

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT AND RECOMMENDATION ON APPEAL &
REGULAR CALENDAR: STAFF REPORT & PRELIMINARY RECOMMENDATION

LOCAL GOVERNMENT: City of Coronado

DECISION: Approved

APPEAL NO.: A-6-COR-97-040
PERMIT NO.: 6-97-68

APPLICANT: City of Coronado

DESCRIPTION: Construction of a pedestrian path, four observation deck/seating nodes, landscaping, artwork and interpretive signage improvements along a 1.4 mile stretch of State Route 75 (the Silver Strand Highway), known as the Silver Strand Beautification Project.

PROJECT LOCATION: 1.4 miles along the east side of State Route 75, and extending laterally between the Naval Amphibious Base (NAB) south to Fiddler's Cove, Coronado, San Diego County.

APPELLANTS: Rusty Areias; Sara Wan

STAFF NOTES: The proposed project involves construction of several improvements between State Route 75 and San Diego Bay to enhance public access and provide passive recreational opportunities. The first fifty feet east of the existing paved highway is right-of-way owned by the Metropolitan Transit Development Board (MTDB) and the remainder of the site is owned by the U.S. Navy. Permit jurisdiction between the City of Coronado and the Coastal Commission is split along that boundary, with the City having coastal development permit jurisdiction over the MTDB lands and the Commission over the Navy property. Various proposed site improvements are located within each

jurisdiction, but represent a single project overall. Because the portion proposed on Navy land requires a permit, Federal Consistency review has been waived. Thus, only a portion of the project is before the Commission on appeal. However, functionally, the proposed improvements could not be bifurcated, as portions of the access path and portions of the proposed observation areas cross the jurisdictional boundary. Therefore, the entire project has been reviewed and analyzed in this report.

The report consists of two sections: first, a recommendation on the substantial issue question. The substantial issue portion of the report addresses only the portion of the project within the City's jurisdiction, which, again, staff feels cannot be separated from the portion of the project within the Commission's original jurisdiction. The motion and the findings on the substantial issue question are located on Page 4. Second, the report contains a recommendation of approval with conditions for the entire project, assuming that substantial issue is found. This recommendation begins on page 7. If the Commission should find that a substantial issue is not raised by the portion of the project within the City's jurisdiction, the Commission must still issue a coastal development permit for the portion within its permit jurisdiction.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending that the Commission find substantial issue with the portion of the project subject to appeal on the grounds that the project, as originally approved by the City, is inconsistent with the provisions of the certified LCP because it fails to protect and enhance an environmentally sensitive habitat area by permitting the removal of existing salt marsh vegetation and failing to provide adequate buffer from the salt marsh habitat. Staff further recommends that the Commission approve the proposed project on appeal with special conditions requiring final plans approved by the Planning Commission, prohibiting construction during the Least Tern nesting season, requiring identification of staging areas and requiring submittal of a copy of the U.S. Army Corps of Engineers (ACOE) permit. It is staff's understanding that these conditions are acceptable to the applicant.

SUBSTANTIVE FILE DOCUMENTS: Certified City of Coronado Local Coastal Program (LCP); Appeal Applications; City of Coronado Planning Commission Resolution No. 1-97, CP 4-96; Negative Declaration IS 2-95 by City of Coronado, 9/30/96; Letters Addressing/Modifying Project, dated 5/23/97, 7/9/97 and 7/1/97.

I. APPELLANTS' CONTENTIONS. The appellants contend that the City's decision is inconsistent with provisions of the City's LCP related to the protection and enhancement of existing sensitive habitats (wetlands) and the provision of adequate buffers.

II. LOCAL GOVERNMENT ACTION. On February 25, 1997, the Coronado Planning Commission voted to approve the project, and the Notice of Final Action was received on March 26, 1997. The project was appealed by the Coastal Commission (Commissioners Areias and Wan) on April 9, 1997.

III. APPEAL PROCEDURES.

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea. Furthermore, developments approved by counties may be appealed if they are not the designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by a city or county. (Coastal Act Sec. 30603(a))

For development approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance, the grounds for an appeal to the Coastal Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or public access policies set forth in this division.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue", and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified local coastal program and the public access and recreation policies of Chapter 3 of the Coastal Act.

The only persons qualified to testify before the Commission at the substantial issue portion of the appeal hearing are the applicant, persons who opposed the application before the

local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE.

The staff recommends that the Commission determine that substantial issue exists with respect to the grounds on which the appeal has been filed, pursuant to PRC Section 30603.

MOTION. Staff recommends a NO vote on the following motion

I move that the Commission determine that Appeal No. A-6-COR-97-040 raises no substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

V. FINDINGS ON SUBSTANTIAL ISSUE.

1. Permit Jurisdiction. The project site spans the coastal development permit jurisdictions of both the City of Coronado and the Coastal Commission. The proposed development approved by the City of Coronado includes the construction of the entire project (all pedestrian improvements), with a notation that a portion of the site is within the Commission's jurisdiction and a permit will be sought from that agency. The City permit does not define the separate geographic jurisdictions. However, a boundary determination was performed for the proposed development, and the first fifty feet east of the existing pavement on State Route 75 are within the City's coastal development permit jurisdiction, but subject to appeal to the Coastal Commission. The portions of the proposed development more than fifty feet from the edge of highway pavement fall within the Commission's original permit jurisdiction. However, practically, the proposed development can only function as a unified project.

Thus, the City of Coronado reviewed the project as a unified whole. However, only the portion of the project within fifty feet of the edge of pavement for State Route 75 is subject to the substantial issue determination. Therefore, the Commission must find that a substantial issue exists in order to review both portions of the project under one coastal development permit.

2. Project Description. The City is proposing construction of pedestrian access improvements along the east (San Diego Bay) side of State Route 75. The fifty-foot strip of land just east of paved Highway 75 consists of right-of-way owned by MTDB and includes the existing improved bike path. The area bayward of that right-of-way, which is within the Coastal Commission's original permit jurisdiction, is owned by the Navy.

Neither entity is a co-applicant, but both have provided written authorization for the project to proceed.

Proposed improvements include a meandering, 10-foot-wide pedestrian path, east of the existing paved bike path, and a series of observation areas, called Discovery Points, designed to educate the public about various aspects of the coastal strand environment. Discovery Points 1 and 2 consist of raised decks for observation of open water/eelgrass habitat and salt marsh habitat, respectively. Discovery Point 3 will include a created dune habitat and Discovery Point 4 is called "Sun and Sea Vista" since it is the only point east of the highway where one can see the ocean to the west. Artwork, seating, educational messages and landscaping will be provided along the project extent, and all facilities are designed to be accessible to the disabled. Low scale, monument-style identification signs are proposed at either end of the walkway. There is an existing, 8- to 10-foot-high chain link fence marking the eastern project boundary, which protects two Least Tern nesting sites on Navy land (North and South Delta Beach).

At Discovery Point 1, the City proposes a raised wooden deck to allow views across the Navy's fence to the open bay waters and eelgrass habitat. In this location, the open water most closely approaches the highway, and the existing fence cuts across open water and eelgrass, although little eelgrass occurs on the inland side of the fence. The observation deck has been designed to avoid eelgrass resources. At Discovery Point 2, the City proposes an observation deck to again allow views over the existing fence to the salt marsh habitat. Although most of the habitat occurs bayward of the fence, there is a strip of existing salt marsh vegetation immediately west of the fence within the overall project site. The proposed observation deck will not directly impact the salt marsh, but will only observe a minimal setback from the resource. As approved by the Planning Commission, the deck will come to within one foot of the wetlands at its closest point. Also as approved by the Planning Commission, and appealed by the Coastal Commission, the project includes the creation of additional salt marsh to surround the proposed observation deck. Creation of this new marsh would directly impact 468 sq.ft. of existing salt marsh vegetation, due to the grading operation required to create new area.

3. Marine Resources/Wetlands and Wetland Buffers. The appellants contend that the City's decision is inconsistent with provisions of the LCP addressing sensitive habitats. Adopted Policy III.D.2., along with corresponding Figure 4 of the certified Coronado Land Use Plan defines "wetlands" and identifies the salt marsh at Discovery Point 2 as a wetland. Policies III.D.6. and 7. require the City to "maintain and, where feasible, restore the biological productivity and the quality of coastal waters and wetlands" and "protect against any significant disruption of habitat values in environmentally sensitive habitat areas." Policy III.D.8. "encourages establishment of buffer areas near environmentally sensitive habitat areas," whereas Policy III.D.9 could allow the diking, filling or dredging of wetlands for purposes of nature study where "there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided." These policies form the basis for the appeal of the City's permit, along with Sections 30210,

30212 and 30214 of the Coastal Act; these public access policies address, among other things, the importance of providing public access in a manner that is sensitive to, and consistent with, the protection of fragile resources. Because the development is located between the sea and first public road, the public access policies of the Coastal Act, as well as the certified LCP, are the standard of review for appeals.

