

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

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Staff: EL-SD
Staff Report: May 21, 2003
Hearing Date: June 11-13, 2003

REVISED CONDITIONS AND FINDINGS

Application No.: 6-02-038

Applicant: City of Coronado

Agent: Ann McCaull

Description: Implementation of a highway enhancement project, including roadside landscaping, dune restoration, identification signage, and creation of a salt marsh mitigation site to address a 0.05-acre permanent salt marsh impact and temporary impacts. Also, the project includes construction of a bike path spur south into Imperial Beach, an interpretive node at the least tern nesting site, and site improvements, including an overlook, at the South Bay Biological Study Area. Except for the median work, all components are within Coastal Commission permit jurisdiction. This addresses only those components within Coastal Commission jurisdiction.

Site: Along two segments of State Route 75 (Silver Strand Highway), from Glorietta Bay south to Fiddler's Cove, and from the northern end of the County South Bay Biological Study Area south to Rainbow Drive in Imperial Beach, Coronado and Imperial Beach, San Diego County. No APN

Summary of Commission Action:

Staff recommends the Commission adopt the following revised findings in support of the Commission's action on July 9, 2002. In its action, the Commission approved the proposed Highway 75 improvements with conditions, including a Class 1 bicycle path spur to directly, and safely, connect Coronado and Imperial Beach.

The staff report has been revised as follows: Special Condition #1 has been revised to authorize construction of the bike path spur in the alignment submitted by the applicant. The path was found to be an allowable use in wetlands as an "incidental public service," the least environmentally-damaging, feasible alternative, and adequately mitigated. The findings begin on Page 5, but the majority of revisions to reflect this change regarding the bike path spur are found on Pages 8-10.

Date of Commission Action: July 9, 2002

Commissioners on Prevailing Side: Burke, Dettloff, Hart, Kruer, Orr, Ruddock, Rose, Wan, Woolley

Substantive File Documents: Certified City of Coronado LCP; Silver Strand Improvement Project EIR-SCH# 2001031019; Tea-21 Silver Strand Improvement Project Wetland Mitigation Plan, dated 4/15/02; CCC Files #6-97-068, A-6-COR-97-040, and 6-01-152

MOTION: *I move that the Commission adopt the revised findings in support of the Commission's action on July 9, 2002 concerning approval of Coastal Development Permit No. 6-02-038*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the July 9, 2002 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby adopts the findings set forth below for *Coastal Development Permit No. 6-02-038* on the ground that the findings support the Commission's decision made on July 9, 2003 and accurately reflect the reasons for it.

II. **Standard Conditions.**

See attached page.

III. **Special Conditions.**

The permit is subject to the following conditions:

1. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans for all improvements, that are in substantial conformance with the plans titled *Silver Strand Landscape Improvements T-21*, received in the San Diego Coastal Commission office on May 14, 2002.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final

detailed coastal sage mitigation plan. Said plan shall be developed in consultation with the U.S. Fish and Wildlife Service. Said plan shall include the following:

- a. Preparation of a detailed site plan of the Diegan coastal sage scrub clearly delineating all areas and types of impact (both permanent and temporary) and the exact acreage of each impact. In addition, a detailed site plan of the mitigation site shall also be included.
- b. Impacts to coastal sage scrub shall be mitigated at not less than a ratio of 2:1.
- c. Mitigation shall be contiguous with or near existing sage scrub habitat or other native habitat, wherever possible.
- d. Location where the seeds will be collected and identification of plant species to be used for the restoration area;
- e. Application rate (e.g. pounds per acres of seeding effort);
- f. Methods for weed eradication. No weed whips shall be permitted after installation of the seed mixes;
- g. Designation of a qualified botanist to supervise the restoration effort;
- h. Criteria for defined goals, objectives and performance standards. These shall include the following: three-years after the initial planting, the restored areas should support at least 10 native species appropriate to the vegetation type and have evidence of natural recruitment at least one-half of these species. Weeds should be controlled as specified in (g) above and never constitute more than 10 percent of the total cover. Cover by native vegetation should increase over time and ultimately approach 60 percent.
- i. At completion of the restoration effort, the restoration specialist shall prepare a letter report indicating the installation is finished and that the three-year monitoring period has begun. Monitoring reports will be submitted to the City annually for three years. If at the end of three years, any of the restored areas fail to meet the year-three standards as contained in the final mitigation plan, the monitoring and maintenance period will be extended one full year for that area. This process shall continue until all year-three standards are met.

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

2. Timing of Construction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final construction schedule, which shall be incorporated into construction bid documents. The schedule shall specify that:

- a. Construction activities associated with the Northern Gateway portion of the project shall not occur between March 1 and September 15 of any year; and
- b. Construction activities associated with the Southern Gateway portion of the project shall not occur between February 16 and August 31 of any year.

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

3. Staging Areas/Access Corridors. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, detailed plans incorporated into the construction bid documents for the location of access corridors to the construction sites and staging areas. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes (State Route 75, in this instance) and shall not be located within any sensitive habitat areas (i.e. coastal sage and associated plant communities and wetlands, including salt marsh and intertidal). If more than one staging site is utilized, the plans shall indicate which sites are connected with which portions of the overall development, and each individual site shall be removed and/or restored immediately following completion of its portion of the overall development.

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

4. Construction Impacts. Construction impacts to sensitive habitat areas (i.e. coastal sage and other sensitive upland plant communities, as well as wetlands, including salt marsh and intertidal mudflat) shall be avoided by identifying and staking all sensitive habitats outside the project footprint, and educating the construction crews about the importance of these habitats and need for protection.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/Site History. The Cities of Coronado and Imperial Beach have developed a plan for highway enhancements and public access and education improvements along State Route 75 (SR 75), more commonly known as the Silver Strand Highway. SR 75 is a four-lane road extending from Coronado on the north to Imperial Beach on the south; its alignment occupies the center portion of a narrow peninsula between the two cities that separates San Diego Bay from the Pacific Ocean. This area was highly disturbed during the World War II era, with numerous military installations and activities occurring on this narrow strand. After years of disturbances, the area was no longer a natural and relatively pristine environment. The Commission has approved two prior projects for enhancements along this route. Coastal development permits (CDPs) #6-97-068 and #A-6-COR-040, authorized construction of a pedestrian path from the Naval Amphibious Base (NAB) to Fiddler's Cove, including four educational/seating nodes identifying and describing resources in the area. A more recent permit, CDP #6-01-152, authorized the undergrounding of utilities along the southern portion of the highway.

