

Sweetwater Pedestrian and Bicycle Pathway Project: Coastal Consistency Analysis (December 2018)

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2.1	The biological productivity and the quality of wetlands shall be protected and, where feasible, restored.	The project includes a pedestrian walkway, Class I bike path with pedestrian/bicycle cross-flow minimized, and single span, steel truss bridge over the F&G Street Marsh inlet that connects F&G Street Marsh to San Diego Bay. Although the sides of the existing inlet are steep-sloped and the base of the channel is filled with concrete rubble, a small band of coastal salt marsh habitat occurs along the slopes of the inlet toward San Diego Bay. The bridge has been designed to protect and restore the biological productivity and the quality of wetlands. While the bridge results in wetland shading impacts, there are no feasible less environmentally damaging alternatives. Two other alternatives were initially considered. First, the path and bridge were located adjacent to the E Street Extension (Marina Parkway), but this alignment would have resulted in more wetland impacts (and would have been a less desirable experience for pedestrians/bicyclists due to the vehicle traffic). Second, the bridge was considered slightly west of the road, but not as far west as the proposed alignment. In this case, the bridge would have crossed the inlet at a diagonal, resulting in a longer bridge that, due to its length, would have required a center support (wetland fill) and caused more shading. In addition to the wetland fill resulting from the center support, the area proposed for the bridge crossing has more wetland habitat. Therefore, this alternative would have resulted in more wetland impacts compared to the proposed project. The proposed bridge crosses perpendicularly a portion of deeply incised channel that supports little marsh habitat. The path alignment accommodates this bridge location in order to minimize wetland impacts. The proposed bridge will be supported by two concrete abutments placed approximately 15 feet back from the current top of channel (i.e., shoreline), beyond existing wetlands, to avoid the need for any center supports. To create a stable bridge and help reduce and prevent further channel erosion (possibly requiring future riprap or other shoreline armoring in the wetlands), the project includes laying back the slopes near the bridge and revegetating them with native wetland species. Without this grading, erosion would be	The project is consistent with this policy.

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		exacerbated by an increased tidal prism due to sea level rise. The existing rubble/debris will also be excavated from the channel to restore a naturalized channel bed. The project also includes laying back the slopes in the southeastern portion of the inlet and shortening the existing storm drain outfall, such that the discharge point is not directly on the channel. While this enhancement results in wetland impacts, the enhancement reduces channel bed scour by creating a new side swale for storm flows and accommodates a future water quality basin required for future roadway improvements. Because the project team is aware that the existing storm drain will need to be replaced in the future by an upsized drain to improve tidal circulation for the overall restoration and enhancement of F&G Street Marsh and Seasonal Wetlands and accommodate Chula Vista Bayfront development, the side channel design is proposed to be configured in a manner that does not require regrading the restoration areas to accommodate a future projects. Thus, overall, the proposed bridge and grading create a more stable channel with new wetland habitat. The resulting channel design also increases the resilience of the wetlands to sea level rise (e.g., increased tidal prism and wetland transgression; see <i>Restoration and Enhancement Alternatives for the Chula Vista Bayfront</i> (ESA 2017) and Chula Vista Bayfront (CVB) Development Policy 3.2).	
2.2	Wetlands shall be defined and delineated consistent with the Coastal Act and the Coastal Commission Regulations, and shall include, but not be limited to, lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. Any unmapped areas that meet these criteria are wetlands and shall be accorded all of the protections provided for wetlands in the PMP. Wetlands shall be further defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent	Both the <i>Draft Chula Vista Bayfront Urban Greening Grant Promenade Bridge over the F&G Street Marsh Inlet – Early Action Analysis</i> (KTUA 2018) and the <i>Sweetwater Park – Urban Greening Grant Project: Biological Impact Analysis Report</i> (KTUA 2018) quantify the acreage of wetlands based on California Coastal Commission (CCC) criteria.	The project is consistent with this policy.