The City permit included findings that "a deck within the project has been sited to avoid impacts to eelgrass and additional salt marsh habitat will be created at one of the discovery nodes." The eelgrass reference refers to Discovery Point 1 and the salt marsh reference to Discovery Point 2. However, the identified resources had not been mapped, and potential impacts had not been identified or quantified at the time the City approved the project. Without the mapping, it was not possible to determine the proximity of the City's approved project to the sensitive habitat areas (i.e., whether or not impacts would occur or appropriate buffers be provided), nor was it possible to determine if the proposed development was the least environmentally damaging alternative. Finally, since the City's approval did not quantify, or even identify, salt marsh impacts, it was not possible to determine if the proposed creation of new salt marsh could be considered adequate or appropriate mitigation.

For these reasons, the City permit was appealed. Subsequent to the appeal, the resources were mapped, and it was determined that Discovery Point 1 was sufficiently removed from eelgrass resources such that no impact will occur. However, the mapping of salt marsh vegetation at Discovery Point 2 identified a direct project impact on 468 sq.ft. of the total 662 sq.ft. of salt marsh within the project site. The impact would be caused by the grading operation necessary to recontour the site to an elevation conducive to salt marsh vegetation under and around the proposed deck. The proposed additional salt marsh totalled 1,968 sq.ft., which would provide a mitigation ratio of approximately 4:1. Construction of the deck itself would have no direct impact on salt marsh; however, the location of the deck was only one foot away from the existing vegetation at its closest point.

In summary, the development approved by the City of Coronado is inconsistent with several provisions of the certified LCP addressing the protection of sensitive habitats. Due to the statewide loss of approximately 90% of historic coastal wetlands, any potential wetland encroachment would be considered an impact of more than local significance (i.e., of statewide concern). The proposal, absent resource mapping and an alternatives analysis, includes salt marsh impacts and does not provide adequate buffer from existing wetlands. Failure to provide adequate buffers could result in indirect wetland degradation. The City's approval did not address buffers at all, although the LCP requires that buffers be "encouraged." Thus, the City's action establishes an adverse precedent, which could have statewide implications. The project, as approved by the Planning Commission, is also inconsistent with the cited Coastal Act public access policies, in that the City's approval has not designed its public access improvements in a manner most protective to fragile wetland resources. Therefore, the Commission finds that a substantial issue exists for the

portion of the project within the City's permit jurisdiction with respect to the project's consistency with the City's certified Local Coastal Program.

STAFF RECOMMENDATION ON THE COASTAL PERMIT

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the portion of the development in the Commission's jurisdiction will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, and 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 the portions of the project within the City of San Diego's jurisdiction will be in conformity with the provisions of the certified Local Coastal Program and the public access and recreation policies of the Chapter 3 of the Coastal Act. The project will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

1. Revised Final Plans. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, revised final plans for the proposed development, with emphasis on the improvements proposed at Discovery Point 2. Said plans shall first be formally approved by the City of Coronado. The plans shall be in substantial conformance with the plans submitted with this application dated February, 1997 by Schmidt Design Group. However, the plans shall be revised to reflect the deletion of the salt marsh creation element and relocation/redesign of the observation deck (both at Discovery Point 2), and shall substantially conform with preliminary plans dated 7/2/97 and 7/10/97 by Schmidt Design Group.

2. Construction Schedule/Least Tern Prohibition. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a construction schedule indicating that no work may occur during the Least Tern nesting season between April 1st and September 15th of any year.

3. Staging Areas. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, plans showing the locations which will be used as staging and storage areas for materials and equipment during the construction phase of this project. Use of sandy beach and public parking areas, including on-street parking, for storage of equipment and materials shall not be permitted.

4. U.S. Army Corps of Engineers Permit. Prior to commencement of construction, the permittee shall provide to the Executive Director a copy of a U.S. Army Corps of Engineers permit, or letter or permission, or evidence that no Corps permit is necessary. Any mitigation measures or other changes to the project required through said permit shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

IV. Findings and Declarations

The Commission finds and declares as follows:

1. Project Description. The subject appeal and coastal development permit represent the construction of pedestrian access improvements along the east (Bay) side of State Route 75. The fifty-foot strip of land just east of paved Highway 75 consists of right-of-way owned by MTDB and includes the existing improved bike path. The area bayward of that right-of-way, which is within Commission jurisdiction, is owned by the Navy. Neither entity is a co-applicant, but both have provided authorization for the project to proceed. On the assumption that the Commission will find substantial issue and thus review the entire development, the City has made two changes in the project design, which affect project elements within both jurisdictions, such that the proposal currently before the Commission is not identical to the project as first appealed.

Proposed improvements include a meandering, 10-foot-wide pedestrian path, east of the existing paved bike path, and a series of observation areas, called Discovery Points, designed to educate the public about various aspects of the strand environment. Discovery Points 1 and 2 consist of raised decks for observation of open water/eelgrass habitat and salt marsh habitat, respectively. Discovery Point 3 will include a created dune habitat and Discovery Point 4 is called "Sun and Sea Vista" since it is the only point east of the highway where one can see the ocean to the west. Artwork, educational messages and landscaping will be provided along the project extent, and all facilities are designed to be accessible to the disabled. Low scale, monument-style identification signs are proposed at either end of the walkway. There is an existing, 8- to 10-foot-high chain link fence marking the eastern project boundary, which protects two Least Tern nesting sites on Navy land (North and South Delta Beach).

At Discovery Point 1, the City proposes a raised wooden deck to allow views across the Navy's fence to the open bay waters and eelgrass habitat. In this location, the open water most closely approaches the highway, and the existing fence cuts across open water and eelgrass, although little eelgrass occurs on the inland side of the fence. The observation deck has been designed to avoid all eelgrass resources, consistent with resource mapping produced May 9, 1997.

At Discovery Point 2, the City proposes an observation deck to again allow views over the existing fence to existing salt marsh habitat. Although most of the habitat occurs bayward of the fence, there is a strip of existing salt marsh vegetation west of the fence within the overall project site. The proposed observation deck will not directly impact the salt marsh, but will only observe a minimal setback from the resource. As approved by the Planning Commission, the deck would have come to within one foot of the wetlands at its closest point. As redesigned by the City subsequent to the appeal and submittal of the coastal development permit application, the viewing deck will observe a minimum seven-foot setback from existing salt marsh. Also, as approved by the Planning Commission, the project included the creation of additional salt marsh to surround the proposed observation deck. Creation of the new marsh would have directly impacted 468 sq.ft. of existing salt marsh vegetation, due to the grading operation which would have been required to create new salt marsh area at an appropriate elevation. The City has since deleted this element from the project.

Discovery Point 3 will include creation of a dune environment typical of natural dunes found elsewhere on the Silver Strand. Its creation will require the importation of 6,400 cu.yds. of sand, which the City is receiving from an oceanfront property owned by the U.S. Navy. The donor site is a beach used for naval operations, and is thus not available for public recreational use. Moreover, the Silver Strand littoral cell has recently been augmented with sand acquired from the Nimitz Homeporting dredge project, such that the small amount of sand used for the subject dune environment will not significantly impact the sand supply within the overall littoral cell. The last observation node, Discovery Point 4, will provide views of the ocean to the west of State Route 75, and will include seating areas and a solstice clock, where the summer and winter solstice sunset locations can be plotted.

Parking for the public will be available at the southern end of the project, within an existing Navy parking lot at Fiddler's Cove. The lot is very underutilized and the Navy has offered non-exclusive use (first come, first served) of the 80 spaces outside the fenced marina. Due to the expected low intensity use of the proposed access facilities, the proposed parking should be more than adequate.

2. Salt Marsh Resources. Previously cited LCP policies address the protection and enhancement of wetlands, and encourage the provision of buffer areas. In addition, Section 30240 of the Coastal Act requires the protection of environmentally sensitive habitat areas and provides that uses adjacent to such areas be sited and designed to prevent

degradation of the habitat. Discovery Point 2 is intended to provide a public recreational and educational opportunity addressing a salt marsh habitat. This area of the Silver Strand is located between two existing Least Tern nesting sites and includes salt marsh vegetation both bayward and inland of the existing Navy fence. The area is popular with birdwatchers and other members of the public, who move right up to the fence to get a clear view of the wetlands. Since there is a strip of existing wetland vegetation along most of this area, the public is often encroaching directly into the habitat in order to approach and see through the fence.

