

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



W24a

Addendum

December 13, 2010

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W24a**, Coastal Commission Permit Application
6-10-076 (SANDAG bikeway improvements) for the Commission Meeting
of December 15, 2010.

Staff recommends the following changes be made to the above-referenced staff report:

1. On page 1 of the staff report, the "Description" shall be revised as follows:

Construction of Bayshore Bikeway segments 7 and 8A, to be part of a contiguous 24 mile Class I designated Bikeway that extends around San Diego Bay. The proposed segments would extend approximately 1.8 miles and consist of a combination of off-street ~~and buffer separated on-street~~ bicycle paths ~~and on-street bicycle lanes and routes~~ and would establish a scenic and public non-automobile route near the southern end of San Diego Bay.

2. On page 6 of the staff report, the first sentence of the last paragraph shall be revised to read as follows:

The portion of Segment 8a adjacent to the disturbed wetland area will be constructed using permeable pavement along Bay Boulevard and will not encroach beyond the parameters of the existing paved roadway in this area, nor result in any temporary or permanent impacts to wetland habitat (ref. Exhibit #4 attached).

3. On page 9 of the staff report, the first sentence of the last paragraph shall be revised to read as follows:

The subject coastal development permit application is being processed pursuant to Pub. Resources Code § 30601.3, which provides that in cases where proposed development is bisected by the coastal development permit jurisdiction boundary line, an applicant *may, if all parties are in agreement* (i.e., the City of Chula Vista, ~~SNADAG~~ SANDAG, and the Coastal Commission), apply for a consolidated coastal

development permit from the Coastal Commission without needing to obtain a coastal development permit from the local government.

4. On Page 10 of the staff report, the second sentence of the last paragraph shall be revised to read as follows:

In addition, the applicant (~~SNADAG~~) (SANDAG) has also stated in writing its agreement to allow the Coastal Commission to process the CDP for the entire site. Thus, the subject permit application is for both portions of the site that are in the City of Chula Vista's *and* Coastal Commission's permit jurisdiction.

5. Attached Exhibit Nos. 3, 4 and 5 shall be added to the staff report.

BAYSHORE BIKEWAY



-  Projects in Development
-  Completed Segments
-  Future Projects

EXHIBIT NO. 3
APPLICATION NO.
6-10-76
Bayshore Bikeway
Progress Map
California Coastal Commission

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Bureau Veritas North America, Inc.
11590 West Bernardo Court Suite 100
San Diego, CA 92127-1624
Tel: (858) 451-8100 Fax: (858) 451-2846
www.us.bureauveritas.com

