CALIFORNIA COASTAL COMMISSION
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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-165

Applicant: City of San Diego Agent: Merkel and Associates, Inc.

Description: Seismic retrofit of the North Harbor Drive bridge including reinforcement of existing piers and joining the paired piers together at the water line.

Site: Bridge No. 57C-015 on North Harbor Drive just west of Spanish Landing Park, Peninsula, San Diego, San Diego County.

Substantive File Documents: Certified Peninsula Community Plan; Final Mitigated Negative Declaration/LDC No. 98-0235 – 8/6/98; Environmental Site Investigations for the North Harbor Drive Bridge Seismic Retrofit Project San Diego, California by Merkel and Associates, Inc. dated 3/2/98; and subsequent update to same dated 12/17/01.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the proposed seismic retrofit of the North Harbor Drive bridge with special conditions. The project raises concerns over potential impacts to biological resources and public access. The project will result in direct impacts to 0.07 acres of eelgrass habitat and the applicant has proposed a mitigation plan for restoration of habitat in the project area. The applicant also proposes to schedule the pile driving portion of the project to occur outside of the breeding season of the California Least tern or incorporation of silt control measures. The U.S. Fish and Wildlife Service (USFWS) has determined that the proposed mitigation plan to avoid impacts to sensitive bird species is adequate. Special Condition #1 requires submittal of a final eelgrass mitigation plan. Special Condition #2 requires a final monitoring plan. Special Condition #3 requires that development be prohibited between April 1st to September 1st of any year to avoid adverse impacts to the California Least tern. Special Condition #4 requires submittal of plans for construction access/staging areas to assure that access corridors and staging areas are located in a manner that has the least impact on public access via the

maintenance of vehicular traffic flow on coastal access routes (North Harbor Drive bridge). With these conditions, all potential impacts have been eliminated or reduced to the maximum extent feasible.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 6-01-165 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Eelgrass Impacts. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final mitigation program approved by the California Department of Fish and Game for the permitted eelgrass impacts, which shall be in substantial conformance with the Mitigated Negative Declaration/LDR No. 98-0235 dated August 6, 1998 and which will include the following provisions:

a. Permanent and temporary impacts to eelgrass resources shall be limited to impacts within the footprint of work shown in Figure 2 (of the Environmental Site Investigations Report dated 3/2/98 by Merkel and Associates, inc.) of the Mitigated Negative Declaration/LDR No. 98-0235 dated August 6, 1998.

b. A pre-construction survey of the existing eelgrass beds shall be completed to establish the pre-impact conditions of the eelgrass beds and the density of the beds prior to implementation of the proposed project. The survey shall be submitted to the Executive Director before commencement of construction and shall indicate the length, width, and density of the eel grass beds.

c. A post-construction survey shall be completed within 14 days following construction to determine the actual footprint of eelgrass impact. Within 30 days after completion of the post-construction survey, the permittee shall submit a report to the Executive Director that includes the post-construction survey. The report shall identify the amount of eelgrass impacted by the project based upon comparison of the pre- and post-construction surveys. The report shall also include recommendations for any changes to the Mitigated Negative Declaration/LDR No. 98-0235, a restoration schedule and an estimate of the square footage of area to be replanted.

d. Eelgrass impacts shall be mitigated by replanting eelgrass at the project site at a ratio of 1.2 square feet of mitigation area for each square foot of area impacted.

e. Prior to commencement of the mitigation/transplant, the applicant shall obtain final approval for the method of transplant from the California Department of Fish and Game (CDFG). All methods of eelgrass mitigation must be performed consistent with the guidelines established in the Mitigated Negative Declaration/LDR No. 98-0235 dated August 6, 1998. Any deviations from this program must be reported immediately to the Executive Director.

The permittee shall undertake development in accordance with the approved mitigation program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Monitoring Program for Eelgrass Mitigation. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final monitoring program approved by the California Department of Fish and Game for the permitted eelgrass impacts, which shall be in substantial conformance with the Mitigated Negative Declaration/LDR No. 98-0235, and which will include the following provisions:

a. The applicant shall agree to undertake the monitoring requirements in

accordance with the Mitigated Negative Declaration/LDR No. 98-0235 dated August 6, 1998.

b. The mitigation monitoring program, as proposed, shall occur over a five-year period to ensure establishment and to verify that minimum coverage and density requirements are achieved.

c. For each monitoring, a summary report will be prepared and submitted to the California Coastal Commission, U.S. Army Corps of Engineers, California Department of Fish and Game, National Marine Fisheries Service, U.S. Fish and Wildlife Service and City of San Diego within 30 days of completion of the monitoring.

d. In the event the monitoring reports indicate that the mitigation efforts have not been successful, the applicant shall implement remedial measures to assure the successful establishment of eelgrass beds in the project vicinity.