The City proposes to construct an observation deck high enough and in close enough proximity to the existing salt marsh vegetation to allow the public a view over, instead of through, the Navy fence. The City, and consulted wildlife agencies (including USFWS and CDFG), believe this improvement will eliminate current wetlands encroachments while educating the public about the value of the salt marsh. Originally, the City proposed to recontour the land around the observation deck to expand the area of salt marsh. However, to do so would have required direct impacts on the existing marsh vegetation, and would not be consistent with the cited LCP and Coastal Act policies. In addition, the City-approved location for the deck was within one foot of the existing salt marsh vegetation. In response to these concerns, the City has modified their project to eliminate the creation of additional salt marsh at this time.

Also, as recently redesigned by the City, the deck will be set back from existing vegetation to a minimum of seven feet at the closest point. Although this is significantly less than the 100-foot buffer typically required in new development, the City's proposal can be found unique in several ways. First, under current conditions, the public is coming as close, and closer to (actually within), the existing marsh habitat as will occur with the observation deck, which will serve to funnel foot traffic away from the wetlands and minimize, or eliminate, current encroachments. Second, the proposed development represents the type of low-intensity, passive recreational use often allowed in buffers anyway, though usually at a greater distance than seven feet. Third, no lighting is proposed, such that the development will be generally unused after dark, and thus not disturb normal nighttime wildlife activities at the adjacent marsh and nesting sites. This would not be the case if residential or commercial development were placed in such a location. Fourth, the existing fence between the project and the most sensitive resources, and the elevational difference with a raised deck, will serve to also buffer the salt marsh resources, and thus supplement the reduced buffer proposed. Last, the City, consulted wildlife agencies and the Coastal Commission all recognize the value of public education and acknowledge that it is difficult to educate the public about resources they cannot see, and thus appreciate. Therefore, in this particular case, the reduced buffer can be found to meet the requirements of Section 30240.

Development in areas near, or adjacent to, designated endangered species nesting sites is typically not allowed during the subject species breeding season. Based on the May 23, 1997 letter from the City, construction of the project during the Least Tern nesting season

was not intended, although it was not expressly prohibited in the City-issued permit. To clarify this situation, and assure adequate protection for the nesting Least Terns, Special Condition #2 specifies that construction shall not occur between April 1st and September 15th of any year.

The Commission finds the project, as redesigned by the City in its plans dated 7/2/97 and 7/10/97 and conditioned herein, consistent with the cited LCP and Coastal Act policies. Since the recent redesigns have not received any formal approval by the City and differ somewhat from the project that was approved in February, 1997, Special Condition #1 requires submittal of a set of final plans, with an emphasis on Discovery Point 2. The final plans must first be approved by the City of Coronado. As conditioned, the Commission finds the project consistent with both the certified LCP and Coastal Act policies addressing the protection of wetlands and environmentally-sensitive habitats.

3. Public Access and Recreation. The City of Coronado has a number of general policies encouraging the provision of additional access to the shoreline, along with protection and enhancement of existing accessways. Likewise, Chapter 3 of the Coastal Act includes many public access and recreation policies that would apply to the proposed development. Those most pertinent 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 30214.

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses....

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 30604(c).

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The proposed development is located between the first public road (State Route 75) and San Diego Bay, and consists of a number of interrelated public access/recreation improvements. Existing access is available within the project site, but the proposed improvements will formalize the accessway and provide additional public amenities, such as interpretive information, seating areas, landscaping and artwork. The project will provide a low-cost public recreational opportunity in the form of a walking path and nature study nodes and is appropriate in this shoreline location since the purpose of the

development is to observe and appreciate the Silver Strand's natural resources. It provides a good alternative to the existing bike path, which, because it is heavily used by bicyclists, is not necessarily safe at all times for pedestrians.

Thus, as initially approved by the City, the development could be found consistent with most of the cited public access and recreation policies, except those specifically requiring that the provision of public access be appropriately balanced against the need to protect fragile resources. With the current redesign proposed by the City, direct impacts on resources have been eliminated and a greater buffer from salt marsh vegetation is provided. At the same time, the redesigned project still provides the public with an opportunity to view the resources up close, and thus gain a greater appreciation for their inherent value.

Special Condition #3 requires the applicant to identify the sites for construction staging and storage of materials and equipment, and stipulates that sandy beaches and public parking areas may not be used for this purpose. Thus public access will not be significantly affected by construction-related impacts. Therefore, the Commission finds the proposed development, as conditioned herein, consistent with the City of Coronado LCP, the cited Chapter 3 policies and with all other public access and recreation policies of the Coastal Act.

4. Visual Resources. The Silver Strand Highway (State Route 75) is a designated scenic corridor in the certified Coronado LCP (Policy III.H.5.), and also designated as such by the State Department of Transportation. In addition, LUP policies III.H.1., 2., and 3. are most applicable; they identify the significance of the community's scenic qualities, require the protection of public views and community character, and require the sensitive design of signs. Also, Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The project site is located between an existing highway (State Route 75) and bike path to the west and San Diego Bay to the east. Shoreline views of the Bay are available all along the extent of the proposed project, and one location, Discovery Point 4, also offers views of the ocean. The Bay views are impeded somewhat by the existing 8- to 10-foot chain-link fence the Navy has erected to protect the existing Least Tern nesting sites at North and South Delta Beaches, east of the subject site. The proposed improvements, particularly the observation decks at Discovery Points 1 and 2, will allow the public to see over the fence directly into the open water/eelgrass and salt marsh habitats.

Motorists on State Route 75 and bicyclists on the existing bike path currently can view San Diego Bay across the project site. After project implementation, these existing views will not be significantly changed, since most of the improvements are at ground level. Although the observation decks and created dunes will be visible from the highway and bike path, they will be compatible with a shoreline setting and will invite the public to take a closer look. In addition, much of the project site has been invaded by exotic species, such as iceplant, which, although a somewhat subjective call, is often thought to degrade

the visual experience. The project will landscape portions of the site with native coastal strand species and remove exotics, while leaving other areas more open consistent with the natural conditions of the Silver Strand; the identification signage proposed is low-scale and sensitively designed to blend with the environment. Therefore, the Commission finds that the project, as conditioned, is consistent with the certified LCP and Section 30251 of the Coastal Act.

5. 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, with the inclusion of four special conditions, such a finding can be made for the subject development.

The proposed development will all occur within MTDB right-of-way and on federal land. The portion of the development within MTDB right-of-way is covered by the certified City of Coronado LCP, and is addressed in its Scenic Highway policies. The proposed access improvements, as conditioned herein, are consistent with those policies, since they are designed to maintain and enhance view opportunities along the highway corridor. The project is also consistent, as conditioned, with the wetlands resources and public access policies of the certified LCP. The portion of the development on federal land is within the Commission's original permit jurisdiction area, and development therein is subject to either Federal Consistency review or a permit from the Coastal Commission. In this instance, since the project is proposed by a non-federal entity, the Federal Consistency review has been waived and the subject permit has been processed. As conditioned, the proposed improvements have been found consistent with all applicable Chapter 3 policies of the Coastal Act.

The applicant believes that a discretionary permit will be required from the ACOE and is in contact with that agency regarding its requirements. This is addressed in Special Condition #4, requiring either a copy of said permit for the file or confirmation that no permit is needed; the condition further advises that an amendment to this permit may be required if the ACOE permit substantially alters the project as conditionally approved herein. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of Coronado to continue implementation of its fully-certified local coastal program.

