 3. Therefore, the Commission finds that approval of the development, as conditioned, will not prejudice the ability of the City of San Diego to complete its planning process for Mission Bay Park in a manner consistent with the Coastal Act.

3. Consistency With the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permits and permit amendments, to be supported by a finding showing the permit or amendment, as conditioned, to be consistent with any applicable requirements of the California Environmental

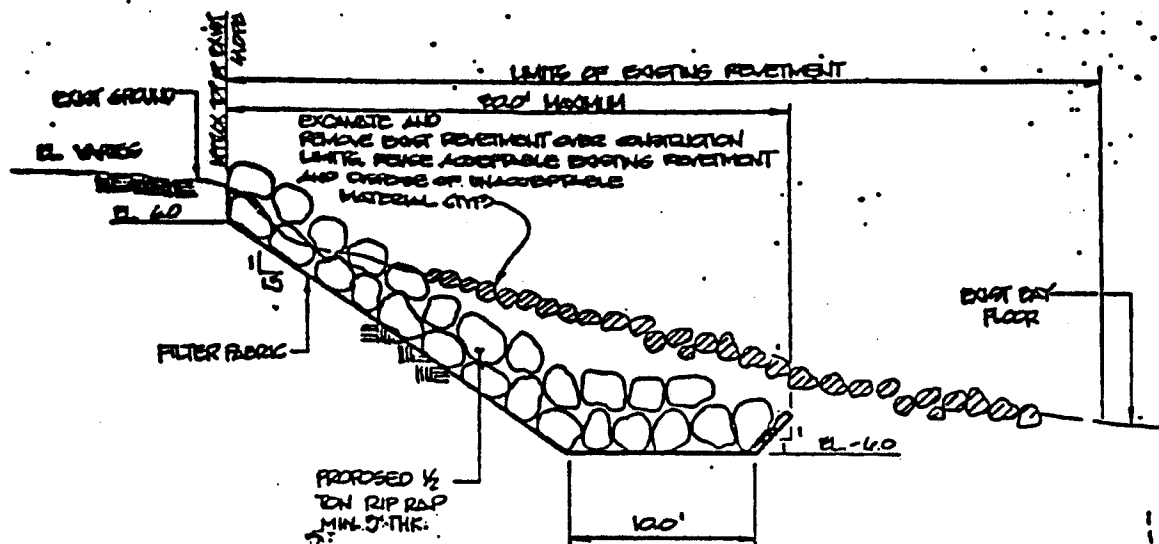
Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. The proposed amendment has been conditioned in order to be found consistent with Chapter 3 policies of the Coastal Act. Mitigation measures were incorporated as conditions of approval of the original permit. These remain in effect and will minimize all adverse environmental impacts on public access and shoreline processes below a level of significance.

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, as conditioned to mitigate identified impacts, is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

(0788A)



Sites subject to amendment =



SECTION A-A

ELEV

 NO SCALE

REVELMENT REHABILITATED
 PER PHASE I DRAWINGS

EXTEND REVELMENT
 REHABILITATION 273'
 PER SECTION A

MHHW

HIGH SP23
 EG 626241

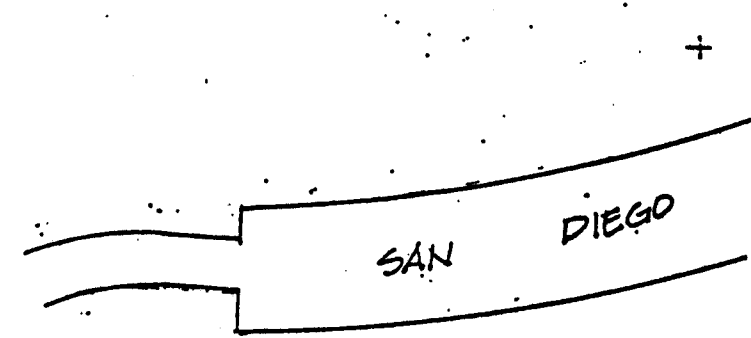


EXHIBIT NO. 2
APPLICATION NO. 6-93-165-A2
Site 1-Mission Point
California Coastal Commission