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	and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deepwater habitats.		
2.3	Where the required initial site inventory indicates the presence or potential for wetland species or other wetland indicators, the San Diego Unified Port District (District) shall require the submittal of a detailed biological study of the site, with the addition of a delineation of all wetland areas on the project site. Wetland delineations shall be based on the definitions contained in Section 13577(b) of Title 14 of the California Code of Regulations.	Both the <i>Draft Chula Vista Bayfront Urban Greening Grant Promenade Bridge over the F&G Street Marsh Inlet – Early Action Analysis</i> (KTUA 2018) and the <i>Sweetwater Park – Urban Greening Grant Project: Biological Impact Analysis Report</i> (Merkel 2018) included jurisdictional mapping. Based on existing literature and data review, as well as ground-truthing survey efforts, jurisdictional resources (i.e., wetland and waters of the U.S.) are present along the Bay shoreline, the inlet to the F&G Street Marsh, and just north of Lagoon Drive in a depression referred to as the “seasonal wetlands”.	The project is consistent with this policy.
2.4	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 Plan, 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 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. (4) 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. (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas. (6) Restoration purposes. (7) Nature study, aquaculture, or similar resource dependent activities.	The bridge-associated grading were part of the Port Master Plan (PMP) Amendment #6-PSD-MAJ-41-11 and are contemplated by CVB Development Policy 5.12, both of which were certified by the CCC in August 2012 (collectively, the Plan). Grading near the bridge is necessary to ensure channel stability, habitat creation, and sea level rise adaptation. Similarly, the channel enhancements in the southeastern portion of the inlet are necessary for the replacement and modification of the drains, which are an essential component of the overall restoration and enhancement of F&G Street Marsh and Seasonal Wetlands described in CVB Development Policy 14.5. Thus, the proposed diking and filling of wetlands is needed to implement components of the development in accordance with the approved Plan. Thus, grading in both areas is for restoration purposes, as allowed by the policy. Furthermore, the bridge is being developed as incidental public service to the proposed development and is necessary to develop the path as designated in the Plan. As discussed in the consistency analyses for CVB Development Policies 2.1, there are no feasible less environmentally damaging alternatives for the bridge placement. Two other alternatives were initially considered. First, the path and bridge were located	The project is consistent with this policy.

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		adjacent to the E Street Extension (Marina Parkway), but this alignment would have resulted in more wetland impacts (and would have been a less desirable experience for pedestrians/bicyclists due to the vehicle traffic). Second, the bridge was considered slightly west of the road, but not as far west as the proposed alignment. In this case, the bridge would have crossed the inlet at a diagonal, resulting in a longer bridge that, due to its length, would have required a center support (wetland fill) and caused more shading. In addition to the wetland fill resulting from the center support, the area proposed for the bridge crossing has more wetland habitat. Therefore, this alternative would have resulted in more wetland impacts compared to the proposed project. The proposed bridge crosses perpendicularly a portion of deeply incised channel that supports little marsh habitat. The path alignment accommodates this bridge location in order to minimize wetland impacts. With the implementation of Chula Vista Bayfront Final Environmental Impact Report (Final EIR) (UPD #83356-EIR-658; SCH #2005081077; Clerk Document No. 56562) Mitigation Measure 4.8 requires mitigation ratios, onsite compensatory mitigation and monitoring plan, minimization of construction impacts, special status species surveys during construction, and required permits, such that the diking and filling of wetlands minimize adverse environmental effects.	
2.5	Where wetland fill or development impacts are permitted in wetlands in accordance with the Coastal Act and any applicable PMP policies, mitigation measures shall include creation of wetlands of the same type lost. Adverse impacts will be mitigated at a ratio of 4:1 for all types of wetland, and 3:1 for non-wetland riparian areas. Replacement of wetlands on-site or adjacent to the project site, within the same wetland system, shall be given preference over replacement off-site or within a different system. Areas subjected to temporary wetland impacts shall be restored to the pre-project condition at a 1:1 ratio. Temporary impacts are disturbances that last less than 12 months and do not result in the physical disruption of the ground surface, death of significant vegetation within the	Per the discussion on consistency with CVB Development Policy 2.1 and 2.4, the proposed wetland impacts are the feasible less environmentally damaging alternative and are limited to restoration purposes and incidental public services. All impacts to southern coastal salt marsh are classified as permanent and a 4:1 mitigation ratio has been applied. A 3:1 mitigation ratio has been applied to all impacts to upland Diegan coastal sage scrub. Mitigation will occur onsite through the establishment of southern coastal salt marsh in the F&G inlet and restoration of maritime succulent scrub in upland areas. Other areas proposed for habitat enhancement will be mitigated at a 1:1 ratio (Table 3 and Figure 5 in <i>Sweetwater Park – Urban Greening Grant Project: Biological Impact Analysis Report</i> (KTUA 2018)).	The project is consistent with this policy.