6. 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)(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 project has been conditioned in order to be found consistent with the public access and biological resource policies of the certified City of Coronado LCP and Coastal Act. Mitigation measures, including project redesign, seasonal construction prohibitions and identification of staging areas, will minimize or eliminate all adverse environmental impacts. As conditioned, there are no feasible alternatives or additional mitigation measures available which would further lessen any adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

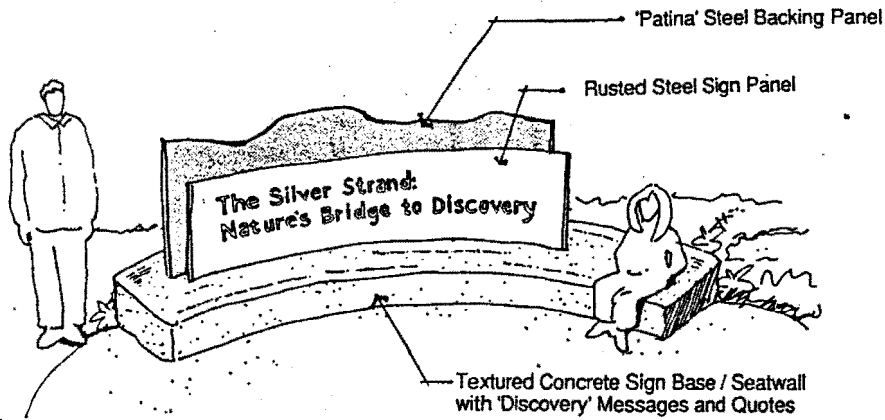
STANDARD CONDITIONS:

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. 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.

A-6-COR-97-1



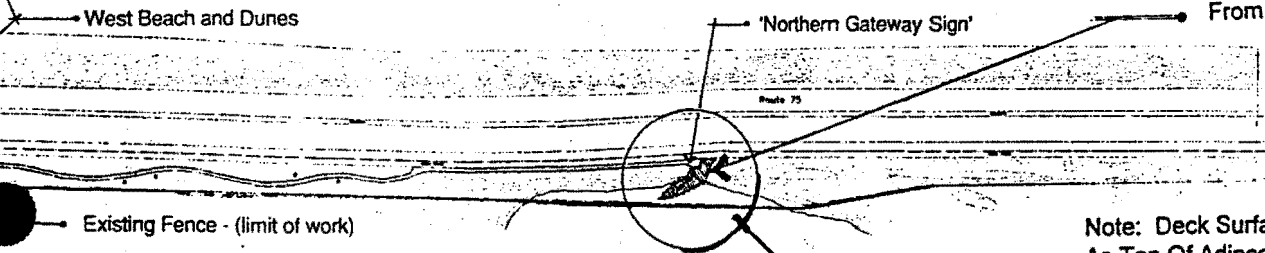
EXHIBIT NO. 1
APPLICATION NO. A6-CAR-97-040
6-97-68
Location



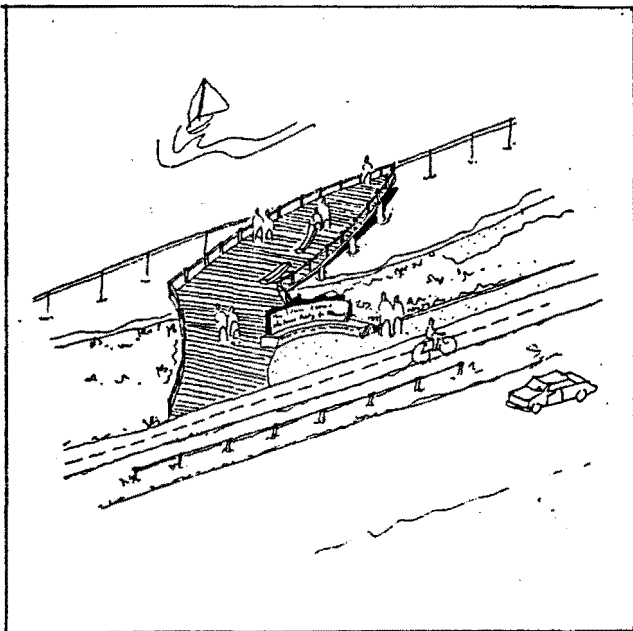
Gateway Entry Monument
'Silver Strand: Nature's Bridge to Discovery'

1,200 S.F. Deck
On Piling
15' Min.
From Fence

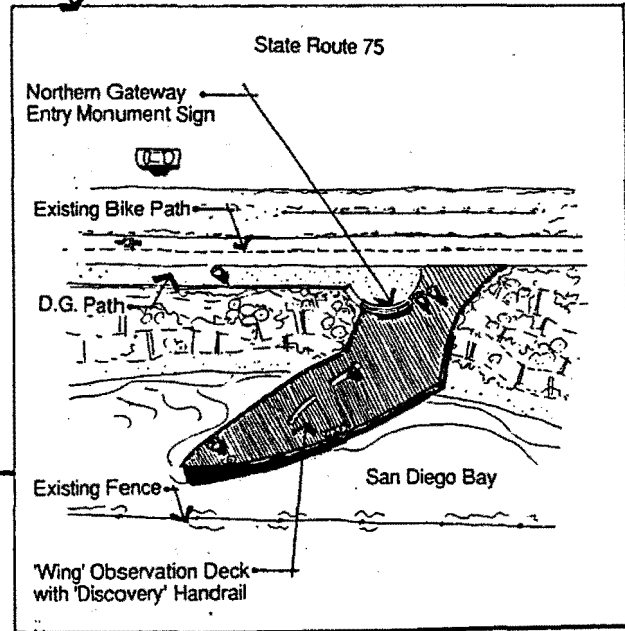
Match Line



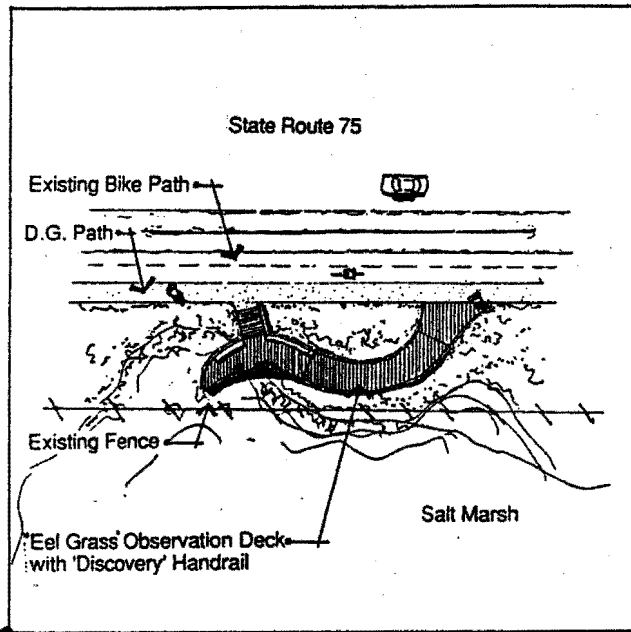
Note: Deck Surface Same Height
As Top Of Adjacent Fence.



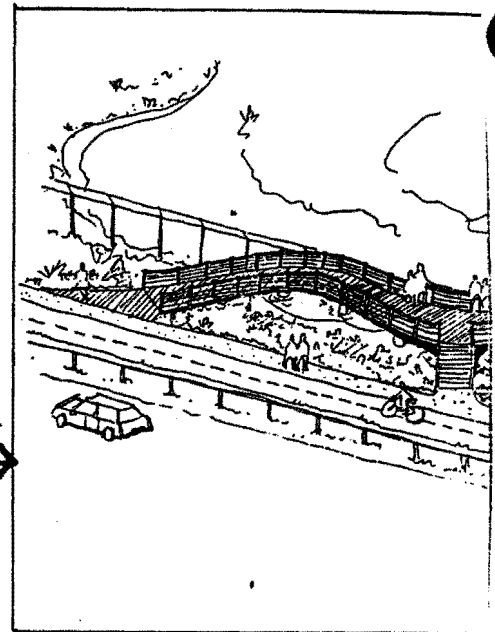
Discovery Point 1
'The Least Tern and the Bay Environment'



Discovery Point 1 Scale 1"=20'-0"
'Plan Enlargement'



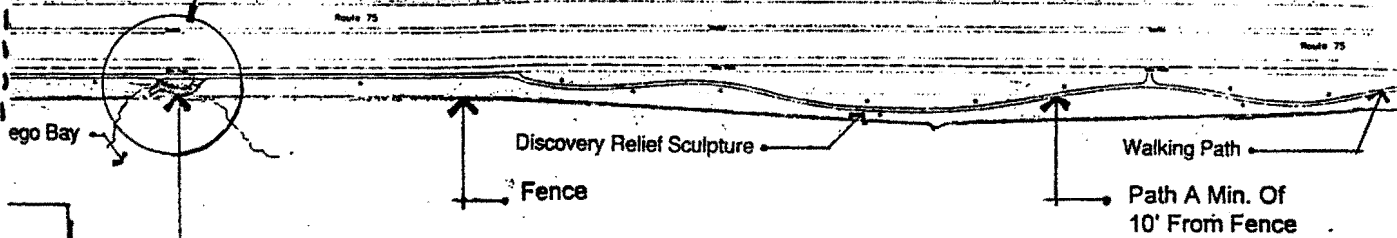
Discovery Point 2 Scale 1"=20'-0"
'Plan Enlargement'