The permittee shall undertake development in accordance with the approved monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Construction Period for Nesting Season of Sensitive Bird Species. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final construction schedule to the Executive Director for review and written approval. The schedule shall include the following:

a) Conduct pile driving and other activities (i.e., boring sediment out of the driven pile sleeves and cleaning and dewatering of pier casements) which may result in elevated turbidity outside of the period of April 1st to September 1st of any year to prevent disturbance to the breeding season of the endangered California least tern. Night time work will be allowed to further assure that such activities are completed prior commencement of the tern breeding season.

b) In the event that the activities described in (a) above are not completed prior to April 1st, the applicant shall then incorporate the following measures to minimize potential for adverse effects:

- Install silt curtains to contain any silt around the piles being driven or within the immediate work area;

- Place geofabric or sand bags on each horizontal portion of the silt fence every five feet, preferably at each stake and at the midpoint

between stakes. A solid line of sandbags shall be placed on the silt fencing adjacent to any open water areas;

- Rubber hyplon liners shall be used to eliminate the potential for silt migration, which might be caused by precipitation, from construction areas where there is exposed/disturbed soil. The liners shall be placed on the exposed soil when weather conditions indicate any possibility of rain and construction is temporally suspended for any reason.

c) Any alterations to the construction schedule must be reviewed and approved in writing by the U.S. Fish and Wildlife Service. The permittee shall undertake development in accordance with the approved construction schedule. Any proposed changes to the approved schedule shall be reported to the Executive Director. No changes to the approved schedule shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Construction Access/Staging Areas. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, construction access and staging plans that:

a) Indicate the locations, both on- and off-site, which will be used as staging and storage areas for materials and equipment during the construction phase of this project.

b) Prohibit staging/storage areas within any areas where sensitive bird species exist.

c) Prohibit overnight storage of equipment or materials on public parking spaces between Memorial Day and Labor Day weekend. Equipment from the staging site shall be removed and/or restored immediately following completion of the development.

d) Locate access corridors and staging areas in a manner that has the least impact on public access via the maintenance of vehicular traffic flow on coastal access routes (North Harbor Drive bridge, in this instance) and pedestrian and bicycle access to areas of San Diego Bay not directly involved in construction of the project.

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

5. Construction Related BMPs and Debris Removal. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall submit for review and written approval of the Executive Director, a Best Management Practices (BMPs) program for the bridge retrofit project. Said program shall include, but not be limited to, the following construction-related requirements:

a) No machinery or construction materials not essential for project improvements shall be allowed in the bay;

b) If turbid conditions are generated during construction, a silt curtain shall be utilized to minimize and control turbidity to the maximum extent practicable;

c) All stock piles and construction materials shall be covered, enclosed on all sides, and located as far away as possible from the bay;

d) A protective barrier shall be utilized to prevent concrete and other large debris from falling into the bay from the construction barges;

e) All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;

f) The discharge of any hazardous materials into the bay shall be prohibited.

g) Any materials that fall into the water shall be immediately collected and properly disposed of.

h) A detailed plan for clean-up of accidental spill of petroleum-based products, cement, or other construction related pollutants shall be prepared and kept on-site with the contractor or engineer. Said plan shall include, but not be limited to, the use of absorbent pads and floating booms.

The permittee shall undertake development in accordance with the approved BMP program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project consists of the seismic retrofit of the North Harbor Drive bridge which crosses over a small boat channel of the San Diego Bay known as the Navy Estuary. The existing structure consists of two parallel bridges (eastbound and westbound). The proposed stabilization will reinforce and infill the bridge archways without changes to the height of the span (reference Exhibit No. 2).

The project involves reinforcement and infilling of the archways within the eight sets of support piers and construction of expanded pile caps. A total of 26 cast-in-steel shell concrete piles will also be added and 38 cast-in-steel shell concrete piles. Altogether, 180 new 24-inch support piles would be driven at the existing bridge pier supports to improve seismic load balancing and bridge stability. Also proposed is the repair and rehabilitation of deteriorating concrete and steel in the bridge, replacement of bridge hardware at expansion joints, etc. The bridge would remain unchanged in the number or location of support piers and no dredging of navigational channels, shallow waters or intertidal area is proposed. The proposed work will reduce the horizontal clearance between piers from 60 feet to 40 feet within end bays and would reduce the primary central navigational bay from 120 feet to 100 feet in width.