The subject application is the next step in enhancing this area and recreating a natural system of marsh, beach, dunes and uplands. Various activities are proposed in two distinct areas along SR 75, identified as the Northern Gateway and the Southern Gateway. The Northern Gateway covers the same geographic stretch as CDPs #6-97-068 and #A-6-COR-040, and will add additional features to the existing enhancements. These will include constructing a fifth interpretive node along the existing pedestrian path, providing an overview of the existing least tern nesting site on the Bay side of the strand, and creating/restoring additional sand dunes. Other improvements include planting vegetation to screen an existing unpaved parking lot near NAB and augmenting the planting along the public access paths that was done in conjunction with the prior permits. The previously-approved landscaping was completed in 1999, without any provisions for irrigation. After two extremely dry years, the applicant has determined that a temporary irrigation system is needed for the plants to establish successfully, even though only native and drought-tolerant species have been used.

The Southern Gateway portion of the project runs along SR 75 from the County South Bay Biological Study Area (CSBBSA) south to Rainbow Drive in Imperial Beach. The projects in the Southern Gateway include construction of an interpretive station at the CSBBSA, consisting of an observation deck, handrail, benches and interpretive signage. An existing paved parking lot at this facility will be repaired and restriped, but will retain the same number of parking spaces, which is 22. An existing Class 1 bike path runs along most of the east side of SR 75 south from Coronado, but veers east to circle north of the salt ponds and connect with other bicycle facilities in Imperial Beach and along the east side of the bay. A major component of the southern part of the project is construction of a bike path spur to continue south where the existing path veers east, directly connecting to the Imperial Beach street system along SR 75. This is proposed as a Class 1 bike facility, which requires a total of twelve feet in width and complete separation from the road. The northern 1,484 feet of the approximately half-mile long proposed bike spur is in Coronado and the southern 1,100 feet is in Imperial Beach. The

final project component is the installation of two monument identification signs at the Coronado/Imperial Beach border, one for each jurisdiction.

The project will result in both permanent and temporary impacts to salt marsh and disturbed coastal sage. These will be discussed at length in the subsequent finding. However, the proposed mitigation site is an approximately half-acre site within the existing salt marsh east of SR 75 in the Southern Gateway portion of the project. This is an area where sediments have accumulated and no vegetation is currently growing. Mitigation activities will include recontouring to lower the area to match the surrounding marsh and reintroduce tidal flow.

The project has gone through a lengthy planning, environmental review and permit process at the local level and with other state and federal agencies. Both cities have adopted the plan, but Imperial Beach has authorized Coronado to process the CDP on its behalf. The project as a whole is located in more than one jurisdiction, including the Cities of Coronado and Imperial Beach, as well as Coastal Commission permit jurisdiction for portions of the development on federal (Navy) lands. The portions in the Cities of Coronado and Imperial Beach consist only of median improvements; the cities will address CDP requirements for these elements independent of this action. All remaining elements are on Navy property directly, or on lands leased from the Navy, and are the subject of this permit analysis. The Navy property is not subject to the certified LCPs of the Cities of Coronado and Imperial Beach; therefore Chapter 3 of the Coastal Act is the legal standard of review.

2. Environmentally Sensitive Lands. The following Coastal Act policies are most applicable to this issue, and state in part:

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. ...

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.

The purpose of this proposal is two-fold: first, to restore biological resources, and second, to provide public access and education opportunities. The adjacent portions of San Diego Bay consist primarily of coastal salt marsh, beach and dune habitats, and disturbed uplands, although these resources are interspersed with areas that have been disturbed by human activities, including biking, trampling and soil collection. This area is heavily used by numerous avian species, including several endangered or threatened ones, such as the light-footed clapper rail, belding's savannah sparrow, and California least tern. Implementation of the project is expected to not only increase the quantity and quality of existing biological resources, but also to redirect human traffic away from the most sensitive areas by providing perimeter interpretive facilities.

There are, however, both permanent and temporary impacts associated with plan implementation. No permanent or direct impacts have been identified for the Northern Gateway projects, which include the least tern observation deck, landscaping, and dune restoration. In the Southern Gateway, a temporary impact to 0.06 acres of salt marsh has

been identified associated with construction of the interpretive facilities at the CSBBSA. All remaining impacts are associated with the bike path spur. These include both permanent and temporary impacts to disturbed coastal sage (0.04 acres permanent; 0.13 acres temporary) and salt marsh (0.05 permanent; 0.13 temporary), and a 0.03 temporary impact on intertidal mudflats.

As cited above, under the Coastal Act, disturbance and/or fill of wetlands is severely constrained. Coastal Act Section 30233(a) 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.

All of the proposed activities fit one or another of the eight allowed uses: the dune restoration and landscaping with native species represents resource enhancement, and the two proposed interpretive facilities represent nature study. Moreover, except for the interpretive center at the CSBBSA, none of these components involve wetland fill. In this instance, the bike path is an allowed use in wetlands as an incidental public service. All of SR 75 is currently utilized as a significant bicycle route, although there are no formal bike lanes at this time along portions of the roadway, where bicyclists share the travel lanes with motorized vehicles. There is a striped and separated Class I bikeway extending south from Coronado to the northern edge of the salt ponds, where the existing bikeway veers east around the ponds to connect with other bicycle improvements; this portion of the path is primarily used for recreational biking. There is no bike path for the remaining half-mile of SR 75 heading south into Imperial Beach, yet a significant number of bicyclists (both recreational and commuters) continue along this road instead of veering east where the Class I bikeway turns. A separated bikeway along this stretch would enhance the safety of bicyclists.