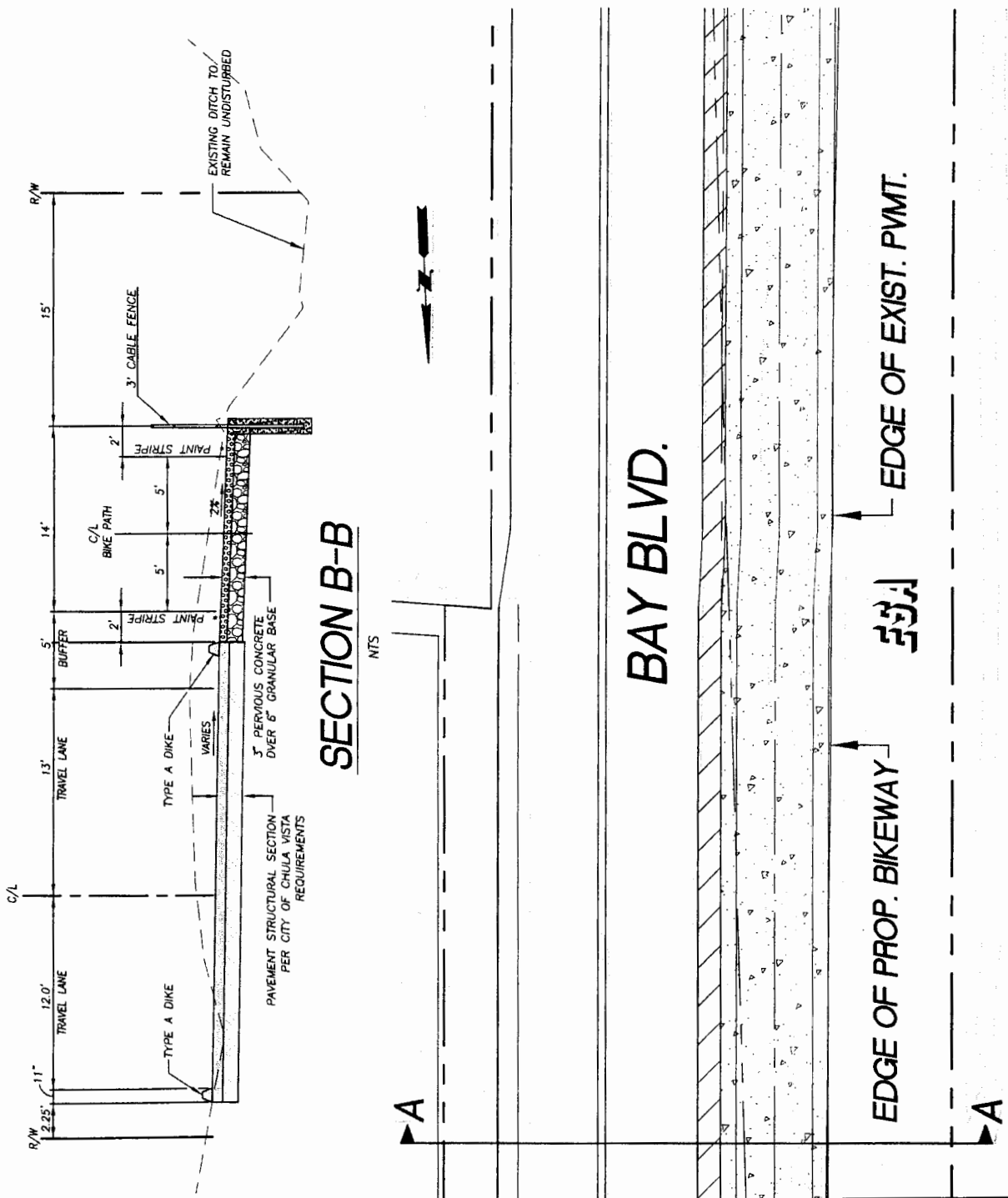


EXHIBIT NO. 4
APPLICATION NO.
6-10-76
Plan/Cross Section
Adjacent to Drainage
Area **6**

California Coastal Commission

MA



DEC 08 2010

GREG COX
SUPERVISOR, FIRST DISTRICT
San Diego County Board of Supervisors

December 15, 2010

The Honorable Bonnie Neely
and Members of the Commission
California Coastal Commission

**SUBJECT: W24a - APPLICATION NO. 6-10-76 – BAYSHORE BIKEWAY
(APPLICANT: SANDAG)**

Dear Commissioners:

On item 24a for your consideration today, I respectfully request your approval of the above-mentioned application to construct Bayshore Bikeway segments 7 and 8a, to be part of a contiguous 24-mile Class I bike path around San Diego Bay.

As Supervisor for the First District of San Diego County and Chair of the SANDAG Bayshore Bikeway Working Group, I have been involved in the planning and development of a 24-mile closed-loop bike path around San Diego Bay for more than 23 years. This is a real gem in our community and a regional amenity that encourages safe, affordable, and sustainable living that improves access to coastal waterways and promotes healthier living.

The proposed segments 7 and 8a will significantly improve connectivity along the eastern route of the Bikeway, which is also designated as part of the California Coastal Trail, and provide new coastal access to the public in an area that has historically been used for industrial and maritime activities.

With your approval, SANDAG will be able to begin construction that will bring us 1.8 miles closer to finishing the Bayshore Bikeway.

I urge your support.

Sincerely,

Signature on file

GREG COX
Supervisor, First District

EXHIBIT NO. 5
APPLICATION NO. 6-10-076
Letters of Support
Page 1 of 3 7
California Coastal Commission



JERRY SANDERS
MAYOR

December 15, 2010

The Honorable Bonnie Neely
Members of the Commission
California Coastal Commission

**SUBJECT: W24a - APPLICATION NO. 6-10-76 – BAYSHORE BIKEWAY
(APPLICANT: SANDAG)**

Dear Commissioners:

On item 24a for your consideration today, I respectfully request your approval of the above-mentioned application to construct Bayshore Bikeway segments 7 and 8a, to be part of a contiguous 24-mile Class I bike path around San Diego Bay.