The project site is located adjacent to the San Diego Bay along North Harbor Drive which crosses over a small boat channel. North Harbor Drive is a major scenic and coastal access route along the shoreline that extends from the downtown San Diego area past Harbor Island and to the Peninsula community within the City of San Diego. The project site is located immediately to the east of the former Naval Training Center, to the west of the San Diego International Airport (Lindbergh Field) and to the north of the San Diego Bay. On the other side of the bay to the south is North Island and the City of Coronado.

The project site is located within the Peninsula community of the City of San Diego. It is located on public trust lands and is therefore an area of original jurisdiction. As such, the standard of review is the Chapter 3 policies of the Coastal Act.

2. Biological Resources/Eelgrass and Sensitive Bird Species. The following Chapter 3 policies of the Coastal Act apply to the subject proposal and state, in part:

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

In addition, Section 30233 of the Act is applicable to the proposed development and states the following:

Section 30233

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

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

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

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

[...]

The proposed project raises issues under Section 30233 of the Coastal Act since it will involve "fill", as defined by the Coastal Act, consisting of the placement of support piles consisting of six in-water, cast-in steel shell concrete support piers, which will occur in the bay. This section of the Coastal Act sets forth a three-part test for all projects involving the fill of coastal waters and wetlands. These are:

1) That the project is limited to one of the eight stated allowable uses;
2) That the project has no feasible less environmentally damaging alternative; and,
3) That adequate mitigation measures have been provided to minimize adverse environmental effects.

In this particular case, the proposed development meets the above requirements. Alternatives to the bridge retrofit have also been considered. Replacement of the bridge is such an alternative, but would be very expensive and result in significant impacts. Thus, retrofitting of the bridge, as proposed, is the least environmentally damaging alternative. In addition, with the proposed mitigation to replant eelgrass at the project site, adverse environmental effects will be minimized to the maximum extent feasible. The proposed development will occur in open coastal waters. However, as an improvement to an existing bridge to render it safe under seismic conditions without increasing the bridge's capacity, the proposed development is an incidental public service under Section 30233(5).

As noted earlier, the proposed project will stabilize two parallel bridges with reinforcement and infilling of the bridge archways without changes to the bridge platform footprint or the height of the span (reference Exhibit No. 2). The project involves reinforcement and infilling of the archways within the eight sets of support piers and construction of expanded pile caps (piers 2-7). The proposed work would not alter the existing bridge's vertical clearance.

Based on a biological report that was completed by Merkel and Associates, Inc. dated 3/2/98 and another habitat reported dated 8/6/01, the study area extends over a 240 foot wide by 540 long area (3.0 acres) centered on the north Harbor Drive Bridge. Impacts to approximately 0.07 acres (3,136 sq.ft.) of eelgrass habitat will occur with the proposed project. This estimate is based on a complete loss of eelgrass within 50 feet of the bridge footprint. The report indicates this estimate is reasonable but may overstate the impact given that construction access will be primarily from the north to avoid the larger sewer force main parallel to the southern edge of the bridge. Furthermore, as shown in a figure associated with the biological report (ref Exhibit No. 2), there are also more eelgrass beds on the south side of the bridge, as well. Eelgrass beds were observed on both ends of the bridge. Eelgrass on the southern side of the bridge was of greater density and vigor than that observed on the north side of the bridge. However, both beds were relatively sparse even for the typical winter dieback. The northern eelgrass beds, where most of the

construction-related activity will occur, were quite patchy and blades were smaller in stature but appeared healthy.

The impacts to eelgrass beds will occur as a result of the placement of pilings in the water as structural support for the existing bridge. Temporary impacts will result from placement of temporary piles and scaffolding for in-water construction access purposes and permanent impacts would result from placement of new piles as part of the permanent footprint of the bridge structure which is fill of open coastal waters.

The applicant's biological consultants have indicated that the impacts to eelgrass beds have been minimized to the maximum extent possible. The applicant is considering an option of placing the temporary construction fill eastward by about 60 feet which will have less impact to public access in the area. In addition, if this construction fill is shifted, it could result in slightly less impacts to marine habitats at the project site. In addition, the applicant is considering using sheet pile as a method of fill containment in addition to sandbags and geofabric. These measures may minimize the footprint of the temporary fill and potentially lessen impacts to eelgrass. However, it is not clear at this time if these alternatives can be implemented or are being proposed.

In addition, due to the low overhead clearance of the existing bridge, the pile driving equipment is a reduced scale from that typically used in bridge construction. High frequency hammerblows of lower intensity are proposed to be used to drive segments of piles that are welded together to obtain necessary length. In addition, small construction equipment such as jack hammers (as opposed to larger construction equipment) will also be used to further reduce potential impacts to eelgrass beds. Although eelgrass habitat will be avoided to the extent possible, the applicant still estimates approximately 0.07 acres of impacts to the eelgrass habitat and has developed an eelgrass mitigation and monitoring program, which has been accepted by the USFWS.