The proposed design for the bike path spur is also the least environmentally damaging feasible alternative. The proposed bikeway alignment is one of several alternatives that were investigated in the project EIR. The applicant considered five alternatives, but ruled them out as infeasible because of safety concerns, impacts to cultural resources, or expense. These alternatives include crossing SR 75 at grade, then running the bike path along the western side of the road; bridging SR 75 and then following the western alignment; reducing the width of the existing median; reducing the width of the proposed bike lane; and the "no project" alternative. The first two, putting the bike path on the western side of the road, were eliminated during the EIR review because they would result in significant impacts to cultural resources located west of the highway. Moreover, considering the speed of traffic along this route, an at-grade crossing was not considered safe, and a bridge would be both visually obtrusive and cost prohibitive. Reducing the width of the median was also determined to be unsafe, as opposing lanes of traffic would be too close to each other for vehicles traveling 50-miles an hour and higher. The "no

project" alternative would maintain the status quo – although no impacts to any type of resources would occur, the current unsafe situation for bicyclists would remain.

Reducing the width of the bike path spur itself, which would eliminate all wetland impacts, was initially suggested as a viable alternative. It had been rejected in the EIR because it would not accomplish the project goal of a continuous Class I bikeway all along SR 75. However, some safety improvements could be made without having to have a Class I facility. The proposed wetland encroachment is a linear strip five feet wide, along 450 feet of San Diego Bay. If the proposed path were modified to meet Class II standards for the 450-foot length next to San Diego Bay (i.e., a designated, striped lane five to six feet in width), it appears the wetland impacts, both permanent and temporary, could be avoided altogether. This design could still provide the physical separation from SR 75 that a Class I bikeway would provide; but it would be narrower for a stretch of 450 linear feet.

In looking closely at this alignment, the Commission finds that this alternative is not feasible. The proposed bike lane will accommodate two-way traffic which could not safely occur in a six-foot wide path. Moreover, the change in path width itself could confuse bikers, since the more narrow width would occur in the area where the road is closest to the bay. A short, steep bank is the only separation. People traveling at a leisurely pace for recreational purposes could probably adjust to a narrower path for a short interval. However, bikers traveling between Coronado and Imperial Beach are more often commuters biking at higher speeds than recreational bikers. Because of the dangerous situation this would create, funding sources would be difficult, if not impossible, to find, and the entire project would be jeopardized. The overall project includes significant resource, access and educational benefits, which the Commission supports. Thus, due primarily to the identified public safety concern, but also to maintain funding sources, the Commission finds that this alternative is not feasible, and finds the proposed bike path alignment the least environmentally-damaging feasible alternative.

All other wetland impacts associated with this proposal are temporary; these consist of trampling and soil compaction that may occur from workers moving around the wetland fringes, and from small construction equipment such as wheelbarrows used in constructing the CSBBSA interpretive overlook and, as proposed, the bike path spur. All disturbed areas will be fully restored after construction, and additional salt marsh mitigation will occur at a half-acre site within the overall project area, on county-owned land within the Naval Radio Receiving Facility Bayside Wetlands.

The mitigation proposal will provide slightly greater than the 4:1 mitigation ratio required for salt marsh impacts. The mitigation will include removal of accumulated and compacted fill and recontouring to achieve appropriate elevations for salt marsh, and to restore the necessary tidal action, followed with planting of salt marsh species. In addition, Special Condition #4 requires identification and staking of all sensitive areas outside the project footprint, including both the mitigation and project areas, to prevent accidental intrusion into these areas by construction personnel. As conditioned, the Commission finds the project consistent with Section 30233 of the Act.

As proposed, the bike path spur will also have both permanent and temporary impacts on disturbed coastal sage (an upland habitat type protected under Section 30240), which occurs on the slope separating SR 75 from the salt marsh. Although this narrow, linear strip of coastal sage is identified as "disturbed," the EIR still describes the area as having moderate to high resource value to species using that particular type of habitat. Mitigation, in the form of enhancement of adjacent, or nearby, disturbed coastal sage habitat, is proposed through the EIR and permit application. Special Condition #1 addresses appropriate mitigation and monitoring for sensitive upland habitats. Also, restoration and expansion of the existing coastal dunes may result in indirect, temporary impacts to the system, primarily in the form of noise and dust; this type of short-term impact requires no mitigation. With the special conditions, the Commission finds the proposal consistent with Section 30240 of the Act.

In summary, one of the main purposes of this proposal is to enhance existing biological resources, both through direct habitat restoration and through public education. Moreover, by increasing the amount of tidal channels and by providing specific viewing areas, it is expected that the amount of wetland intrusion by the public that currently occurs should significantly decrease. The only permanent wetland and sensitive upland habitat impacts are associated with the bike path spur. The proposed spur will not only enhance public access, but significantly increase safety for bikers along this roadway. The applicant is proposing mitigation at appropriate ratios and in suitable locations. Special Condition #2 identifies appropriate timing for construction to avoid disruptive construction activities from occurring during the nesting seasons of sensitive bird species. Special Condition #3 establishes parameters for the location of access corridors and staging areas to assure, among other things, that no sensitive habitat areas are used for these purposes. Special Condition #4 has been added to prevent incidental construction impacts from occurring by clearly identifying and staking sensitive habitats outside the project footprint. These three conditions will prevent adverse construction-related impacts to adjacent habitat areas as required by Section 30240(b). Therefore, as conditioned, the Commission finds the proposed development consistent with the cited resource protection policies of the Coastal Act.

3. Public Access and Recreation. The following Chapter 3 policies addressing access are most applicable to this proposal, and state, in part:

Section 30210.

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

Section 30212.

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

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

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 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation

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).

This project is located between the first public road (SR 75) and the sea (which includes San Diego Bay in this case). As such, the Coastal Act supports maximizing access opportunities for the public. All components of the proposal will facilitate and encourage access, from the simple act of installing landscaping to creating a new bicycle path. Because of the extreme sensitivity of the biological resources in the area, however, it is critical that public access be appropriately channeled to prevent unwarranted human intrusion into habitat areas.