Discovery Point 2
'The Salt Marsh Environment'

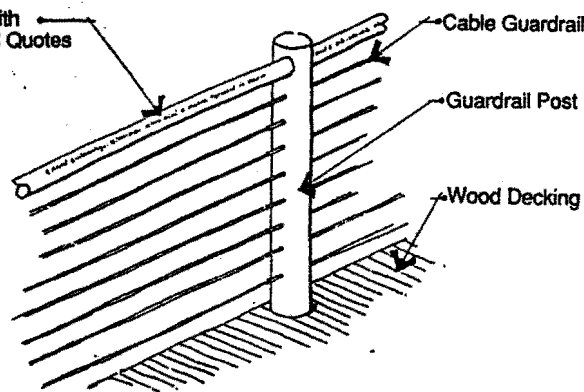
Match Line

Match Line



Stainless Steel Top Rail with
'Discovery' Messages and Quotes

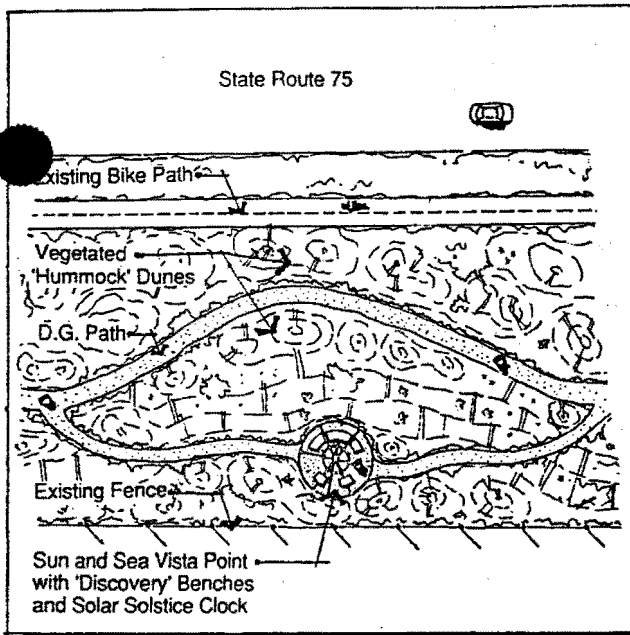
850 S.F.
Wood Deck
Top Of Hand Rail
At Same Height
As Existing Fence
5' Min. Distance
from fence



'Discovery' Handrail
'Conceptual Design Sketch'

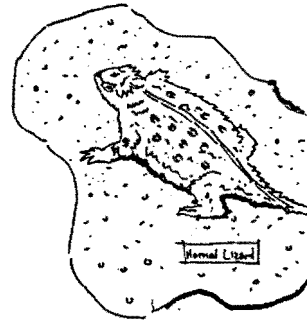
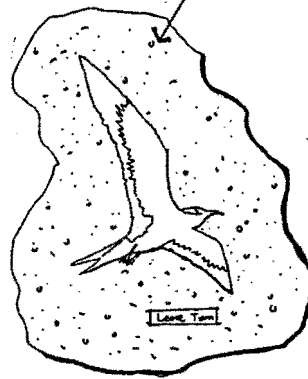
EXHIBIT NO. 21
APPLICATION NO. A-6-COR-97-040/6-97-68
Partial Site Plan
California Coastal Commission

A6-COR-97-040
6-97-68

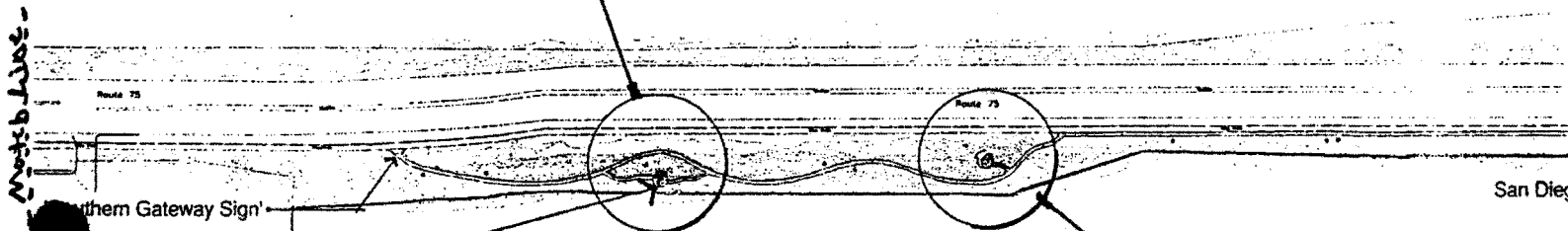


Discovery Point 4 Scale 1"=20'-0"
'Plan Enlargement'

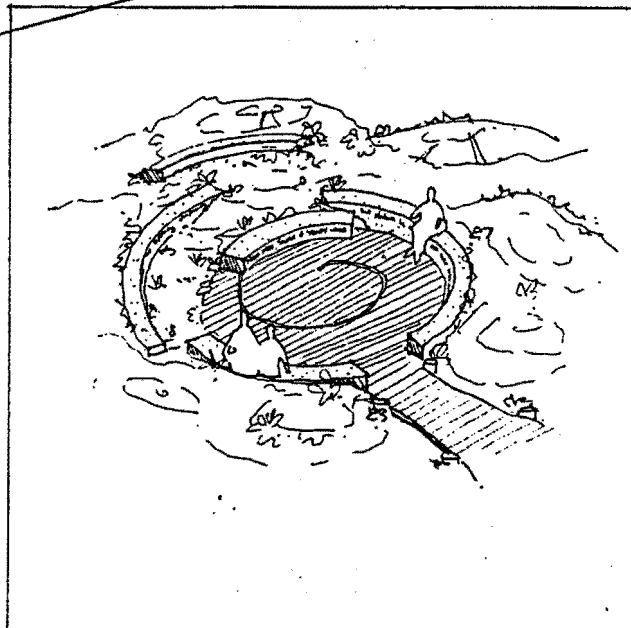
'Bas-relief' Sculpture:
Depicting Silver Strand Environmental
and cultural 'discovery' information
(12"x18" average size)



'Discovery' Relief Sculpture
'Conceptual Design Sketch'

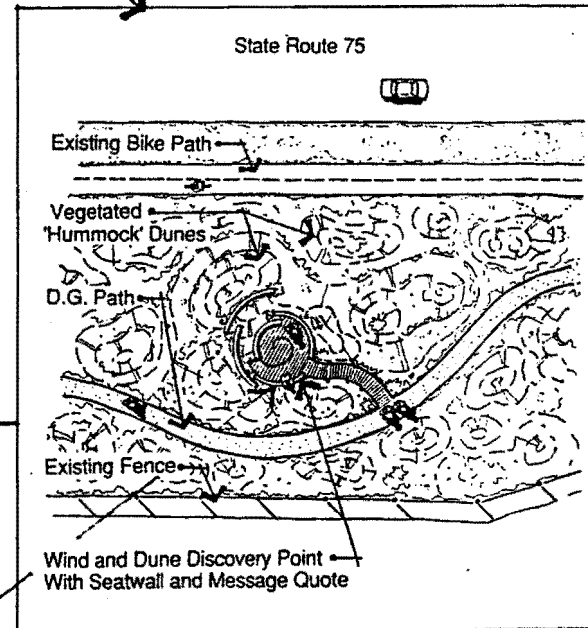


On Grade
Concrete
Or Decomposed
Granite
Seating Area
With Concrete
Benches
Min. 10'
From
Fence



Discovery Point 3
'The Dune Environment'

30' Min.
From Fence



Discovery Point 3 Scale 1"=20'-0"
'Plan Enlargement'

EXHIBIT NO. 2c.
APPLICATION NO.
A6-COR-97-040/6-97-68
Partial Site Plan
California Coastal Commission