All impacts to eelgrass are proposed to be mitigated by creating suitable planting area along the area of temporary shoreline fill in the project vicinity to restore eelgrass at a 1.2:1 ratio in accordance with the Southern California Eelgrass Mitigation Policy. In addition, eelgrass is also proposed to be restored within any existing beds where these are damaged by construction and within the restored shoreline areas of the project site. The mitigation program is outlined in the Mitigated Negative Declaration (which includes the Environmental Site Investigation by Merkel and Associates) and is reiterated in Special Condition No. 1 which requires submittal of final mitigation program consistent with the mitigation and monitoring program described in the proposed Mitigated Negative Declaration dated 8/6/98. The program will require pre- and post-construction surveys to determine the extent of any damage to eelgrass beds caused by the project, revegetation of all affected areas, and monitoring for five years to determine the success of the revegetation. Special Condition No. 2 requires submittal of a monitoring program to assure the mitigation efforts are successful.

As conditioned to minimize and mitigate impacts to eelgrass, the proposed development is consistent with the requirement of Section 30231 to maintain the biological productivity of coastal waters and 30233.

In addition, based on the information contained in the environmental study completed for the site, biological surveys of bird species that use the area, there were several types of avian species identified in the area. However, foraging in this area by sensitive bird species such as the California Least Tern, have not been documented as thoroughly as least tern foraging activity on Mission Bay. Active least tern colonies are located at the former Naval Training Center, Lindbergh Field and North Island (Naval Base Coronado). According to a waterbird survey of north and central San Diego Bay completed in 1993, areas of high use by least terns did not encompass the west end of Harbor Island. The southeast edge of Harbor Island and deep water channel near the northeast edge of the Naval Air Station were utilized for foraging while the open water anchorage south of the entrance to Commercial Basin was used for roosting (U.S. Department of the Navy 1994). The 1993 survey did not extent north of the North Harbor Drive Bridge. Observations indicate that there has been no significant foraging in the bridge area and no evidence of it being a prime foraging location.

Potential for impacts to least terns are limited due to their restricted seasonal occurrence and limited use of the site. Nonetheless, the U.S. Fish and Wildlife Service (USFWS) expressed concerns with regard to in-water construction during the Least tern nesting season (April 1 through September 1). As noted previously, least tern nesting sites are located at the former Naval Training Center across the bay channel to the northwest, at Lindbergh Field to the east and to the south across the bay/harbor at North Island in Coronado (ref. Exhibit No. 1). The proposed project is expected to last 225 days (i.e. approximately eight months) and as such, construction activities are proposed to occur within this time period. The USFWS was primarily concerned with the pile driving activities and other activities which may result in elevated turbidity. The applicant proposes to schedule the work to avoid pile driving during the least tern nesting season. Mitigation measures require that this work occur to the maximum extent practical between September 15th and April 1st to avoid the California least tern nesting season. Where pile driving during this period cannot be avoided, the applicant is required to incorporate measures to minimize potential for adverse effects. These measures specifically include: installation of silt curtains to contain any silt around the piles being driven or within the immediate work area; placement of geofabric or sand bags on each horizontal portion of the silt fence every five feet, preferably at each stake and at the midpoint between stakes; placement of geofabric or a solid line of sandbags on the silt fencing adjacent to any open water areas; use of rubber hyplon liners to eliminate the potential for silt migration, which might be caused by precipitation, from construction areas where there is exposed/disturbed soil. The liners are required to be placed on the exposed soil when weather conditions indicate any possibility of rain and construction is temporally suspended for any reason.

However, given the high ambient noise levels at the bridge under current conditions and distance from nest colonies or roosting areas, noise is not anticipated to be a concern.

Special Condition No. 3 has been attached to require that construction of the pile driving portion of the project be scheduled to occur outside the least tern nesting season or that measures are implemented to reduce turbidity. In addition, Special Condition No. 4 also requires, in part, that staging/storage areas shall not be permitted within any areas where sensitive bird species exist. Therefore, as conditioned, the proposed development complies with the requirement of Section 30240 to avoid significant disruption or degradation of the nearby least tern nesting area. As conditioned, the proposed development is an allowable purpose for fill of open waters, is the least environmentally damaging alternative, and, as conditioned, minimizes adverse environmental effects. As conditioned, the Commission finds the proposal consistent with the cited resource provisions of the Coastal Act.