10-17-95



EXHIBIT NO. 3
APPLICATION NO. 6-93-165-Aa
Site 5-Ventura
Cove
California Coastal Commission



STAIR PER PHASE I W/16 WIDE LANDING (CLEARED)
ELIMINATE CONCRETE RAILING & HANDRAIL OVER
DOCK LIMITS. CONNECT DOCK TO NEW PER FIELD
CONDITIONS. FILL BEHIND WALL & REPLACE
SIDEWALK

RETAINING WALL PER
PHASE I DRAWINGS

EXTEND BULKHEAD
WALL 60' PER
SECTION A

T.W 7.0 ±
N 1866873 ±
E 6254380 ±

TW 8.0 ±
N 1866930.00 ±
E 6254417.00 ±

ASPH PAVING LOT

FILL BEHIND
WALL (TYP.)

STAINLESS STEEL
RAILING (TYP.)

LIMITS OF LANDSCAPING
AS SHOWN ON LANDSCAPING PLANS

GRADE TO
DRAIN AT
1% MIN.

BULKHEAD
WALL

FILL TO MATCH
EXISTING SAND
ELEVATION

APPROXIMATE
EDGE OF EXISTING
SCARP AS SHOWN
ON PLANS

EXISTING GROUND PROFILE

FILL BEHIND WALL
AND COMPACT TO
90% MAXIMUM DRY DENSITY

EXISTING SAND PROFILE