A-6-COR-97-040
6-97-68

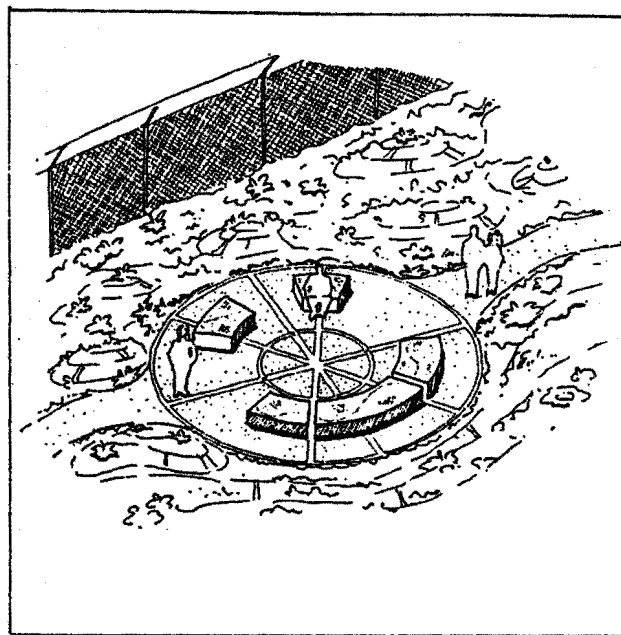
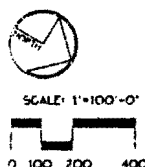
Silver Strand: Nature's Bridge to Discovery

ISTEA Project

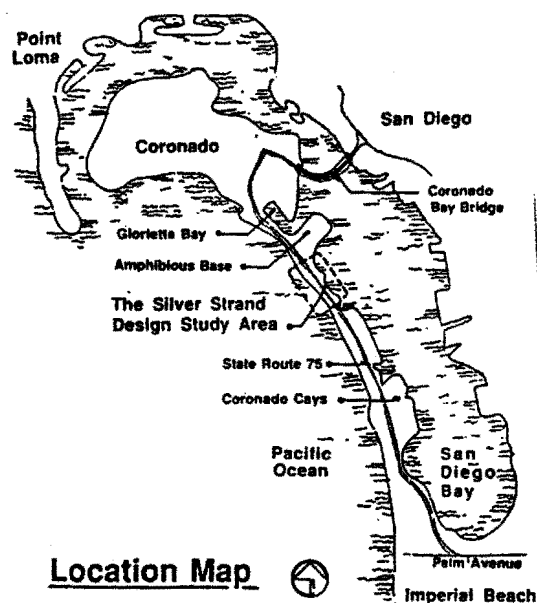
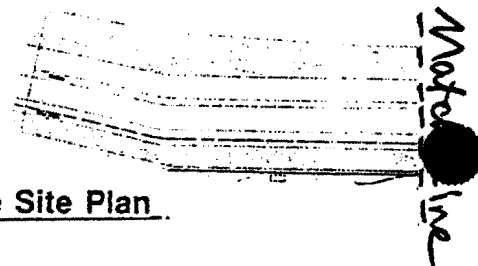
February, 1997

Design Team

- Landscape Architecture - The Schmidt Design Group, Inc.
- Artist - Paul Hobson
- Site Signage - Graphic Solutions
- Biologist - Tierra Environmental Services



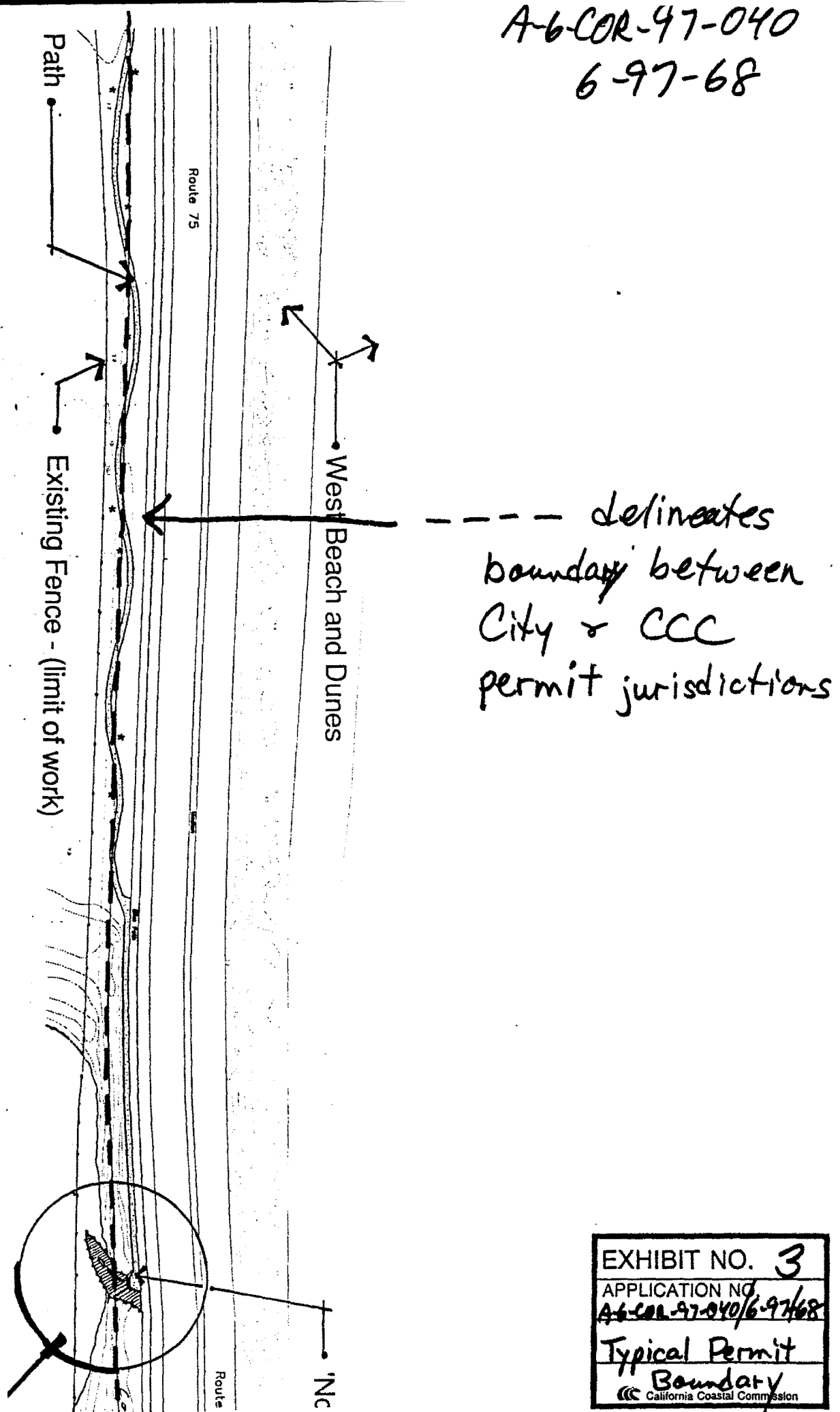
Discovery Point 4
'Sun and Sea Vista'



Location Map

EXHIBIT NO. 26
APPLICATION NO.
A-6-COR-97-040/6-97/68
Partial Site Plan
California Coastal Commission

A-6-COR-97-040
6-97-68



A-6-COR-97-040

6-97-68

Letters from City of
Coronado Addressing and
Modifying Project

Exhibit #4

cf



CITY OF CORONADO
COMMUNITY DEVELOPMENT

1825 STRAND WAY
CORONADO, CA 92118
May 23, 1997

RECEIVED
MAY 27 1997

CITY HALL
(619) 522-7326

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission
Attn: Ms. Ellen Lirley
3111 Camino Del Rio North, Ste 200
San Diego, CA 92108-1725

Re: Coastal Commission Appeal No. A-6-COR-97-040

Dear Ms Lirley:

This letter is a follow up to the Coastal Commission's appeal of the Coastal permit issued by the City of Coronado for its Strand Landscape and Enhancement project along the Silver Strand SR-75. It also serves as supplemental correspondence to the City of Coronado Coastal Permit application required for that portion of the project located on Federal land.

The City of Coronado has determined this project is entirely consistent with the City of Coronado's Local Coastal Program. This project will improve public access along the bay side, improve recreational access in general, enhance the aesthetic appearance of the State Scenic Highway, improve ecological resources while at the same time protecting resources, provide educational opportunities for the public to learn about biological, ecological and sensitive resources, enhance native landscaping, and overall provide an improved area for residents, school children, and visitors to enjoy. The project has been designed to compliment and protect resources adjacent to the project.