4. Public Access/Traffic Circulation. Section 30210 of the Coastal Act states:

> In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 of the Act states, in part:

> (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
>
> (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. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway....

Section 30221 states:

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

Access to the bridge will be by barges or construction of temporary trestles. The proposed seismic retrofit of the proposed project is scheduled to occur in two phase (east half and west half) to maintain navigability under the bridge through the course of construction and minimize disruption of bridge uses. The proposed project is expected to

last approximately 225 days (approximately eight months). To further reduce such impacts, work may be conducted on a 24-hour day work schedule for some of the project elements. The public access and recreation policies place a high priority on the maintenance of access to the shoreline and designated recreational sites. In this particular case, the proposed project will not result in the closure of any lanes on the bridge at any time. As such, public access (including use by pedestrians and bicyclists, etc.) along this major coastal access route will be maintained year-round. In addition, the proposed project will result in a safer bridge for public access in the area.

A second potential concern is with regard to impacts to public access in the Bay itself (i.e., such as boating and other recreational uses). This particular bridge crosses over a small inlet of the San Diego Bay known as the Navy Estuary which lies adjacent to the former Naval Training Center and the San Diego Airport. Due to its location, there is limited existing and potential future vessel use of this Navy Estuary. As noted earlier, although no reduction in the vertical clearance to the bridge would occur, the horizontal clearance between piers will be reduced from 60 to 40 feet within end bays and from 120 to 100 feet within the primary central navigational bay. However, given the recreational nature of Navy Estuary, these minor reductions/modifications to bridge clearance would not significantly impede or inhibit public access along the water.

In addition, with regard to construction impacts, the proposed project will occur in two phases—northern half and southern half. This will minimize disruption to boat traffic beneath the bridge. Construction may occur up to 24-hours per day in order to further minimize disruption of boat traffic in the area. In addition, access on the bridge and boat traffic beneath the bridge will be maintained for the duration of the project. Presently, pedestrian access is available along the shoreline on the channel edge through Spanish Landing Park or through the Anti-Submarine Warfare Fleet property located on the southwest side of the bridge (opposite side from Spanish Landing). As such, the proposed project should not have any adverse impacts on recreational uses that occur in the bay. As such, given that the impacts will be temporary in nature, no long-term or permanent impacts to public access or recreation activities in the area will occur as a result of project implementation.

The applicant proposes two staging areas for the project. The entrance to and exit from both staging areas will be located on the northern side of the bridge on each side of the Channel. Construction access on the Spanish Landing side of the bridge will be through Spanish Landing and access on the western side of the bridge will be off of North Harbor Drive (ref. Exhibit No. 1). Spanish Landing is a San Diego Port District Park with recreational opportunities open to the public. Access to the public areas will remain open throughout the project and the seismic retrofit of the bridge will ensure future use of recreational areas. Both staging areas for the project will be located on fenced property that is currently not open to the public. To further assure this is the case, Special Condition No. 4 requires submittal of a construction access/staging area plans to further assure that staging/storage areas shall not be permitted in close proximity to areas used by sensitive bird species or usurption of public parking areas during the peak summer season between Memorial Day and Labor Day weekend. The condition also assures that

access corridors and staging areas not result in disruption to public access along North Harbor Drive and that vehicular/pedestrian/bicycle access be maintained. Therefore, the proposed project should not result in any long-term impacts to public access or traffic circulation. As such, the project is consistent with Sections 30210, 30221 and 30212 of the Coastal Act.

5. Visual Resources. Section 30251 of the Coastal Act states the following:

> 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, and, where feasible, to restore and enhance visual quality in visually degraded areas....

Any adverse visual impacts of the development will be generally limited to the construction periods. Although the seismic retrofitting of the bridge structure will result in the slight change to the appearance of the bridge at the water line, it should not result in any adverse visual impacts. In addition, the proposed project will not result in any impacts to public views along this major coastal access route and scenic area. Therefore, the Commission finds the proposal consistent with Section 30251.

6. Water Quality. Sections 30230 and 30231 of the Coastal Act state the following:

Section 30230

> Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate.

Section 30231

> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project involves the seismic retrofit of the North Harbor Drive bridge which crosses over a small boat channel of the San Diego Bay. The proposed

improvements include the reinforcement and infilling of the bridge archways within eight sets of support piers and construction of expanded pile caps of the existing bridge. While the completed bridge retrofit will not result in impacts to water quality, construction activities associated with development of the project could. The proposed work would specifically involve the additional placement of 26 cast-in-steel shell concrete piles and 38 cast-in-steel shell concrete piles. A total of 180 new 24-inch support piles would be driven at the existing bridge pier supports to improve seismic load balancing and bridge stability. Construction access to the site will be gained utilizing construction barges. Again, because work will be occurring in the water itself, there is a potential for adverse impacts to water quality to occur.