EXCAVATE/BACKFILL AS
NECESSARY FOR CONSTRUCTION

STEEL SHEET PILE

A TYPICAL WALL SECTION
NO SCALE

SITE II - SANTA CLARA POINT

EXHIBIT NO. 4

APPLICATION NO.
10-93-105-A2

Site II - Santa
Clara Point

California Coastal Commission

10-17-95

SANTA CLARA POINT

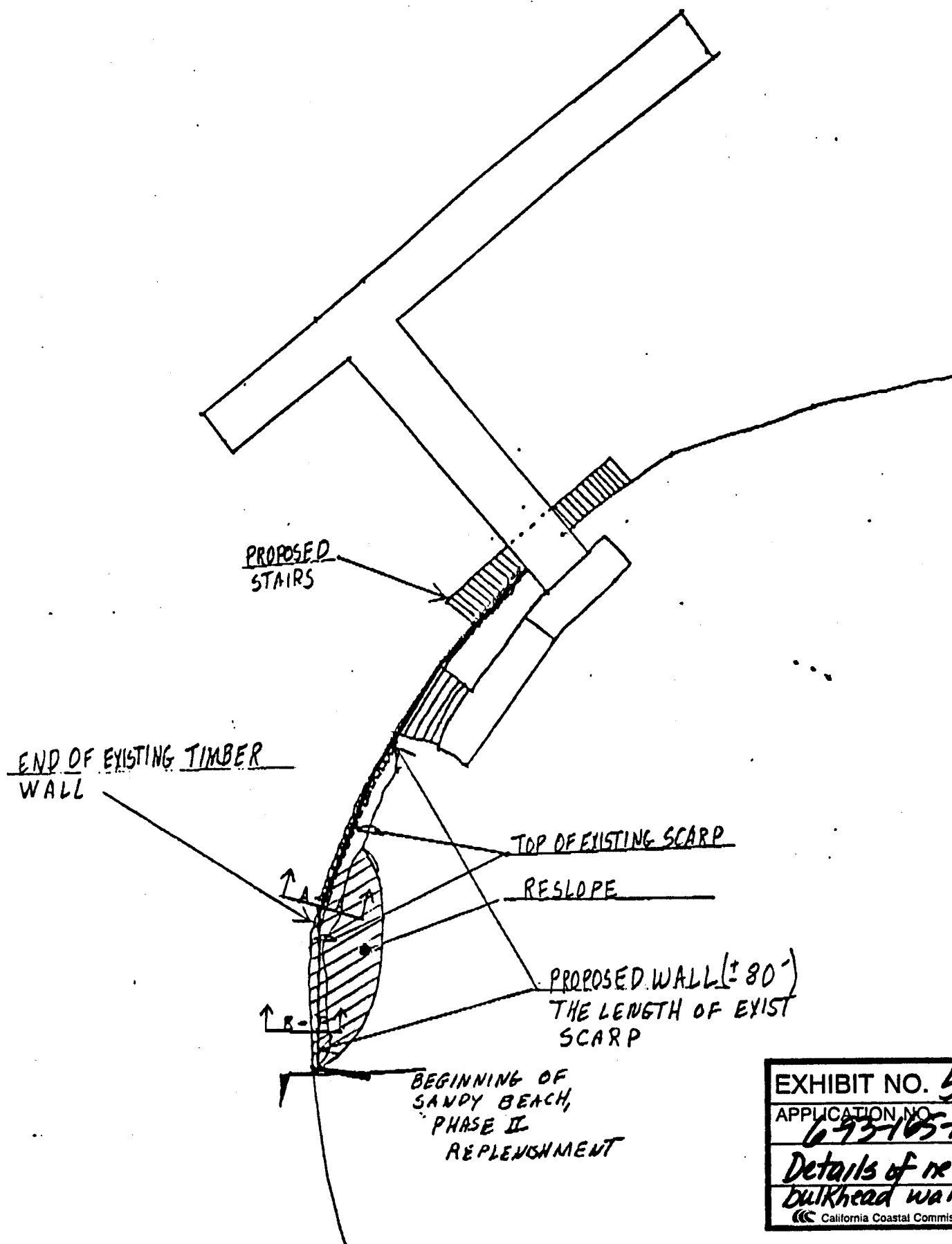
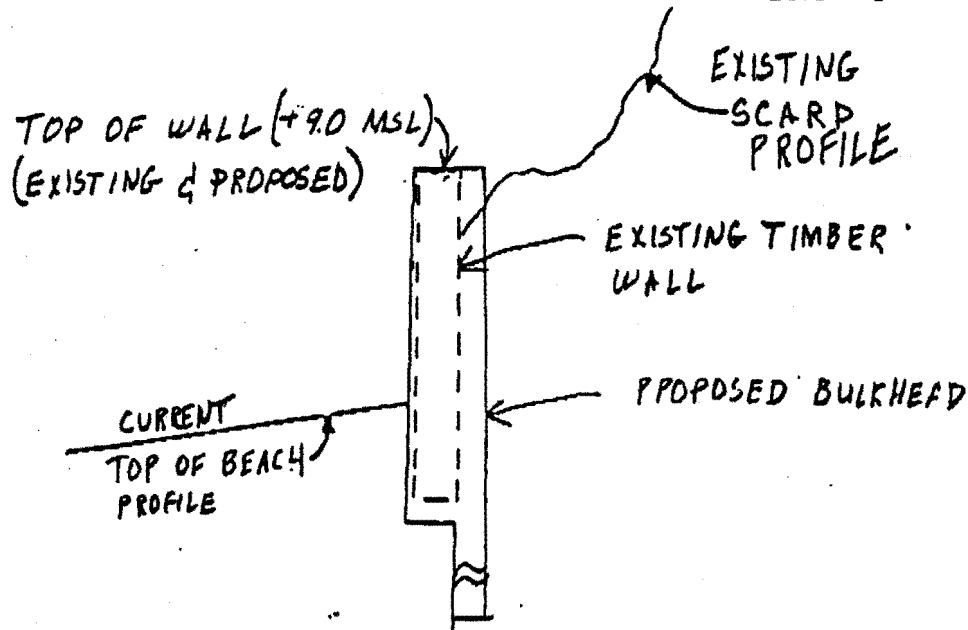
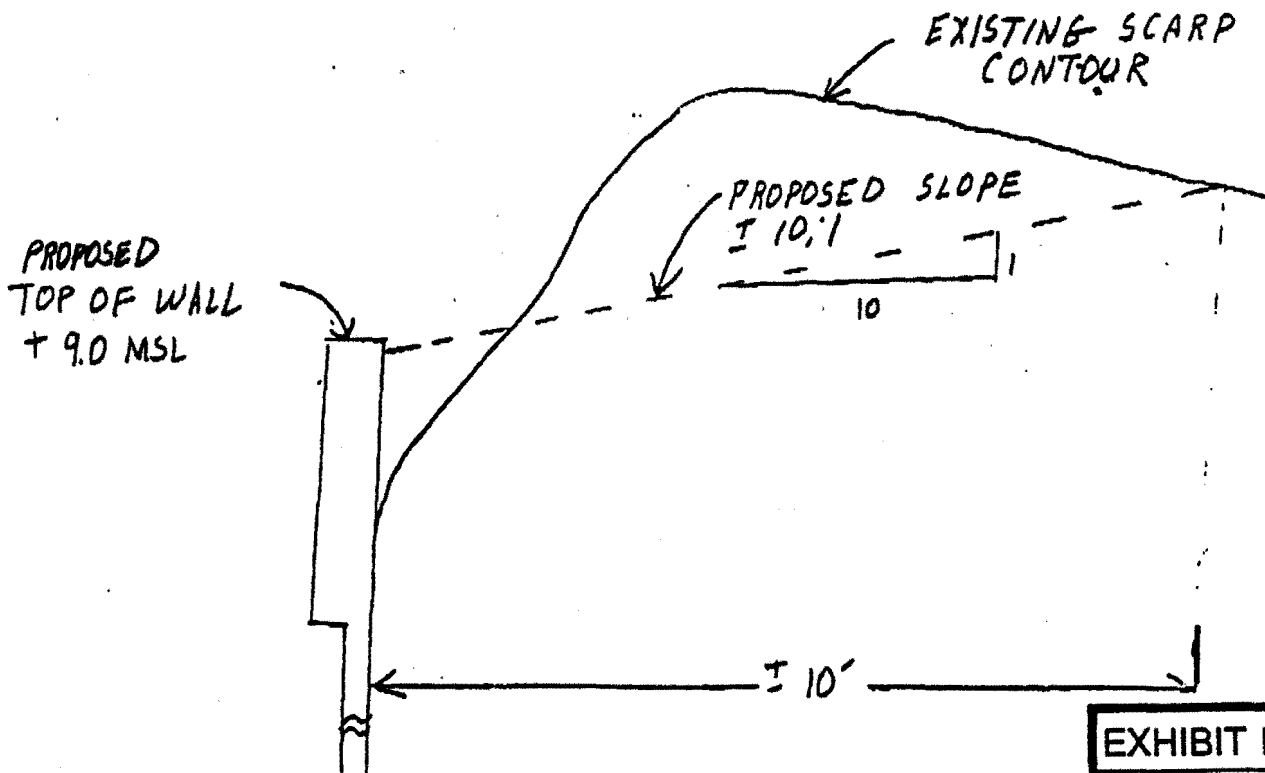