As Mayor of the City of San Diego, I am hopeful that this project will move forward without delay. This is an asset in our community and a regional amenity that encourages safe, affordable, and sustainable living that improves access to coastal waterways and promotes healthier living.

A small portion of the project along Bay Boulevard between Stella Street and Palomar Street is within the City of San Diego. However this project site is located in the Otay Mesa-Nestor River Valley Special Study area, which is an area of deferred certification. Therefore, permit authority remains with the Coastal Commission.

With your approval, SANDAG will be able to begin construction that will bring us 1.8 miles closer to finishing the Bayshore Bikeway.

Sincerely,

Signature on file

~~JERRY SANDERS~~
Mayor

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OFFICE OF THE MAYOR

CHERYL COX
MAYOR

December 8, 2010

The Honorable Bonnie Neely and
and Commissioners
California Coastal Commission

SUBJECT: W24a - APPLICATION NO. 6-10-76 – BAYSHORE BIKEWAY
(APPLICANT: SANDAG)

Dear Commissioners:

On Item 24a for your consideration today, I respectfully request your approval of the above-mentioned application to construct Bayshore Bikeway segments 7 and 8a, to be part of a contiguous 24-mile Class I bike path around San Diego Bay.

As Mayor of the City of Chula Vista, I hope that this project will move forward without delay. This is a real gem in our community and a regional amenity that encourages safe, affordable, and sustainable bicycle travel that improves access to coastal waterways and promotes healthier living.

The City of Chula Vista shares permit jurisdiction over this site with the Coastal Commission. However, as previously stated in a letter from the City of Chula Vista Development Services Department dated September 21, 2010, we agree to a consolidated coastal development permit with the Commission and SANDAG.

With your approval, SANDAG will be able to begin construction that will bring us 1.8 miles closer to finishing the Bayshore Bikeway.

I urge your support.

Respectfully,

Signature on file

Cheryl Cox /
Mayor

cc: Gary Halbert, Assistant City Manager

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4421
 (619) 767-2370



W24a

Filed: 10/11/10
 49th Day: 11/29/10
 180th Day: 4/09/11
 Staff: M. Ahrens-SD
 Staff Report: 11/23/10
 Hearing Date: 12/15-17/10

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-10-076

Applicant: San Diego Association of Governments (SANDAG)

Agent: Dean Hiatt, Cheryl Hodge

Description: Construction of Bayshore Bikeway segments 7 and 8A, to be part of a contiguous 24 mile Class I designated Bikeway that extends around San Diego bay. The proposed segments would extend approximately 1.8 miles and consist of a combination of off-street bicycle paths and on-street bicycle lanes and routes and would establish a scenic and public non-automobile route near the southern end of San Diego Bay

Site: Along Bay Boulevard, from H Street to Stella Street, Cities of San Diego and Chula Vista, San Diego County

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed Bayshore Bikeway segments 7 and 8a with special conditions. Construction of the two segments would be contained within the parameters of existing paved roadways and a railway corridor. Approval of this project, as proposed, will result in no temporary or permanent impacts to wetland or native habitat. In order to minimize any potential coastal impacts during the construction period Special Conditions addressing timing, staging areas, and construction BMP's are recommended. As conditioned and designed, the proposed bikeway segments will facilitate the expansion and improvement of public coastal recreation facilities and accessways around the San Diego Bay with no impacts to coastal resources.

Standard of Review: Chapter 3 of the Coastal Act.

Substantive File Documents: SANDAG Second Addendum to the Final Mitigated Negative Declaration/Initial Study for Bayshore Bikeway Project Segments 4,5,7,

and 8a, dated October, 2010, Letter form City of Chula Vista Developmental Services Department dated September, 21, 2010, SANDAG 2006 Bayshore Bikeway Plan.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-10-076 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. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final plans for the development. Said plans shall be in substantial conformance with the preliminary construction plans dated November 2, 2010 and submitted by SANDAG/Bureau Veritas on November 23, 2010. Said plans shall first be approved by the Cities of Chula Vista and San Diego.