The proposed interpretive facilities are a good way to achieve that purpose, since they will encourage the public to stop and look, and hopefully learn enough about the resources to support their protection. Moreover, providing a place to get fairly close and observe will direct people out of the actual resources and reduce wetland damages caused by human intrusion. One proposed observation deck will be located adjacent to a functioning least tern nesting site, and the other will be positioned along the perimeter of the salt marsh, within view of the proposed wetlands mitigation area. The northern observation deck (least tern site) will add a fifth "station" to the project approved five years ago pursuant to CDP #6-97-068, and will be centrally located within that existing project. There is no current observation or interpretive facility at the CSBBSA, which has a number of studies and experiments ongoing. North of the scientific research area itself, there is ample evidence that the wetlands are being impacted by bicyclists and pedestrians who venture into this sensitive area. The area nearest the road and parking lot is riddled with bike tracks, and further out in the marsh are large "holes" in clumps of wetland vegetation caused by people collecting soil to use for horse treatments. The expansion of tidal channels in this area should eliminate use of an existing dirt ramp which now facilitates bicycle and pedestrian intrusion from the parking lot into the marsh. Also, the interpretive facilities and restoration activities will both provide public viewing opportunities and minimize disturbances.

At the southern end of the project area is another form of public access improvement, the proposed bike path spur. This southern extension of the existing bike route around San Diego Bay will encourage and facilitate alternative transportation, as well as providing a recreational experience. This alignment avoids wetlands to the extent feasible, and will provide a needed safety improvement over current conditions wherein bicycles, cars, trucks, etc. all share the same travel lanes. The posted speed limit along SR 75 is 50 miles per hour, although many vehicles exceed that speed regularly.

With respect to construction impacts on access, SR 75 is the only means of transporting materials and workers to the jobsite. It is also a major coastal access route, serving Silver Strand State Beach as well as the municipal beaches in Coronado and Imperial Beach. Special Condition #3, cited earlier for its resource protections, also protects public access by directing that staging and storage areas not interfere with traffic flow on SR 75. Special Condition #2 is also helpful in this regard, since it prohibits construction activities in many areas during breeding seasons, which generally occur during the warmer months when beach use is also at its peak.

In summary, the existing, soon to be enhanced, biological resources in this area require a careful balance between public access and habitat protection. The subject proposal is intended to serve both functions, and the attached special conditions will assure that happens in the least disruptive manner. Therefore, as conditioned, the Commission finds the proposed development consistent with the cited Chapter 3 policies of the Act, and with all other public access and recreation policies as well.

4. Water Quality. The following Coastal Act policies addressing water quality are most applicable to the subject proposal, and state, in part:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored...Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters....

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum population 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

Over the past many years, there have been on-going concerns about the water quality of San Diego Bay. The Bay is the "end of the line" for surface runoff from all the surrounding municipalities, including San Diego, National City, Chula Vista, Imperial Beach, Coronado, the Port's developed tidelands, and several military installations. It receives vast quantities of stormwater (some of it polluted) through the existing storm drain system that includes numerous outlets around the bay, including some within the general project area.

The project has been designed to continue the established drainage patterns and use the existing storm drain system. Although, any new development which results in the conversion of currently pervious surfaces to impervious ones, accelerates runoff to some degree, if not mitigated through appropriate design and maintenance, in this particular case, the degree of change is negligible. This project will result in new impervious surfaces on the proposed bike path and, to lesser degree, the two interpretive facilities, since they are comprised of wooden decks which will partly drain through the deck to the earth below. In addition, portions of the development within the local cities' CDP jurisdictions include the removal of existing concrete in the street medians and its replacement with vegetation, thus reducing paved surfaces. The project has been reviewed by the Commission's Water Quality Unit, and it has been determined that no significant changes in surfacing or drainage will occur. Moreover, landscaping with drought-tolerant native species will reduce, or eliminate, the need for irrigation; only temporary irrigation for plant establishment is proposed herein. The Commission

therefore finds, as proposed, and as conditioned to address other issues, that the development will be consistent with the cited Coastal Act policies.

5. Visual Resources. The following policy of the Coastal Act provides for the protection of scenic coastal resources, and states, in part:

Section 30251

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.

In addition to being the most direct link between Coronado and Imperial Beach, SR 75 is also a designated scenic highway and a major coastal access route. Coronado has been working for many years to beautify this area, which was visually degraded during the World War II era by the removal of natural vegetation and construction of military installations. It is the applicant's intent to restore native vegetation, remove exotic vegetation, underground utilities, and remove unnecessary signage which has accumulated along the highway over time. Some of this work was permitted through CDPs #6-97-068, A-6-COR-97-040 and 6-01-152, and some portions are exempt from coastal permit requirements. The subject permit will continue this ongoing effort to restore and enhance the natural ecosystem of the strand.

The proposed bike path is an at-grade facility, so its visual impact will be minimal. The interpretive decks are also at grade, although interpretive signage will extend to seven feet in height. However, its purpose is public education, so some visibility is necessary, and the signage is attractively designed. The two proposed monument identification signs at the Coronado/Imperial Beach border are of individual designs, highlighting different aspects of the two communities. The signs (see Exhibit #5) are attractive and designed to be compatible with their surroundings. Moreover, they do not increase the number of signs, as standard identification signs currently exist and will be removed. The habitat restorations and enhancements and the additional road- and trail-side landscaping can only improve the visual experience for pedestrians, motorists and pedestrians alike. The Commission finds the proposal, as conditioned to address other concerns, fully consistent with Section 30251 of the Act.

6. 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, with the attached conditions, such a finding can be made.