EXHIBIT NO. 5
APPLICATION NO. 693-165-A2
Details of new bulkhead wall
California Coastal Commission

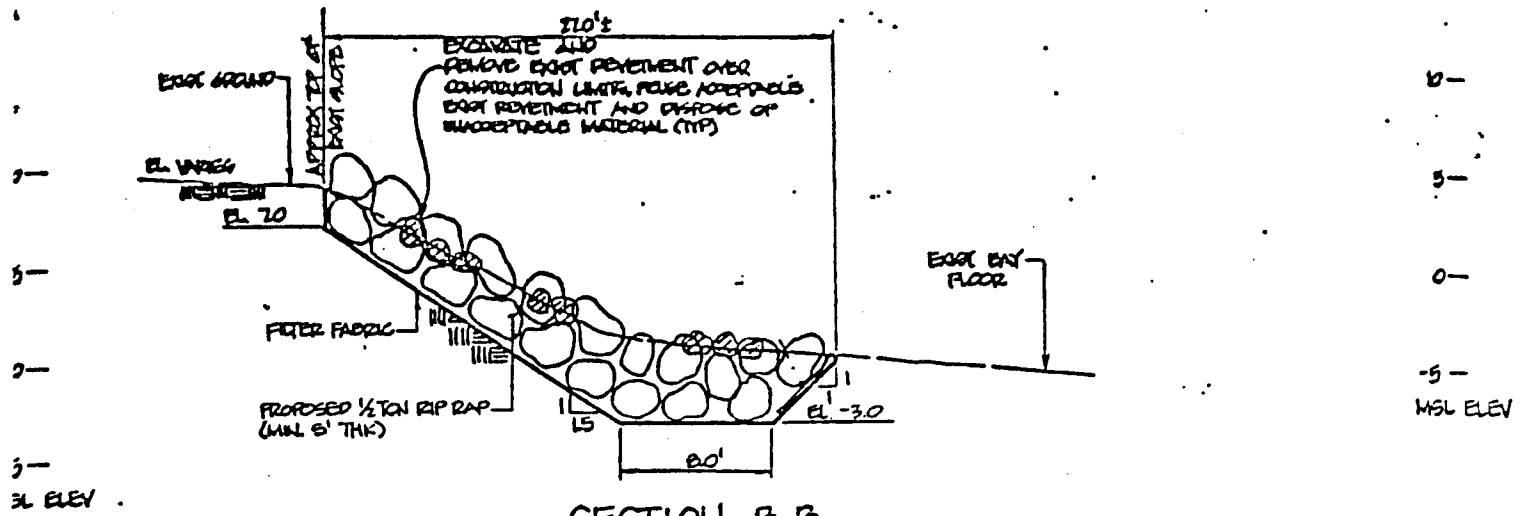


SECT. A - A



SECT B - B

EXHIBIT NO. 6
APPLICATION NO. 6-93-165-A.1
Cross-section c.
Santa Clara Point
California Coastal Commission



SECTION B-B

NO SCALE

EXTEND REVEMENT
20' PER SECTION B.

