

CALIFORNIA COASTAL COMMISSION

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 Staff: Diana Lilly-SD
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 Hearing Date: June 13-16, 2006

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-06-047

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; Updated Environmental Site Investigations for the North Harbor Drive Bridge by Merkel & Assoc., 12/5/05; Essential Fish Habitat Assessment for the North Harbor Drive Bridge Seismic Retrofit Project by Merkel & Assoc., 8/6/01; City of San Diego Mitigated Negative Declaration #98-0235, 7/27/02.

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

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, an updated, 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 Final Mitigated Negative Declaration #98-0235 dated July 27, 2000 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 *Updated Environmental Site Investigations for the North Harbor Drive Bridge* by Merkel & Associates, Inc. dated 2/5/05.
- 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 eelgrass 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 Final Mitigated Negative Declaration #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 Final Mitigated Negative Declaration #98-0235. 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 legally 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 Final Mitigated Negative Declaration #98-0235 dated July 27, 2000, and which will include the following provisions:

- a. The applicant shall agree to undertake the monitoring requirements in accordance with the Final Mitigated Negative Declaration #98-0235.
- 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 legally 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) If pile-driving activities occur during the nesting season (April 1st-September 15th), the permittee shall be required to have a qualified biologist conduct daily reviews of the NTC tern nesting site and of foraging habitat adjacent to and within 0.5 miles of the construction site for one week prior to pile-driving activities in order to determine occupancy or foraging by least terns.

- b) If terns are determined to be present at NTC site, the U.S. Fish and Wildlife Service (USFWS) shall be notified within 12 hours of the observation and the subsequent conditions outlined below shall apply.
- c) A biologist qualified to assess least tern behavioral patterns shall monitor the tern activities of the nesting colony and nearby foraging areas within .5 miles of the bridge to determine if pile-driving activities is causing any adverse behavior such as nest abandonment, increased agitation, disruption of foraging in areas adjacent to construction, or other erratic behaviors. Monitoring shall occur for as long as necessary for the biologist to adequately assess responses. In the event that an adverse response associated with the pile-driving is noted, the Biological Services Branch of the USFWS, Carlsbad office, shall be immediately notified and activities associated with disturbances shall cease until it is determined if alternative methods for completing work are available that would not result in adverse effects to least terns. If work cannot be modified or proposed modifications cannot be demonstrated to avoid effects to terns, then pile-driving work shall stop until least terns complete nesting and have left the NTC site.
- d) During the tern season, visually detectable discoloration of surface waters associated with construction shall be limited to less than 100 feet from the construction area. If necessary, containment measures such as silt curtains will be used to ensure achievement of this restriction.

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 legally 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 legally required.

5. Construction Related BMPs and Debris Removal. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, 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 legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. 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. 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. Traffic impacts are expected to minimal during the approximately 12-day construction period, and at least one traffic lane in each direction will be maintained throughout construction.

In January 2002, the Commission approved the same seismic retrofit project at the subject site (CDP #6-01-165). All prior-to-issuance conditions were met and the permit issued. However, work on the project was delayed and the permit subsequently expired. Thus, the City has reapplied for approval of the identical project. The proposed project is identical to the previously approved project, and the same special conditions have been attached. Findings from the previous project are herein incorporated by reference into this staff report.

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.

B. Biological Resources. Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized. Section 30233 limits development in open coastal waters, wetlands, estuaries, and lakes to specific permitted uses where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

The proposed development is an incidental public service project permitted under Section 30233. The project will not have an adverse impact on any sensitive habitat, and will not result in erosion or adverse impacts to water quality. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Community Character /Visual Quality. The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