It is discouraging that the Coastal Commission staff raises objections to the project given all of the recreational, educational, biological, ecological improvements associated with the project. Additionally, no other public agency has raised objections to the project. The project is located on both Federal Property and Metropolitan Transit Development Board property (M.T.D.B.). Both the U.S. Navy and M.T.D.B. have authorized the use of property and support the project (see correspondence). The project is supported by the Navy biologist responsible for monitoring the least tern preserve which is adjacent to the project (see correspondence). The project is also supported by U.S. Fish and Wildlife (see correspondence), and National Marine Fisheries as witnessed by Coastal staff during a field meeting. Additionally no agencies raised issues when the City completed the Environmental (CEQA) process. With all these agencies supportive of the project, especially those typically concerned with wetland and resource management, the City of

Coronado is confident that the Coastal Commission objections will be eliminated when additional information/clarification is provided.

To respond to the specific statements contained within the appeal letter, enclosed is an eelgrass map which identifies and demonstrates to Coastal staff that Discovery Point #1, containing the "least tern wing" shaped observation deck, has no impacts on the eel grass. The deck has been setback from existing eel grass as directed by Bob Hoffman of National Marine Fisheries. Also enclosed is a focused salt marsh biological survey which identifies the type and quantity of salt marsh adjacent to Discovery Point #2, containing the eel grass observation deck. The salt marsh study and plans depict an area of approximately 468 to 662 square feet of salt marsh area which may be temporarily impacted with the construction of the deck. To offset the temporary impact, 1,968 square feet of salt marsh will be planted immediately adjacent to the new deck. This replacement represents a mitigation ratio of 4:1.

Regarding the Strand Beautification's project consistency with the City's Local Coastal Program, as stated above, the project has been designed consistent with city policies as follows:

1. Land Use Plan Policy D.8 Establishment of Buffer Areas

The City's policy states the City shall "Encourage" establishment of buffer areas near environmentally sensitive habitat area. It does not "require" a buffer area. Furthermore, it states "buffer areas could be used for activities that are deemed to not endanger the environmental value of the habitat areas that they buffer...recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas".

The project does serve as a buffer area from more active (bicycle) uses along the Strand. Additionally, the activity adjacent to the habitat areas is passive-recreational. There are opportunities for walking, observing resources, nature study, and educational enhancement. These type of uses are low intensity and consistent with resource-dependent activities permitted with the City's Land Use Plan. Additionally, Observation deck #1 has been sited to avoid impacts to eel grass resources while fulfilling the project goals of providing an improved opportunity for the public to observe and become educated about the valuable resources located along the Silver Strand. Observation deck #2 has been sited again to take advantage of an opportunity for nature study, educational opportunities and enhancement of habitat areas. A small portion of relatively poor quality salt marsh may be temporarily impacted during construction. The area will be enhanced to expand the functional capacity of the wetland at almost four times its present size and improve the quality of wetland.

2. Land Use Policy D. 9 Diking, Filling or Dredging of Wetlands. The City's policy permits "diking, filling, or dredging of open coastal waters and wetlands only where there is (1) no feasible less environmentally damaging alternative, and (2) where feasible mitigation measures have been provided to minimize adverse environmental effects, and (3) when limited to certain activities". (1) The overall goal and purpose

of the project is to enhance the area by providing improved opportunities to observe and become educated regarding the biological and ecological resources along the Silver Strand. The walkway, location of observation decks, discovery nodes, restorative landscaping, discovery sculptures, and interpretive signage are all important components to this heightened educational/observational experience. (2) The project will not result in permanent impacts on resources within the area. Project construction will not occur during the least tern nesting season. Temporary impacts will occur to portions of salt marsh area surrounding observation deck #2 during construction however the resource will be improved both quantitatively and qualitatively following construction. (3) The uses and facilities associated with the project are of a visitor-serving nature, involve passive recreation activities, restoration, and observation/nature study which are all consistent with the City's land use plan.

The project is also consistent with several other policies of the City's land use plan including D. 6,11, and 12. The project will maintain and restore biological productivity of adjacent wetland areas, enhance the functional capacity of adjacent wetlands, and major construction activities will be limited to those times outside the least tern nesting season.

The City would prefer to use beach sand for "The Dune Environment" discovery point. Only 6,400 cubic yards of sand will be needed. Approximately 1.5 million cubic yards of sand generated from the Nimitz Homeporting project in Coronado will be used for beach replenishment in the Silver Strand littoral cell. It seems that using .4% of that amount for this enhancement project would result in negligible impacts to the beach source.

In conclusion, the City believes the project as designed provides an excellent balance of uses. It preserves, protects and enhances ecological and biological resources near the project site while at the same time providing opportunities for persons to observe, discover and learn about the valuable resources within the project area.

I hope this letter answers your questions and clarifies the City's findings with respect to its adopted Local Coastal Plan. Please contact Ann McCaull of my office, should you have further questions.

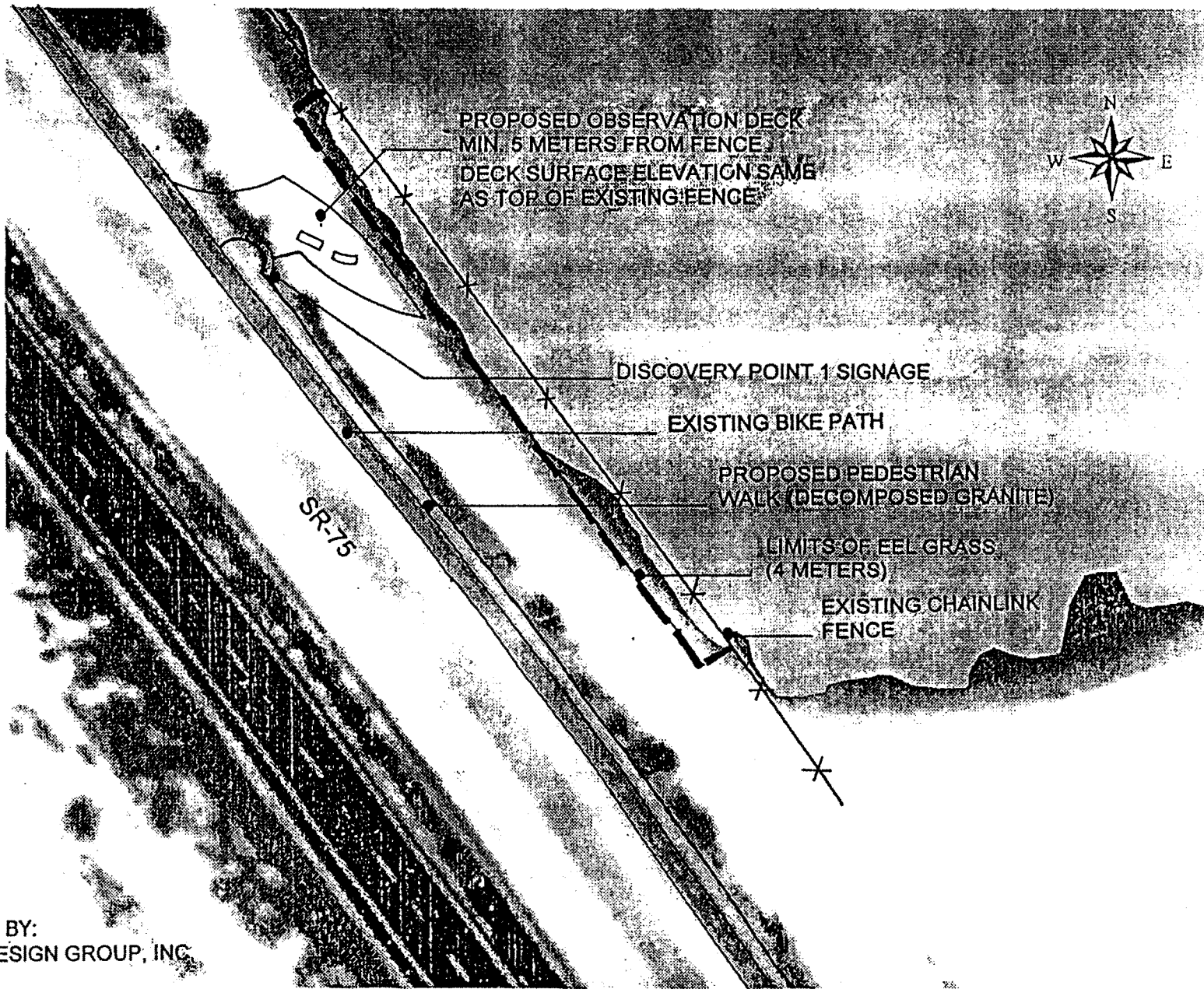
Sincerely,



Tony A. Pena
Director of Community Development

cc: City Council
Schmidt Design Group
Liza Butler, Strand Beautification Committee