REVEMENT
REHABILITATED PER
PHASE I DRAWINGS

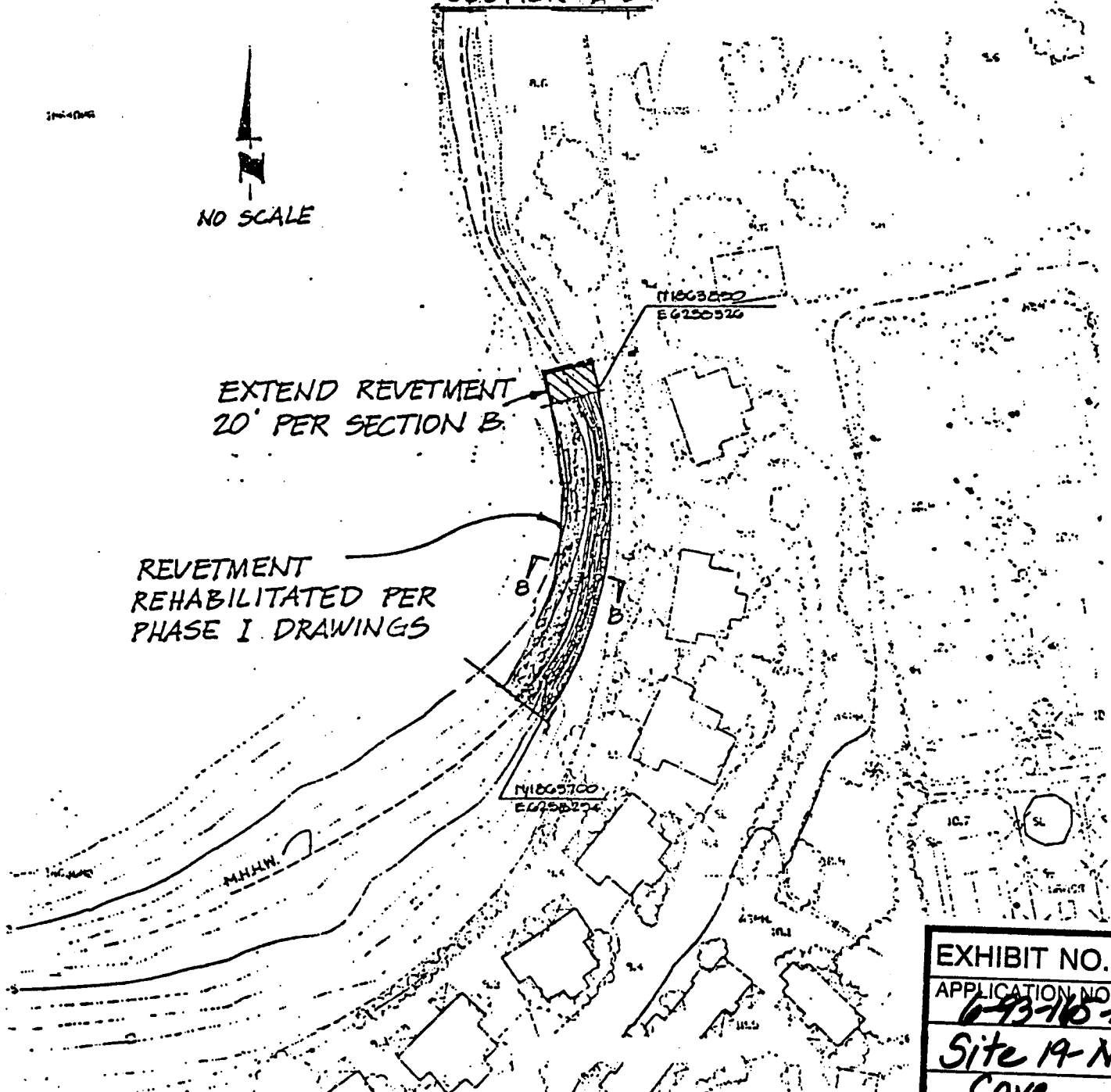


EXHIBIT NO. 7
APPLICATION NO. 6-93-115-A2
Site 19-North Cove
California Coastal Commission

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.


SPECIAL CONDITIONS:

The permit is subject to the following conditions:

1. Revised Plans for Site 13 - Riviera Shores. Prior to the issuance of a coastal development permit, the applicant shall submit revised plans to the Executive Director for review and written approval which indicate:

a. Realignment of the proposed bulkhead wall to extend no further than 20 feet bayward of the toe of the existing bluff;

b. Reduction in size of the proposed sidewalk inland of the bulkhead wall from a width of 16 feet to 10 feet to be sited a maximum distance of 10 feet bayward of the toe of the bluff;

EXHIBIT NO. 8
APPLICATION NO. 6-93-165-A2
Conditions of original approval
 California Coastal Commission

SPECIAL CONDITIONS, continued:

c. Installation of access stairs from the pedestrian walkway over the top of, and west side of, the proposed bulkhead wall at 500-foot intervals to provide pedestrian access to the sandy beach. Two stairs shall be provided, one at the foot of the existing access stairs opposite La Cima Drive and the other at the access stairs opposite Edgecliff Drive.