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

2. Stormwater Runoff Control Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a runoff control plan that incorporates Best Management Practices (BMPs), designed to reduce both the volume and pollutant load of runoff from the proposed development to the greatest extent feasible. The plan shall be subject to the following criteria and include the following components:

- (a) Opportunities for directing runoff from the proposed bikeway improvements to permeable spaces for infiltration shall be utilized to the maximum extent feasible. Where this is infeasible, maintain post-development peak runoff rate and average volume at levels that are similar to pre-development levels.
- (b) Runoff should be conveyed from the site in a non-erosive manner.

The permittee shall undertake the development in accordance with the approved stormwater runoff control 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.

3. Temporary Erosion Control/Construction BMPs. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a plan for temporary erosion controls and construction Best Management Practices (BMPs) to the Executive Director for review and written approval. The plan shall incorporate, but not be limited to, the following requirements:

- a. Temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized to minimize soil loss during construction.
- b. All areas disturbed by excavation shall be restored to pre-construction conditions immediately following project completion.

The permittee shall undertake development in accordance with the approved BMPs, including the approved temporary erosion control and construction BMPs 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.

4. Staging Areas/Public Access. **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 staging areas and access corridors to the construction sites. The plans shall include, at a minimum, the following:

- a. No overnight storage of equipment, construction materials, or excavated materials shall occur within wetlands or native vegetation areas or public parking spaces. Stockpiles shall be located away from drainage courses, covered at all times and contained with runoff control measures.
- b. Storage and staging areas shall be located in a manner that has the least impact on vehicular and pedestrian traffic.
- c. No work shall occur on weekends or holidays between Memorial Day weekend and Labor Day of any year.
- d. Staging site(s) shall be removed and/or restored immediately following completion of the development.

The applicant 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The permit application seeks authorization to construct Segments 7 and 8a of the Bayshore Bikeway, a partially established 10 segment, 24 mile long, Class I bikeway. The Bayshore Bikeway is planned to extend around San Diego Bay beginning from the Broadway Pier in downtown San Diego through the cities of San Diego, National City, Chula Vista, Imperial Beach and Coronado and ending at the Coronado ferry terminal. Establishment of the Bayshore Bikeway was first initiated in 1975 with planning efforts that sought to construct 24 miles of bike lanes and bike routes that would provide the public with increased coastal recreational opportunities and improve the connectivity of non-automobile transportation routes around the San Diego Bay. In 2006, SANDAG released an official Bayshore Bikeway Plan that depicted each segment of the planned bikeway system. While segments 1, 2, 3 and 6 of the designated Bayshore Bikeway remain unconstructed, the majority of the route has been completed or is in the process of being developed. Even in its currently unfinished state, the Bayshore Bikeway is recognized as a popular public coastal amenity in the San Diego area.

Construction of Segments 7 and 8a will extend the existing bikeway along Bay Boulevard from H Street to Stella Street in the City of Chula Vista (it should be noted that the southernmost portion of the site is within both the City of Chula Vista and the City of San Diego). The proposed bikeway segments will involve establishment of on-street bike routes and off street bike paths (to be constructed within the existing railroad corridor), but will not result in any impacts to wetland or upland sensitive habitats. Segment 7 would begin at H Street, west of Bay Boulevard, and travel south to J Street. At that point Segment 8a starts and will extend within an existing railroad corridor until reaching L Street. From L Street to Stella Street, Segment 8a will be constructed within the parameters of the existing paved Bay Boulevard roadway. Overall the two segments would consist of an approximately 1.8 mile contiguous Bayshore Bikeway section.

Construction of proposed bikeway Segment 7 would entail restriping of bike lanes and travel lanes, clearing and rough grading of the existing pavement surface, and installation of the bike path pavement, signage and crossing structures. Construction of the proposed bikeway Segment 8a would entail minor grading and resurfacing of the existing railway corridor to allow for bikeway construction, surface grading of the westward 12 feet of Bay Boulevard roadway involving demolition, rough surface grading of the existing pavement, and installation of signage and crossing structures.