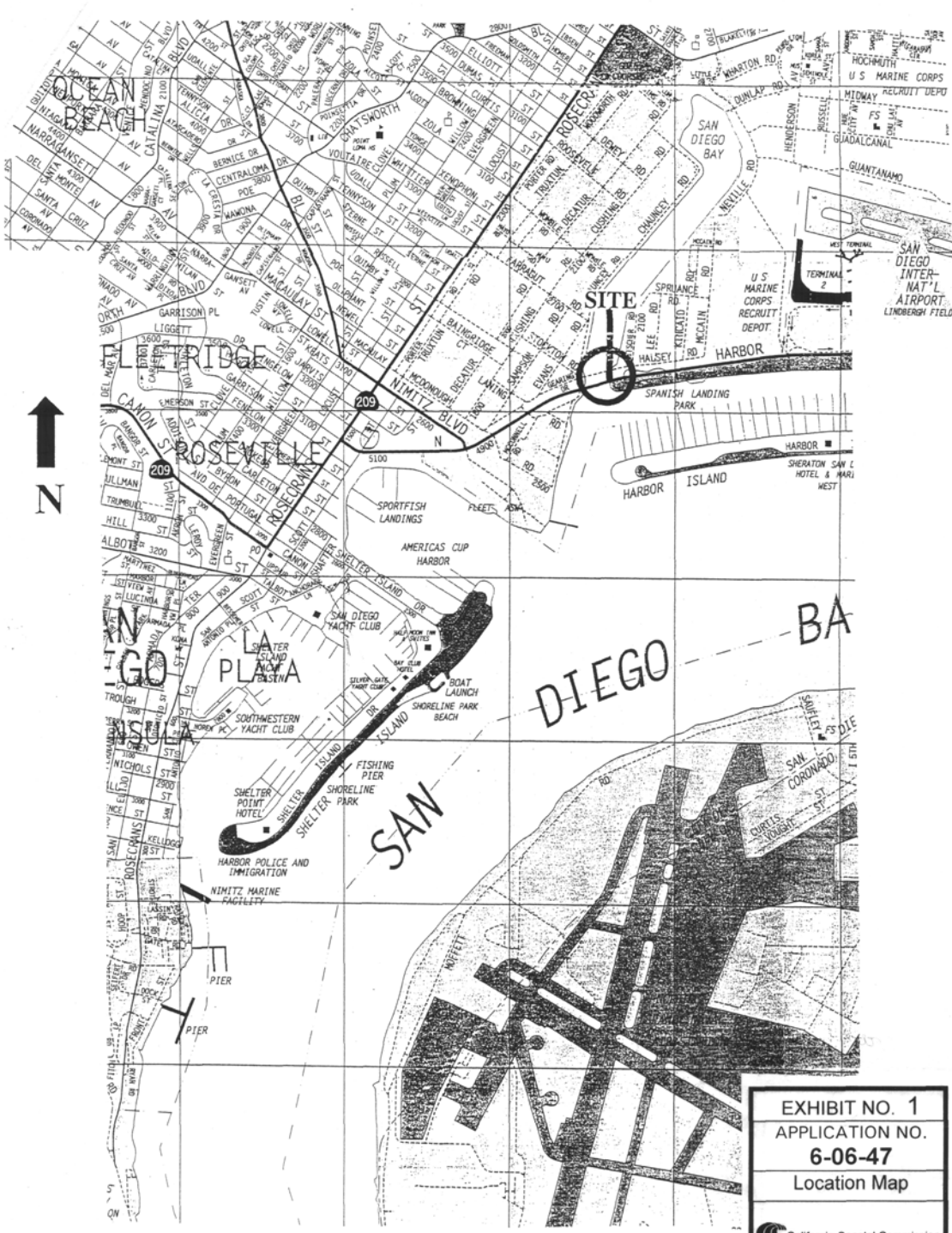
D. Public Access. As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

E. Local Coastal Planning. The subject site is within an unzoned area of the Peninsula community, (also known as Point Loma) of the City of San Diego where the Commission retains permit authority and Chapter 3 of the Coastal Act is the legal standard of review. 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.

F. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, 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. |
| 6-06-47 |
| Location Map |
|  California Coastal Commission |