2. Revised Plans for Site ³³ - Visitor Center. Prior to the issuance of a coastal development permit, the applicant shall submit revised plans to the Executive Director for review and written approval for the proposed extension of the rip rap northerly of the existing rip rap. Said plans shall indicate the installation of rip rap to the existing tree, as shown on the attached Exhibit No. 2. No rip rap shall be permitted beyond this point to the north.

→ 3. Maintenance Program. The permit includes a projected maintenance program to preserve the following sites once the approved development occurs: Santa Clara Point, Riviera Shores, and De Anza Boat Ramp. The City shall be required to monitor sand beach profiles bi-weekly. A six inch scarp will be the determining factor to initiate beach maintenance. The scarp will be smoothed using a rubber tired front end loader. The frequency of beach maintenance would not be more often than once every three months, unless after a major storm event. The City shall submit annual reports which document the types, frequency, costs and effects of maintenance required at each site, to the Executive Director, beginning one year from project completion. Said reports shall continue for a minimum of two years, or longer if the Executive Director determines it is necessary.

→ 4. Timing of Construction/Maintenance. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a final construction schedule, which shall be incorporated into construction bid documents. The schedule shall specify that development shall not occur between Memorial Day weekend and Labor Day for the following sites: Mission Point, Ventura Cove (South), Santa Clara Point, Riviera Shores, North Cove (Vacation Island), Ingraham Street (south bridge crossing); East Ski Island, De Anza Boat Ramp (North), the Visitor Center and the Mission Bay Channel Shoal. The schedule shall further specify that development shall not occur between April 1 - September 15 for the Mariner's Point site to avoid impacts to the California Least Tern nesting season.

Should maintenance activities be required during these periods in the future, such activities shall be restricted to weekday nights and early mornings to the maximum extent possible, to avoid impacts on public access during the times of heaviest beach use.

SPECIAL CONDITIONS, continued:

→ 5. Staging Areas/Access Corridors. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, detailed plans incorporated into the construction bid documents for the location of access corridors to the construction sites and staging areas. Access corridors and staging areas shall be located in a manner that has the least impact on public access by maintaining existing public parking areas and traffic flow on coastal access routes. Use of public parking areas for staging/storage areas shall be minimized to the maximum extent possible.

6. Eelgrass Mitigation Plan. The permittee shall implement all elements of the Mission Bay Shoreline Stabilization Project, Phase I Eelgrass Mitigation Program, Mission Bay, San Diego, California, prepared by Pacific Southwest Biological Services, Inc. (dated 4/5/94) except as modified by the following conditions:

- a. Eelgrass impacts shall be mitigated on a 1.2:1 ratio in accordance with the Southern California Eelgrass Mitigation Policy.
- b. Eelgrass impact determination shall be based on a comparison between pre-construction and post-construction eelgrass surveys of each project site.
- c. Excess eelgrass restoration area may be banked for future mitigation needs. Accounting for the mitigation bank shall be the responsibility of the City of San Diego which shall provide biannual reports to the Corps summarizing the status of credits and withdrawals from the mitigation bank.

7. Intertidal/Bay Mitigation Plan. The applicant shall comply with the requirements of the U.S. Army Corp of Engineers (ACOE) for the mitigation of intertidal/bay impacts as follows:

- a. Open water habitat loss, totaling 1.16 acres, shall be mitigated on a 1:1 basis at the northern end of Crown Point Shores (see Exhibit No. 3). The Crown Point Shores site shall be excavated to create an intertidal basin adjacent to the Kendall-Frost Marsh. The applicant shall submit final grading plans and designs for the mitigation area approved by the ACOE to the Executive Director for review and approval in writing, prior to commencement of the work.

→ 8. Other Permits. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written acceptance, a copy of the permit issued by the Army Corps of Engineers for the proposed dredging activities, as well as any other required state or federal permits. If any such permits modify the proposed development, an amendment to this permit, or new coastal development permit, may be required.