The proposed segments would be constructed through an area that consists predominantly of industrial and maritime uses. One small area within a drainage next to the road contains some patches of disturbed wetlands located approximately 8 ft. westward of Bay Boulevard. The proposed bikeway segments would not encroach into this area or any existing wetland buffer area, and it will not result in any impacts to wetlands. Construction of the proposed bikeway segments will establish the first public non-automobile coastal bikeway in this region of San Diego and Chula Vista and will also further the establishment of the contiguous 24 mile Bayshore Bikeway.

Geographically, the subject site is bisected by both the Coastal Commission's permit jurisdiction (deferred certification area within the City of San Diego) and the City of Chula Vista's permit jurisdiction. Legislation went into effect on January 1, 2007. *See* Pub. Resources Code § 30601.3. The legislation provides that in cases where proposed development is bisected by the coastal development permit jurisdiction boundary line, an applicant *may, if all parties are in agreement* (i.e., the City of Chula Vista, SANDAG, and the Coastal Commission), apply for a consolidated coastal development permit from the Coastal Commission without needing to obtain a coastal development permit from the local government. The parties here have agreed to such a consolidated permit, so the Chapter 3 policies of the Coastal Act are the standard of review, with the City of Chula Vista's certified Local Coastal Program used for guidance.

2. Protection of Sensitive Coastal Resources. The following Chapter 3 polices and provisions of the Coastal Act are applicable to the proposed development and state in part:

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 for long-term commercial, recreational, scientific, and educational purposes.

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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The applicant proposes to construct Segments 7 and 8a of the planned 10 segment Bayshore Bikeway, to extend around San Diego Bay from Broadway pier to the Coronado ferry terminal. The subject bikeway segments would be constructed according to Class I bikeway standards and will be established within the boundaries of existing paved roadways or railway corridors. Class I bikeway standards mandate, in part, that the proposed bikeway Segments be 12 ft in width and include yellow striping in the middle of the bikeway to separate travel in opposite directions. Segment 7 will be constructed through a region that largely contains industrial properties, paved roadways, and the railway corridor. This segment will be constructed within the limits of an existing paved roadway and the existing railway corridor and will result in no permanent impacts to sensitive native habitat areas.

Segment 8a will be established within the existing railway corridor and the paved parameters of Bay Boulevard. A disturbed non-native grassland habitat area adjoins a 315 ft. portion of Bay Boulevard along the southern end of Segment 8a. This disturbed habitat area slopes down and away from the roadway, where it blends with an identified disturbed wetland area. The disturbed wetland habitat lies 8 ft. away from the roadway edge at the bottom of a 2:1 slope, located in-between the existing roadway and the railway corridor to the west. The disturbed wetland is confined to an approximately 4 ft. deep drainage channel that was presumably dug out with the initial construction of Bay Boulevard or the western railway corridor. As such, the wetland is subject to the anthropological disturbances resulting from surrounding industrial facilities, roadways, and railroad lines.

Segment 8a will be constructed using permeable pavement along Bay Boulevard and will not encroach beyond the parameters of the existing paved roadway in this area, nor result

in any temporary or permanent impacts to wetland habitat. Additionally, as Segment 8a will be constructed within the boundaries of the existing paved roadway, it will not result in a reduction of the existing wetland buffer area. To ensure that impacts to the disturbed wetland are avoided to the maximum extent feasible during construction activities, Special Condition Nos. 2 & 3, addressing Construction BMP's, as well as water quality and runoff, are recommended.

As discussed above, construction of Bikeway Segments 7 and 8a, as proposed, will not involve reduction of existing wetland buffer areas, or result in any temporary or permanent impacts to coastal resources or wetland habitat. Therefore, the Commission finds that the project, as conditioned, will maintain the biological productivity and functional capacity of the identified wetland habitat, consistent with the requirements of Coastal Act Sections 30230 and 30231.

3. Public Access/ Recreation: The following Chapter 3 polices and provisions of the Coastal Act are applicable to the proposed development, and state in part:

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.

30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. 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.

30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

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.
- [...]