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	development footprint, or negative alterations to wetland hydrology.	The entirety of the channel improvements are not being performed at this time due to budgetary limitations; however, the proposed project includes the components that are necessary for efficient phasing and implementation of the larger vision (i.e., improve tidal circulation) and referred to as “Add-Alternate” in Table 3 and Figure 5 in <i>Sweetwater Park – Urban Greening Grant Project: Biological Impact Analysis Report</i> (Merkel 2018)). All development impacts are fully mitigated onsite within this project.	
2.6	Wherever wetlands are identified, a buffer of at least 100 feet in width from the upland edge of wetlands and at least 50 feet in width from the upland edge of riparian habitat shall be established. In some unusual cases, smaller buffers may be appropriate, when conditions of the site as demonstrated in a site specific biological survey, the nature of the proposed development, etc. show that a smaller buffer would provide adequate protection. In such cases, the California Department of Fish and Game (CDFG) must be consulted and agree that a reduced buffer is appropriate and the District, or Commission on appeal, must find that the development could not be feasibly constructed without a reduced buffer. However, in no case shall the buffer be less than 50 feet.	For new development projects located on property which includes or lies in proximity to wetland habitat, a 100-foot wide wetland buffer measured from the upland edge of wetlands is needed to protect the habitat from development impacts. Buffer areas are intended to be undeveloped lands surrounding wetlands to assure a no net loss of resource values. In this case, the development in proximity to wetland habitat is construction of the bridge, path, and associated grading and channel enhancements. As discussed in the consistency analyses for CVB Development Policies 2.4 and 2.5, the impacts to the wetlands are allowed by the Plan (certified in CVB Development Policies approved as Port Master Plan Amendment #6-PSD-MAJ-41-11 by the CCC in August 2012) and Coastal Act. CVB Development Policy 5.12 calls for the bridge and associated grading, and CVB Development Policy 18.1 calls for the path. In addition, CVB Development Policy 14.5 calls for restoring an ecologically meaningful tidal connection between the F&G Street Marsh and the upland marsh on parcel SP-2. Therefore, a wetland buffer is not applicable because there is no “new” development proposed, as construction of the path, bridge, and wetland restoration were approved in the certified Port Master Plan Amendment. Furthermore, construction of the bridge, path, and associated grading and channel enhancements within the buffer areas constitute improvements deemed necessary to protect the habitat (see CVB Development Policy 3.1).	NA
3.1	... In cases where buffers have not yet been established, a buffer of at least 100 feet in width from the upland edge of wetlands and at least 50 feet in width from the upland edge of riparian habitat shall be established. Buffers should take into account and adapt to rises in sea level by incorporating wetland migration areas or other sea level rise strategies as appropriate ... Uses and development within buffer areas shall be limited to minor passive recreational uses,	Per CVB Development Policy 2.6, wetland buffers are not applicable because the proposed development has been identified in the certified PMP and in CVB Development Policies and therefore, there is no “new” development proposed. However, consistent with this policy, the bridge is a passive recreation use necessary to connect to the segments of the path to the north (planned Signature Park on parcel S-2) and south (planned Signature Park	NA