NAB Coronado Eelgrass Map at Discovery Point 1



PREPARED BY:
SCHMIDT DESIGN GROUP, INC.
5/9/97

Sources: SOUTHWESTNAVFACENGCOM,
Natural Resources, 1994,
verified M. Perdue, 1997

20 0 20 40 Meters

Fence
Eelgrass

Silver Strand Beautification Project Focused Salt Marsh Biological Survey

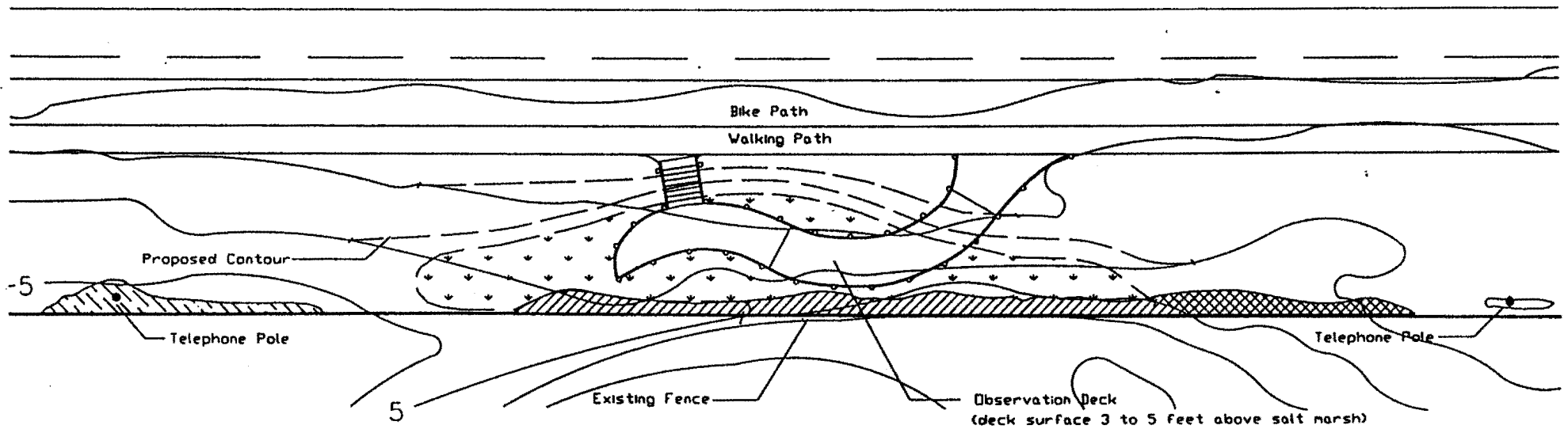
The following focused survey of salt marsh habitat in the vicinity of the Silver Strand Beautification Project was conducted by Chris Nordby of Tierra Environmental Services and Gary Ruyle of Schmidt Design Group on April 30, 1997. The survey was conducted to quantify potential project impacts to this sensitive habitat as the result creating a saltmarsh observation deck and to present proposed mitigation measures to offset those impacts. This focused survey is intended to serve as an addendum to the Biological Survey of the Highway 75 ISTE Grant Revegetation Site, Coronado, California, prepared by Habitat Restoration, Inc. on November 11, 1994.

There are two small areas of existing salt marsh associated with San Diego Bay located immediately adjacent to the planned beautification project. These include an area of approximately 662 square feet of salt marsh located adjacent to a proposed observation deck (Figure 1) and a smaller patch of approximately 196 square feet located to the south of the proposed deck. The square footage used in this discussion refer to those areas of salt marsh that extend beyond the existing least tern fence into the area of the proposed beautification project. Both areas are contiguous with salt marsh to the east of the fence.

The larger area is composed of a number of salt marsh species including saltwort (*Batis maritima*), sea bilte (*Suaeda californica*), marsh rosemary (*Limonium californicum*), common pickleweed (*Salicornia virginica*), and alkali heath (*Frankenia grandifolia*). A deck that will allow the public to view the salt marsh is proposed in this area (Figure 1). The elevated deck will overlook the existing salt marsh upon completion. Temporary impacts from construction will impact approximately 468 square feet of the total 662 square feet. To offset those impacts, approximately 1,968 square feet of salt marsh will be planted in the area of impact and an area immediately adjacent to the proposed deck (Figure 1). This planting will result in the replacement of the temporarily impacted saltmarsh at a mitigation ratio of approximately 4:1.

The smaller area of salt marsh is composed of saltgrass (*Distichlis spicata*). This area will not be impacted by the beautification project. Therefore, no mitigation is required.

State Route 75



May 8, 1997

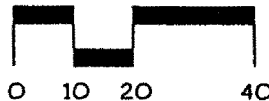
**SCHMIDT
DESIGN
GROUP**

- Landscape Architecture
- Habitat Restoration
- Planning

Schmidt Design Group, Inc.
2655 Fourth Avenue
San Diego, California 92103
CA License 2138
Phone: (619) 236-1462
Fax: (619) 236-8792

Silver Strand: ISTEPA Project

Salt Marsh Delineation / Mitigation Plan
at Discovery Point 2



SCALE IN UNITS



TIERRA ENVIRONMENTAL SERVICES

LEGEND:



Created Salt Marsh Area
(1,533 s.f.)

Batis maritima	Saltwort
Suaeda fruticosa	Sea Blite
Limnium californicum	Marsh Rosemary
Frankenia grandifolia	Alkali Heath
Salicornia virginica	Cannon Pickleweed



Existing Salt Marsh Area to Remain
Existing Salt Marsh Plants - Same As Above
(194 s.f.)



Temporary Impact to Existing Salt Marsh Area
(468 s.f.)



Distichlis spicata / Salt Grass to Remain
(196 s.f.)



CITY OF CORONADO
COMMUNITY DEVELOPMENT

1825 STRAND WAY
CORONADO, CA 92118

CITY HALL
(619) 522-7326

July 9, 1997

California Coastal Commission
Attn: Ellen Lirley
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-3520

RECEIVED

JUL 10 1997

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Coastal Commission Appeal #A-6-COR-97-40 and
Coastal Development Permit Application #6-97-68

Dear Ms. Lirley:

The purpose of this letter is to formally modify the above mentioned project currently being reviewed by your agency. The modification to the project is located at Discovery Point #2. The grading plan has been modified to eliminate the temporary impact of 462 square feet of salt marsh which would have been the resultant impact associated with the enhancement of the salt marsh area. The City is not proposing to impact or enhance the salt marsh at Discovery Point #2.

I believe this project change is what we have discussed recently however if you have any questions regarding this project change, please contact my office. Thank you for your assistance with this project.

Sincerely,

Ann McCaull

Ann McCaull
Associate Planner



CITY OF CORONADO
COMMUNITY DEVELOPMENT

RECEIVED

JUL 22 1997

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

1825 STRAND WAY
CORONADO, CA 92118

July 21, 1997

CITY HALL
(619) 522-7326

California Coastal Commission
Attn: Ellen Lirley
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-3520

Re: Coastal Commission Appeal #A-6-COR-97-40 and #6-97-68

Dear Ms. Lirley:

As a follow up to our recent meetings and discussions, this letter is to formally modify the above mentioned project (for a second time) which is currently being reviewed by your agency. The modification to the project is located at Discovery Point #2. We have had several discussions with respect to the Observation Deck at this location and your agency's concern with its proximity to the wetlands on the west side of the fence. Because of your concerns, the City's consultant studied whether or not the distance from the observation deck to the existing fence could be increased from 6 feet to 20 feet.

The City's main intent with this project has been to improve coastal access and enhance the area by providing improved opportunities for the public to view and learn about the wildlife and ecological resources within the area without causing impacts. A revised plan was faxed to your office on July 10th with the City's findings. The City has determined the observation deck can be relocated from a 6' setback to 12' setback. This setback is the maximum setback the deck can be relocated to in order to comply with the American with Disabilities Act (ADA) while maintaining the minimum deck elevation that will allow users to view the salt marsh and birds to the east without looking through the existing chainlink fence. Additionally, the integrity of the deck design is not compromised.

The City is pleased with this modified plan --the project goals have been maintained, the design of the structure has remained the same, and ADA requirements are still met. The City believes the plan has been modified to the best of our ability without jeopardizing the overall project goals. We look forward to a favorable response to this project amendment.

Thank you again for your assistance with this project.

Sincerely,

Ann McCaull
Ann McCaull
Associate Planner