30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The site of the proposed project is located in the southwestern part of the City of Chula Vista as well as in a small portion of the City of San Diego that borders the San Diego Bay. Public coastal recreation opportunities are limited in this area, as this region has historically been a hub for industrial facilities, port landings, and various maritime operations. Since this area is removed from any core residential districts and has long been inundated with industrial activities, coastal public recreation opportunities are restricted and there are no designated public bikeways or trails currently provided along the San Diego Bay in this region. Construction of Bayshore Bikeway Segments 7 and 8a would provide the public with new coastal recreational opportunities and would also improve the connectivity between the Bayshore Bikeway segments in the Imperial Beach area and downtown San Diego.

Construction of proposed bikeway Segments 7 and 8a will involve repaving and minor grading of an existing roadway and railroad corridor, resulting in development of an approximately 1.8 mile long section of the planned 24 mile Bayshore Bikeway. The proposed bikeway segments will expand public coastal access through this area of San Diego Bay and extend an existing non-automobile transportation route. Establishment of the proposed bikeway Segments 7 and 8a will lengthen the existing public coastal Bayshore Bikeway facility and further the completion of the Bayshore Bikeway around the entire San Diego Bay.

Public coastal access to the shoreline is not currently provided along or adjacent to the routes proposed for bikeway development, as industrial and maritime facilities flank the majority of the bayshore in this area and there are no sandy beaches or wharfs available for public use. Additionally, no public coastal parking facilities will be utilized for construction worker parking or staging areas as part of the proposed project, as stipulated in Special Condition # 3. Therefore, the Commission finds that, as conditioned, the project will not have any significant adverse impacts on public coastal access and will result in improvements to and expansion of public coastal recreation activities in this area of the San Diego Bay.

4. Visual Resources. Section 30251 of the Coastal Act is applicable to the proposed project and states in part:

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

The San Diego Bay is a popular coastal recreational center that provides users with a multitude of ocean and bay views. However, in the area of San Diego and Chula Vista proposed for development of the Bayshore Bikeway Segments 7 and 8a, views of the bay are very limited, and ocean views are blocked by existing development and the expanse of bay waters. Construction of the proposed Class I bikeway segments, and associated signage, would not result in any blockage of existing coastal views and would improve the visual character of the existing roadways and railroad corridors in the subject area. Establishment of the proposed bikeway segments would involve repaving and recurbing parts of the existing roadways and would improve the aesthetics of the pavement in these areas. The proposed bikeway segments would also be striped and paved with materials that match the color palette of the existing roadways, ensuring that the proposed bikeway segments would be visually compatible with the surrounding area. As such, the Commission finds that construction of Bayshore Bikeway Segments 7 and 8a will preserve and enhance any existing public coastal views, consistent with Coastal Act policy 30251.

5. 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.

A small portion of the site (south western portion) is located in the City of San Diego within the Otay Mesa-Nestor Land Use Plan segment of the City of San Diego's certified LCP, designated as a Special Study Area. The City of San Diego has assumed permit authority for some areas in the Otay Mesa-Nestor planning community; however, this project site is located in the Otay Mesa-Nestor River Valley area, which is an area of deferred certification. At this time, permit authority remains with the Commission for the Special Study Area. The remainder of the subject site is located with the City of Chula Vista, which has a fully certified LCP.

The subject coastal development permit application is being processed pursuant to Pub. Resources Code § 30601.3, which provides that in cases where proposed development is bisected by the coastal development permit jurisdiction boundary line, an applicant *may, if all parties are in agreement* (i.e., the City of Chula Vista, SNADAG, and the Coastal Commission), apply for a consolidated coastal development permit from the Coastal

Commission without needing to obtain a coastal development permit from the local government. The City of Chula Vista has stated in writing that it has reviewed the location of the project and determined that it is split jurisdiction and requested that the Coastal Commission process the coastal development permit (CDP) application for the entire site. In addition, the applicant (SNADAG) has also stated in writing its agreement to allow the Coastal Commission to process the CDP for the entire site. Thus, the subject permit application is for both portions of the site that are in the City of Chula Vista's *and* Coastal Commission's permit jurisdiction. As such, Chapter 3 of the Coastal Act remains the legal standard of review, with the City's certified Local Coastal Program used for guidance.

Based on the preceding discussion in this report, the Commission finds that the proposed development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act and the certified City of San Diego and Chula Vista's Local Coastal Program. The Commission also finds that based on the above, the proposed development would not prejudice the ability of the City of San Diego to obtain a fully certified local coastal program nor prejudice the ability of the City of Chula Vista to continue to implement its certified LCP.