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	with fencing, desiltation or erosion control facilities, or other improvements deemed necessary to protect the habitat, to be located in the upper (upland) half of the buffer area; however, water quality features required to support new development shall not be constructed in wetland buffers. All wetland and buffers identified and resulting from development and use approval shall be permanently conserved or protected through the application of an open space easement or other suitable device. All development activities, such as grading, buildings and other improvements in, adjacent to, or draining directly to a wetland must be located and built so they do not contribute to increased sediment loading of the wetland, disturbance of its habitat values, or impairment of its functional capacity.	Extension on parcels HP-1N, HP-1S, H-1AS, and H-8) and includes open fencing to prevent public access into the adjacent habitats. In addition, the bridge associated grading and channel enhancements in the southeastern portion of the inlet constitute improvements deemed necessary to protect the habitat because they contribute to the overall restoration and enhancement of F&G Street Marsh and Seasonal Wetlands. The project takes sea level rise into account without armoring the shoreline by laying back the banks near the bridge and the eastern portion of the inlet, which reduces current channel/bed erosion. Without the project, erosion would be exacerbated by an increased tidal prism due to sea level rise. Increased erosion would conflict with this policy, which requires all development to not increase sediment loading of the wetland, disturb habitat values, and impair functional capacity. Thus, the project avoids this increased erosion. In addition, laying back the banks provides space for wetland transgression. Thus, the proposed grading and channel enhancements are necessary to protect the current and future wetland habitat.	
3.2	Development shall consider the potential changes in functionality of Wildlife Habitat Area due to rising sea levels and coordinate management with the District and City Climate Mitigation and Adaptation Plans. Siting and design of new shoreline development shall take into account predicted future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered and based upon up-to-date scientific papers and studies, agency guidance (such as the 2010 Sea Level Guidance from the California Ocean Protection Council), and reports by national and international groups such as the National Research Council and the Intergovernmental Panel on Climate Change. Consistent with all provisions of the PMP, new structures shall be set back a sufficient distance landward or other sea level rise adaptation strategies incorporated to eliminate or minimize, to the maximum extent feasible, hazards associated with anticipated sea level rise over the expected economic life of the structure.	The bridge elevation is intended to be set at approximately 15 feet NAVD to account for increased tidal prism due to sea level rise. Sea level rise may also cause the channel to widen and deepen. The approximately 70-foot wide bridge span, with the abutments pulled back from the channel banks, will help ensure bridge stability as the channel changes over time. Furthermore, creation of new wetland habitat along laid back channel banks is targeted at elevations that account for predicted future changes in sea level. Creation of wetland at lower elevations would be less sustainable with sea level rise, and at higher elevations can be harder to establish marsh species (<i>Restoration and Enhancement Alternatives for the Chula Vista Bayfront</i> (ESA 2017) and <i>Draft Chula Vista Bayfront Urban Greening Grant Promenade Bridge over the F&G Street Marsh Inlet – Early Action Analysis</i> (KTUA 2018). Thus, the siting and design of the project anticipates sea level rise and is sited to avoid the need for shoreline armoring.	The project is consistent with this policy.