In order to reduce the potential for adverse impacts to water quality resulting from the construction of the proposed development, Special Condition #5 has been attached. This condition requires the applicant to prepare and comply with construction related BMPs. The condition specifically requires, in part, that stockpiled materials be covered to avoid deposition or runoff to the bay nearby, that in-water construction activities involve protective measures such as barriers to prevent concrete and other debris from falling into the bay from the construction barges, that no discharge of any hazardous materials into the bay occurs and that debris/trash be disposed of in proper recycling/trash receptacles at the end of the day, etc. Measures such as these are well-established Best Management Practices for projects similar to that proposed which involve construction activities in the water. As conditioned, impacts to water quality from the proposed project will be reduced to insignificant levels. Therefore, as conditioned, the Commission finds the proposed project consistent with water quality resource policies of the Coastal Act.

7. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site is within an unzoned area of the Peninsula (aka Point Loma) community of the City of San Diego. The project is consistent with all applicable Chapter 3 policies of the Coastal Act, the certified Peninsula Community Plan and Local Coastal Program Addendum. As such, the Commission finds that approval of the proposal will not prejudice the ability of the City of San Diego to implement its certified LCP for the Peninsula planning area.

8. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the sensitive resource and public access policies of the Coastal Act. Mitigation measures, including conditions addressing mitigation consistent with the biological/environmental report and prohibition of construction activities during the nesting season of sensitive bird species, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

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

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

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

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

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

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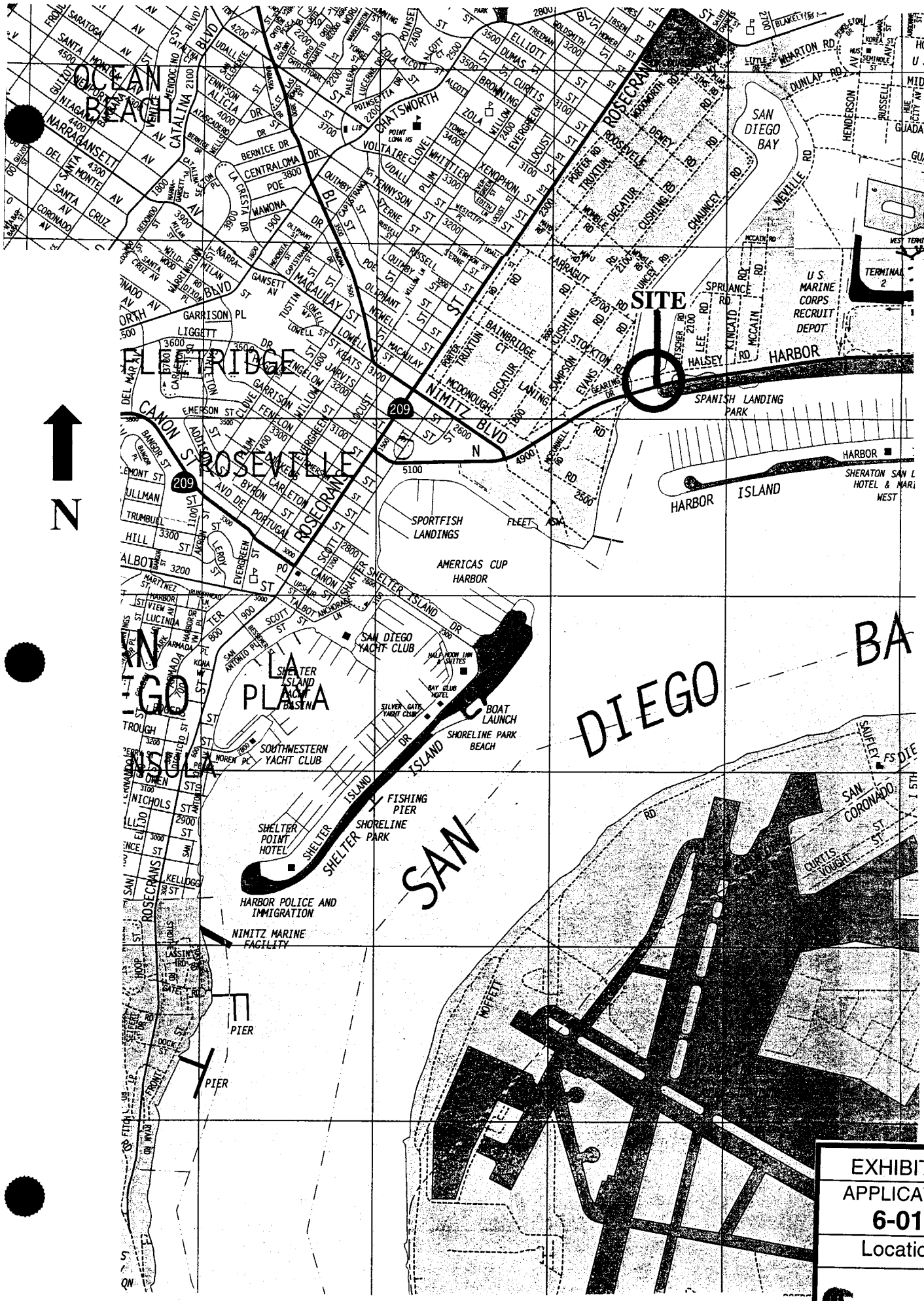