6. Consistency with the California Environmental Quality Act (CEQA).

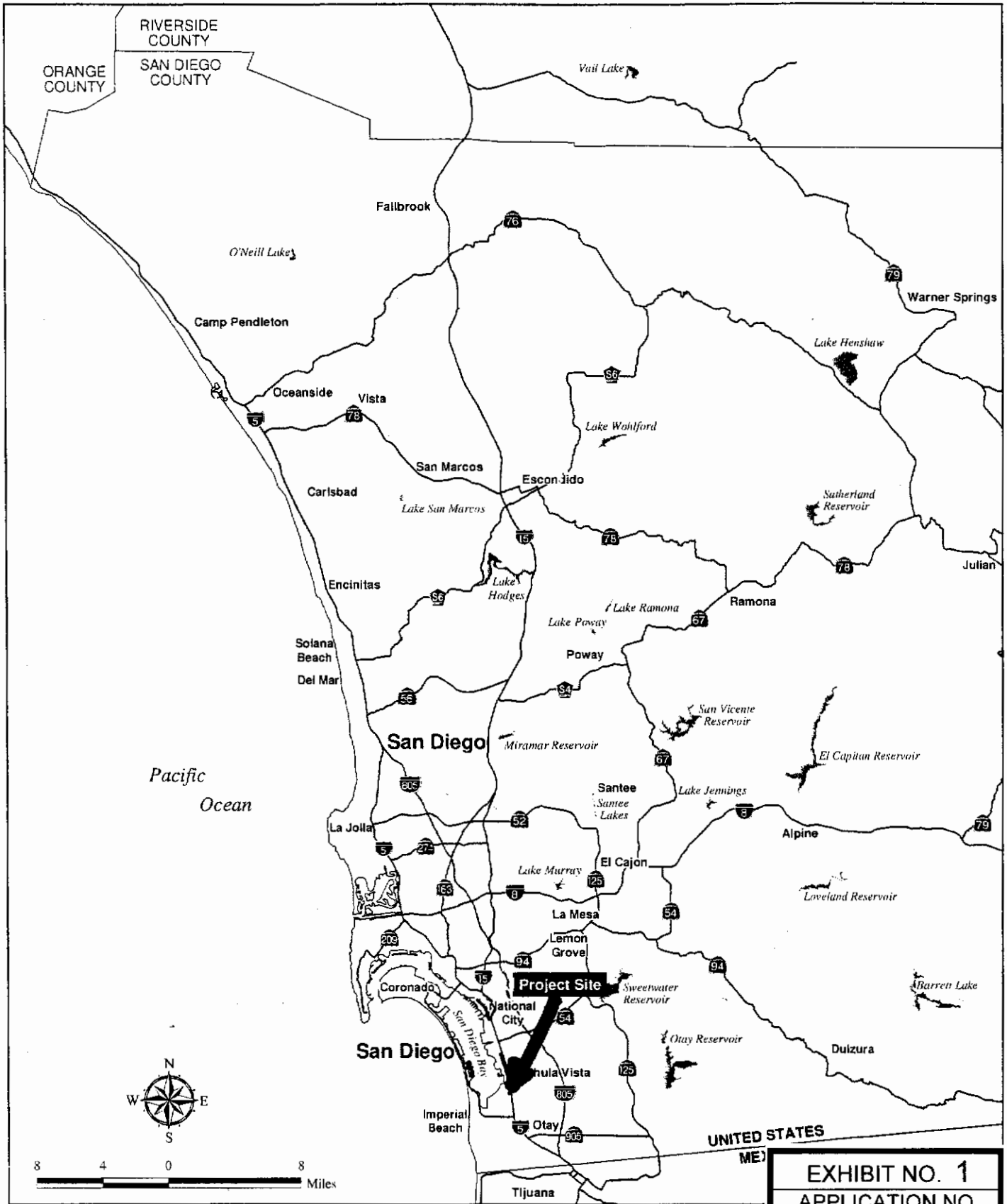
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 Chapter 3 policies of the Coastal Act. Special Conditions addressing timing of construction, construction BMP's, and staging 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.