The Northern Gateway of the project is within the geographic boundaries of Coronado, although much of it is located on federal lands. The Southern Gateway has components in both Coronado and Imperial Beach; again, most of the project is on federal land. Since federal property is not subject to local LCPs, permit jurisdiction rests with the Coastal Commission and Chapter 3 of the Coastal Act is the legal standard of review. Previous findings have demonstrated the project's consistency with Chapter 3 policies, as conditioned. The proposed development is, however, also consistent with both certified LCPs, as they both have policies calling for access improvements and highway beautification. Therefore, the Commission finds that project approval, with the attached conditions, will not prejudice the ability of the City of Coronado or the City of Imperial Beach to continue implementation of their respective certified LCPs.

7. 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 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.

As discussed and conditioned herein, the proposed project, as conditioned to minimize fill of wetlands, impacts to coastal sage scrub habitat, and temporary construction-related disturbances, and fully mitigate all remaining impacts, will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the sensitive resource, water quality, public access and visual resource policies of the Coastal Act. These are the same issues that were addressed in the certified EIR for the project. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might 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.

6-02-038

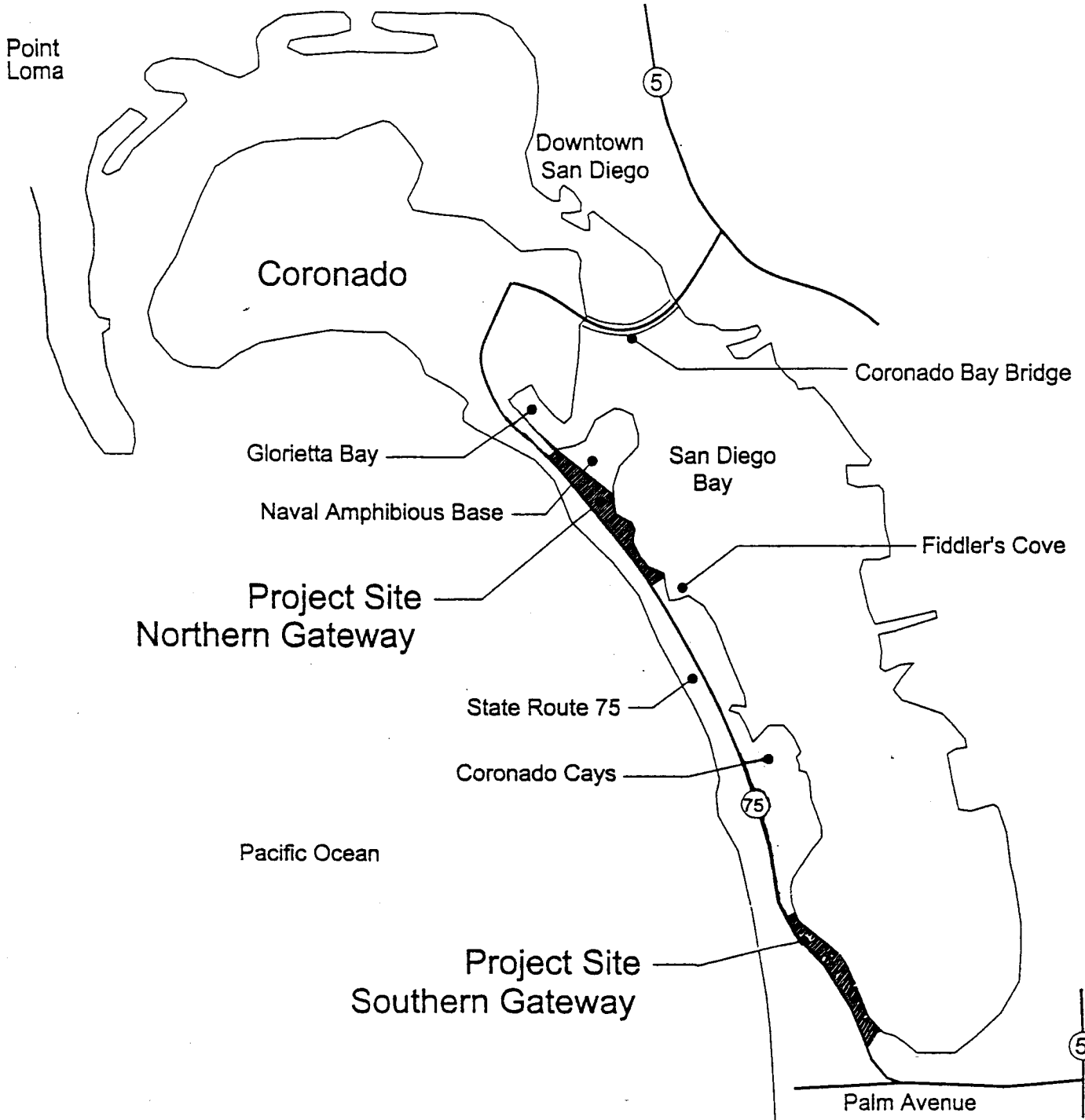


EXHIBIT NO. 1
APPLICATION NO.
6-02-038 RF
Location Map

6-02-038

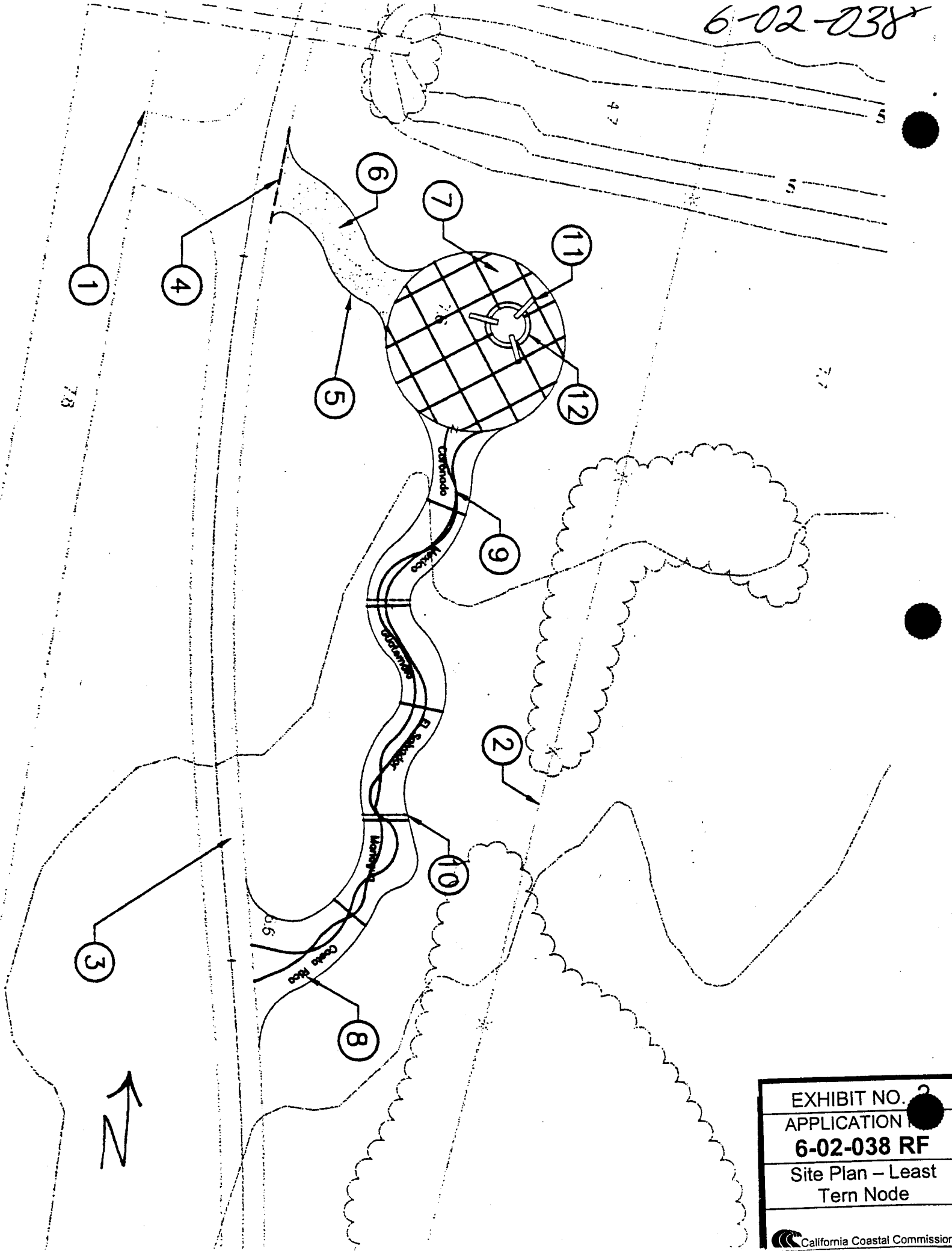


EXHIBIT NO. 2
APPLICATION
6-02-038 RF
Site Plan - Least Tern Node

California Coastal Commission

6-02-038

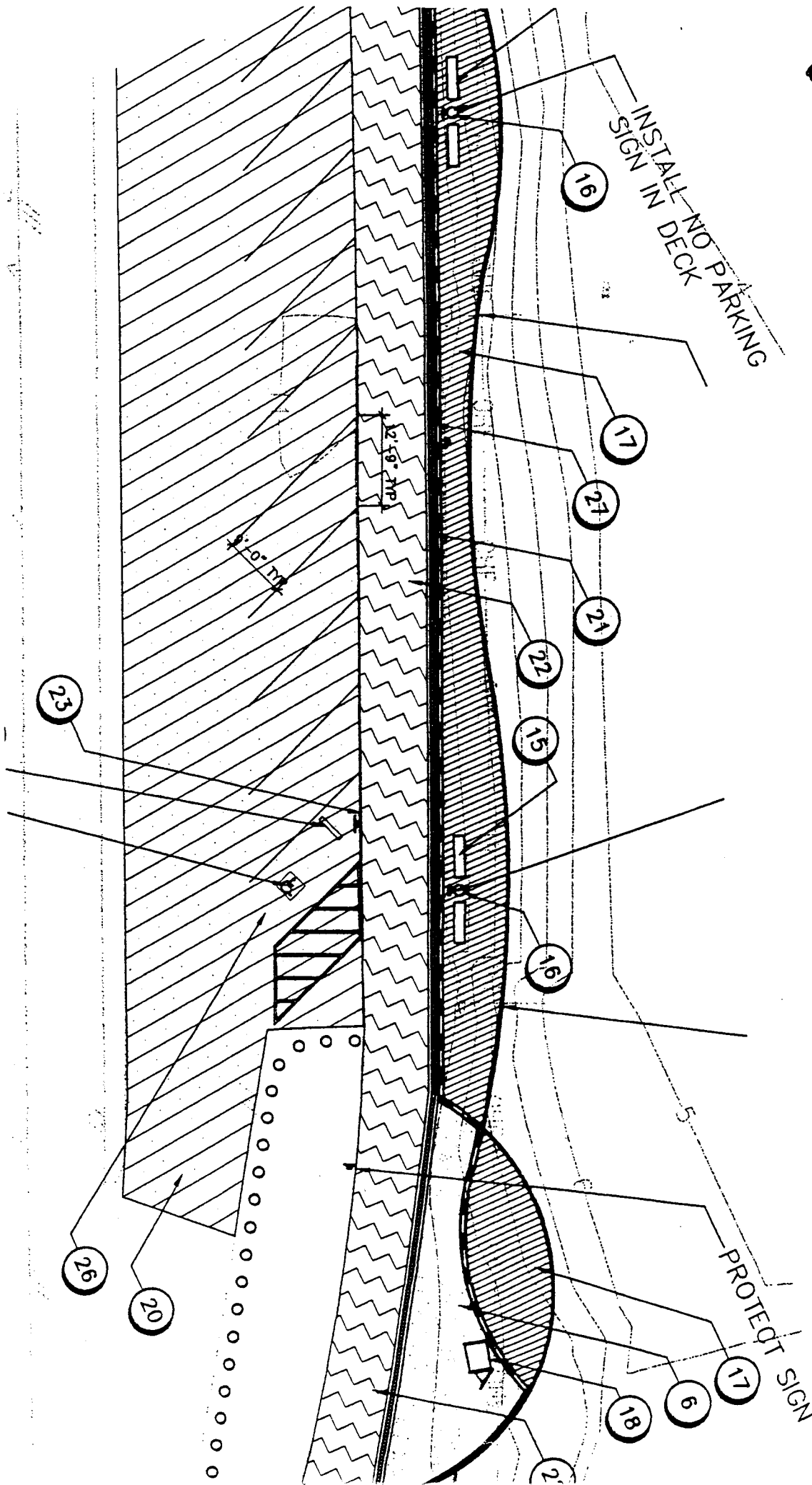

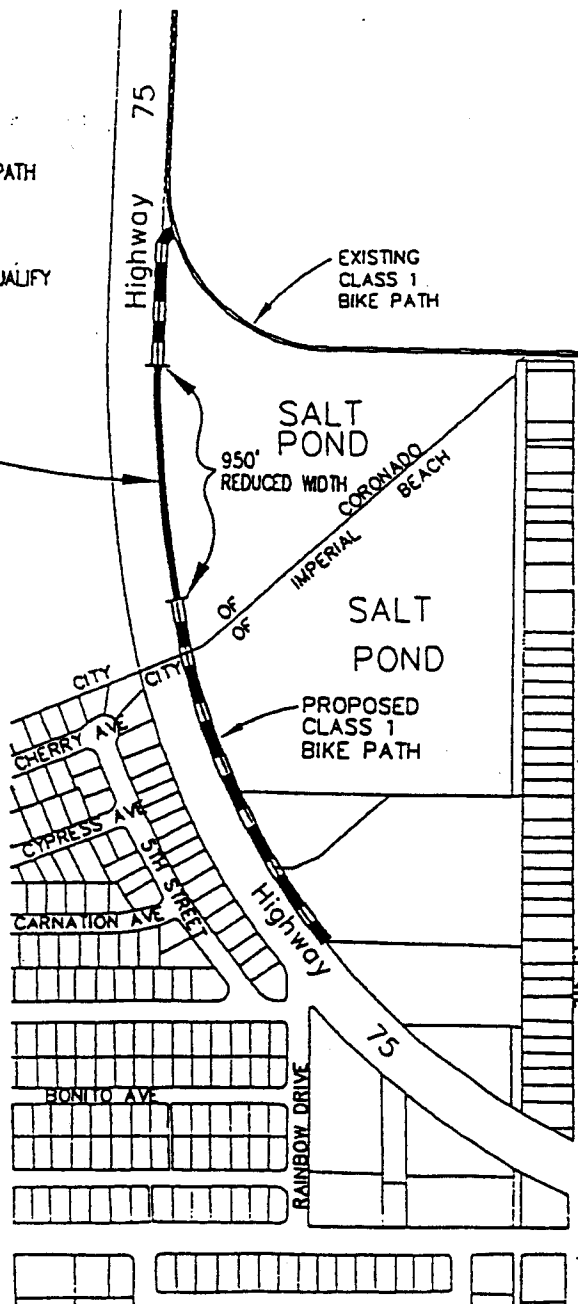


EXHIBIT NO. 3
APPLICATION NO.
6-02-038 RF
Site Plan - South Bay Biological
 California Coastal Commission

6-02-038

REDUCE WIDTH OF BIKE PATH
OR
DIRECT BIKE PATH ONTO
HIGHWAY SHOULDER
(BIKE PATH DOES NOT QUALIFY
AS CLASS 1 WITH EITHER
CHOICE)



↑
Potential Redesign
to narrower path

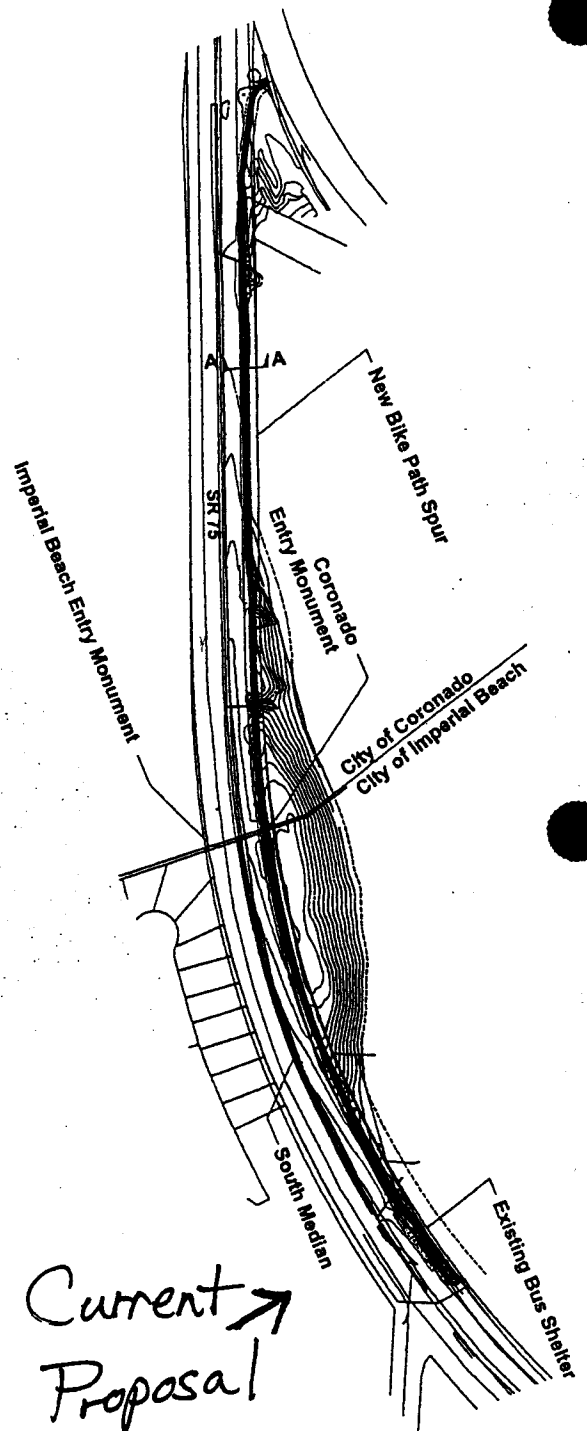
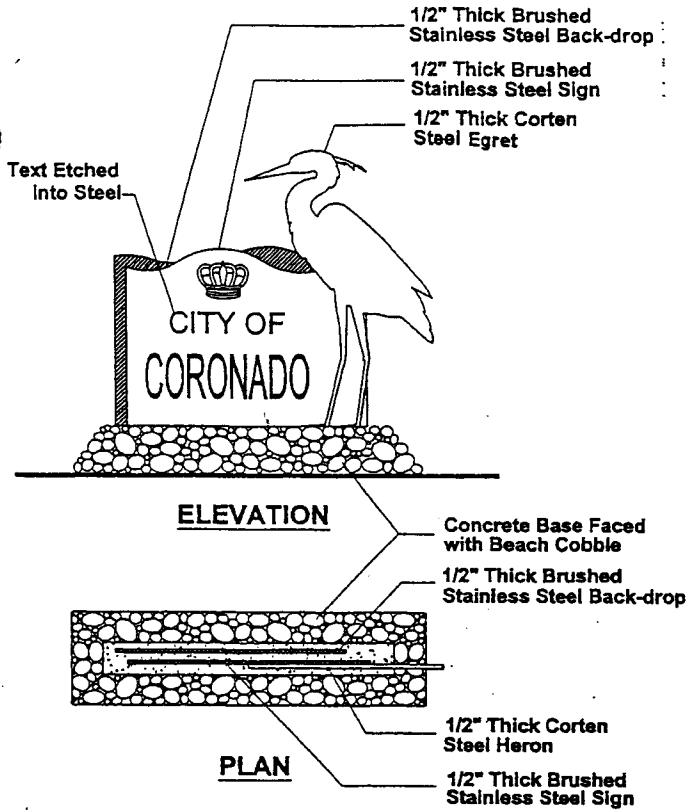