EXHIBIT NO. 1

APPLICATION NO.

6-01-165

Location Map

California Coastal Commission

EXHIBIT NO. 2
APPLICATION NO. 6-01-165
General Plan
California Coastal Commission

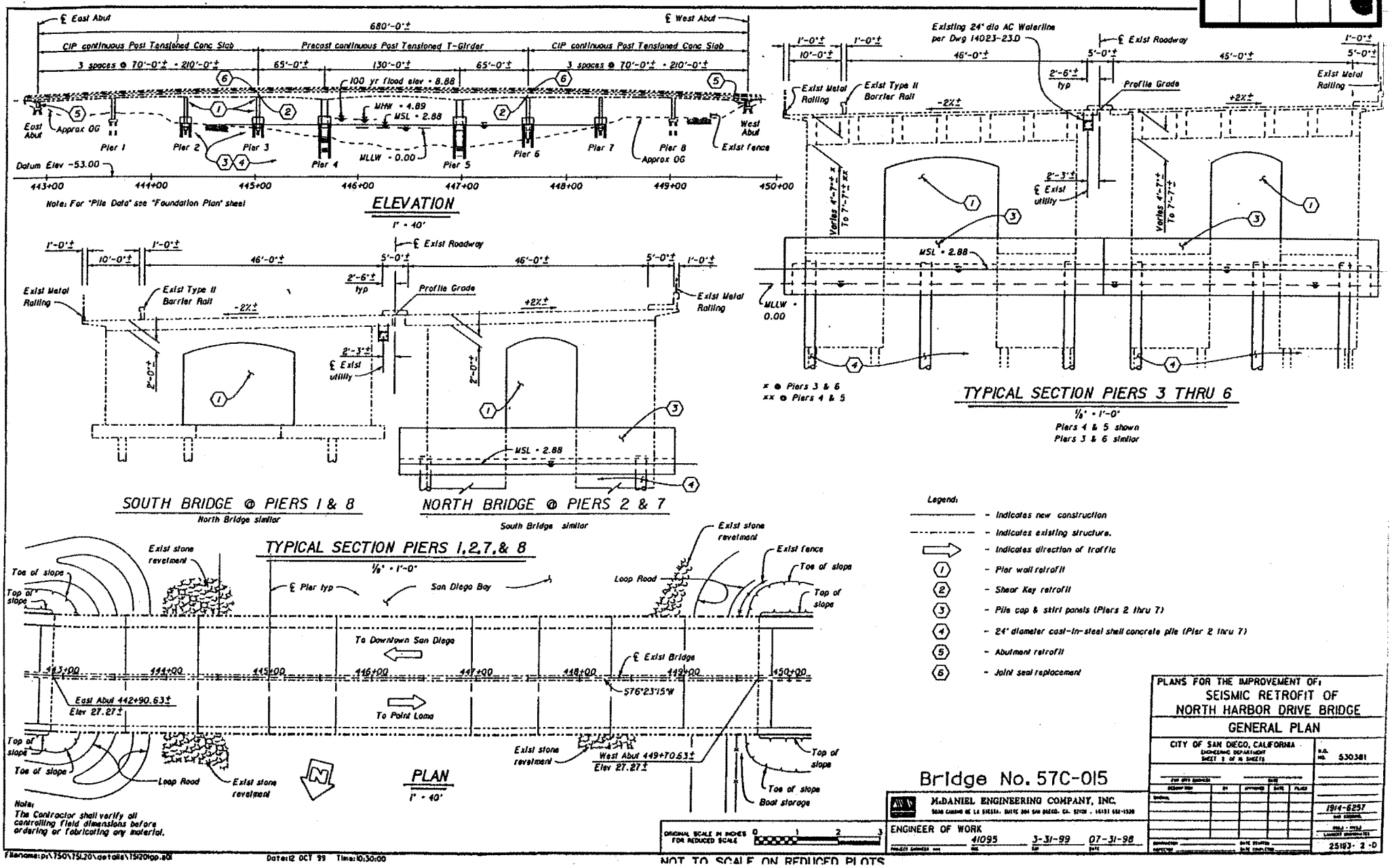
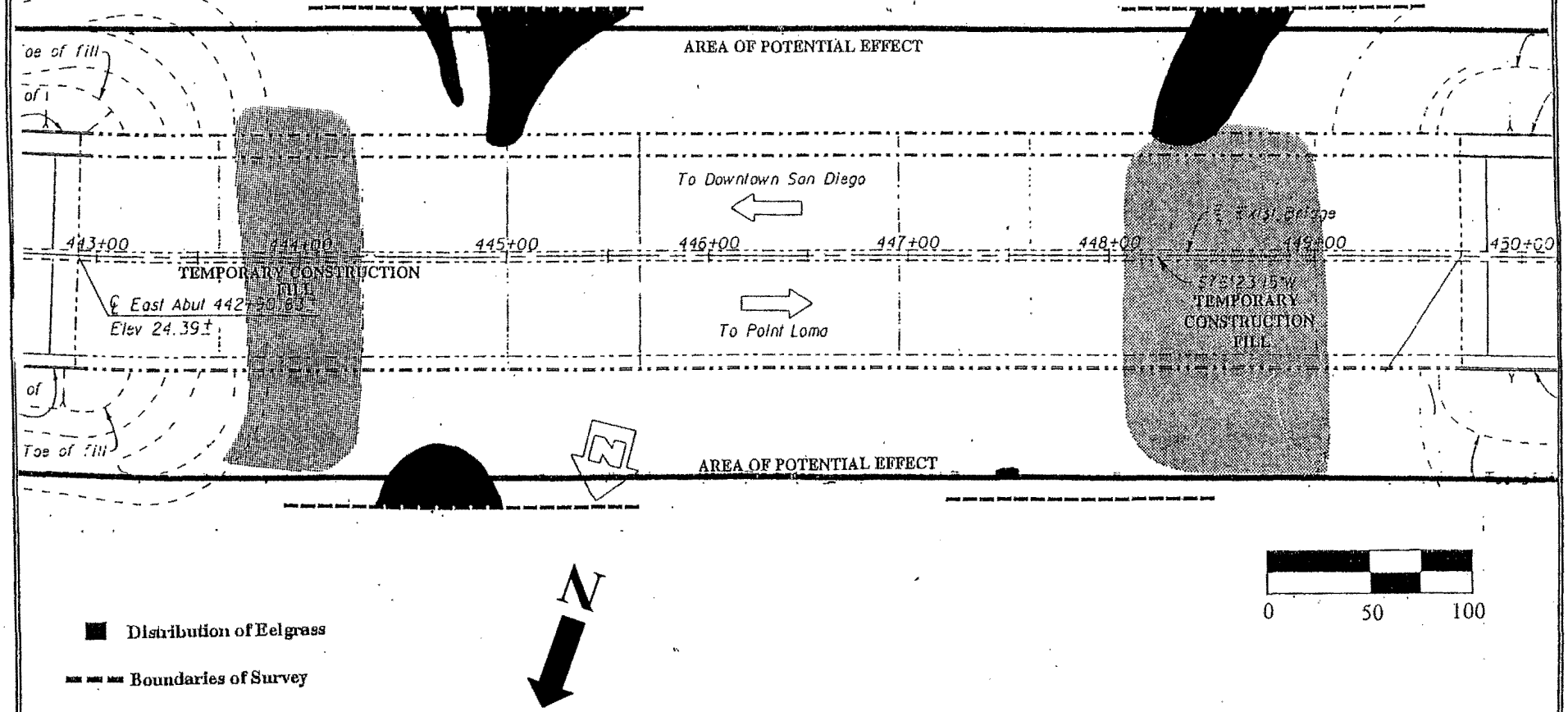
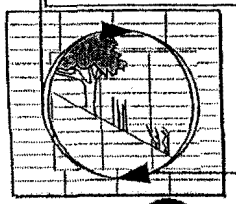


EXHIBIT NO. 3
APPLICATION NO.
6-01-165
Map of Eelgrass in Project Area
California Coastal Commission





Map of Eelgrass in Vicinity of Project Site and Area of Potential Impact

Figure 3

Merkel & Associates, Inc.