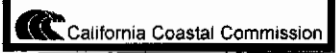
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior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



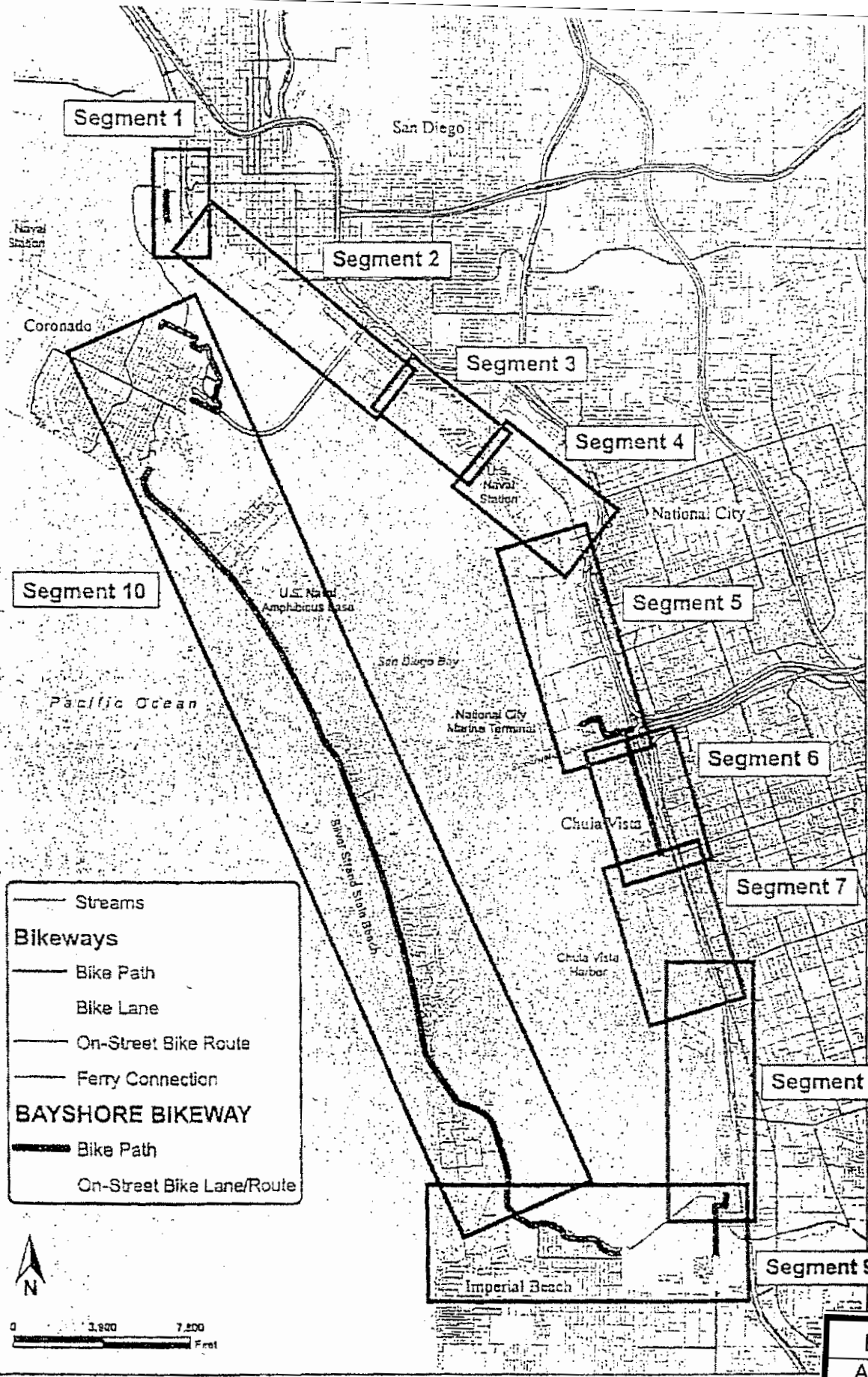
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Regional

EXHIBIT NO. 1
APPLICATION NO.
6-10-076
Location Map



HELIX



DESCRIPTION

Key to Bayshore Bikeway Study Segments

EXHIBIT NO. 2
 APPLICATION NO.
6-10-076
 Bayshore Bikeway
 Segments

California Coastal Commission