EXHIBIT NO. 4
APPLICATION NO.
6-02-038 RF
Bike Path Spur
California Coastal Commission

6-02-038



CORONADO ENTRY MONUMENT

Note: Sign will not be lit at night

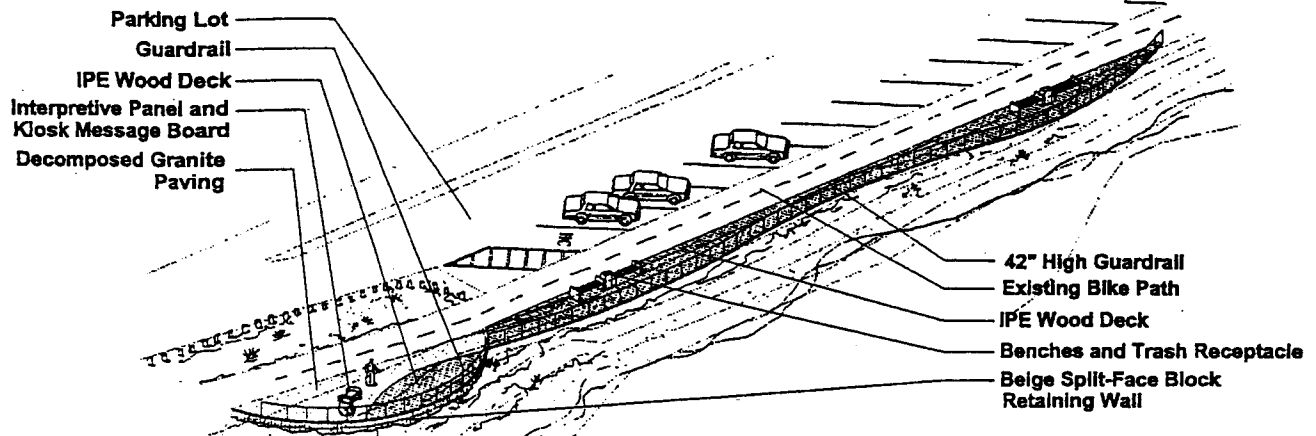
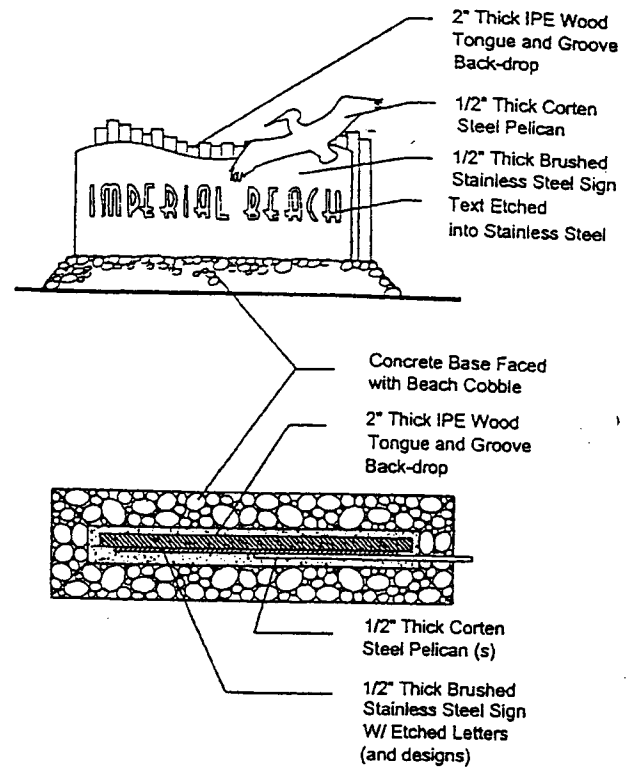


EXHIBIT NO. 5
APPLICATION NO.
6-02-038 RF
Elevations &
Perspectives