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5.2	Prohibit active recreation, construction of any road (whether paved or not), within No Touch Buffer Areas and Transition Buffer Areas as that term is defined and described in Exhibit 2, with the exception of existing or necessary access points for required maintenance.	The bridge and path are entirely sited outside of the No Touch Buffer Area and Transition Buffer Area; however, there is a very small area of the project that overlaps the southern corners of the Limited Use Buffer Area and No Touch Buffer Area, respectively. These Buffers extending from west to east were created to preserve and protect the adjacent Sweetwater Marsh Wildlife Refuge from planned development and to provide a gradual transition from undeveloped native landscape to developed areas. The Limited Use Buffer Area will contain outlook stations, open space areas, and a meandering trail system, all of which are passive recreational amenities. Project activities within the Limited Use Buffer Area consist of grading to support the path, but not the path itself. The No Touch Buffer Area primarily consists of wetland and upland habitat. Project activities within the No Touch Buffer Area include maritime succulent scrub and wetland mitigation. Thus, project activities in both Buffer Areas are consistent with the prohibition on active recreation and construction of a road.	The project is consistent with this policy.
5.4	Include additional controls and strategies restricting movement of humans and Predators into sensitive areas beyond the boundaries of the designated Buffer Areas.	The proposed bridge includes open fencing to prevent public access into the adjacent habitats while still allowing wildlife movement. The bridge is also expected to be high enough over the channel bottom so that it does not become shelter for skunks, opossums, or other predators, and far enough inland to avoid regular nuisances to shore birds and waterfowl resting/foraging along the Bay. The path includes open fencing along the western boundary to restrict human movement into the designated Buffer Areas to the west, but again allow for wildlife movement. In conformance with Final EIR Mitigation Measure 4.8-6, the project proposes that: "Prior to approval of landscape plans, a conceptual site plan or fencing plan shall be submitted to the Port for review and approval to ensure areas designated as sensitive habitat are not impacted. Fencing shall be provided within the buffer area only, and not in sensitive habitat areas."	The project is consistent with this policy.

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5.9	"Environmentally sensitive habitat area" (ESHA) means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. The following areas shall be considered ESHA, unless there is compelling site-specific evidence to the contrary: • Any habitat area that is rare or especially valuable from a local, regional, or statewide basis. • Areas that contribute to the viability of plant or animal species designated as rare, threatened, or endangered under State or Federal law. • Areas that contribute to the viability of species designated as Fully Protected or Species of Special Concern under State law or regulations. • Areas that contribute to the viability of plant species for which there is compelling evidence of rarity, for example, those designated by the California Native Plant Society (CNPS) as 1b (Rare or endangered in California and elsewhere), such as Nuttall's scrub oak or "2" (rare, threatened or endangered in California but more common elsewhere), such as wart-stemmed Ceanothus. New development shall be sited and designed to avoid impacts to ESHA. ESHA shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. 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. These uses include enhancement/restoration work, passive recreational parks and public access or recreational facilities such as trails and bike paths integrated into the natural environment and sited and designed to preserve, and be compatible with, native habitat.	The southern coastal salt marsh communities have been classified as sensitive vegetation communities and are considered to be ESHA. The Diegan coastal sage scrub present onsite has been considered for its potential ESHA status, but is not considered to be ESHA due to its fragmented nature, absence of adequate continuity to contribute to the viability of plant and animal populations considered to be rare, threatened or endangered and the lack of support for species designated as fully protected. Future restored buffer habitats in the Bayfront are anticipated to expand the upland habitat function and may result in development of future upland scrub habitat ESHA.	The project is consistent with this policy.
5.10	New development shall be sited and designed to avoid impacts to ESHA. ESHA shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. 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. These uses include enhancement/restoration work, passive recreational parks and public access or recreational facilities such as trails and bike paths integrated into the natural environment and sited and designed to preserve, and be compatible with, native habitat.	The southern coastal salt marsh communities are considered to be wetland ESHA. As described in CVB Development Policy 2.1 and 2.4, the bridge results in minor shading impacts. However, the placement of the bridge is the least impactful alternative, and has been sited and designed to protect against any significant disruption of habitat values. The bridge will be supported by two concrete abutments placed approximately 15 feet back from the current top of channel, beyond existing wetland ESHA, to avoid the need for any center supports. To create a stable bridge and help reduce and prevent further channel erosion, the project includes laying back the slopes near the bridge and revegetating them with native wetland species. Existing rubble/debris will also be excavated from the channel. Furthermore, CVB Development Policy 5.16 states that public access-ways within ESHA are resource-dependent uses, underscoring that the bridge and associated grading, as proposed within wetland ESHA, is allowed.	The project is consistent with this policy.

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		The project also includes laying back the slopes in the eastern portion of the inlet and shortening the existing storm drain outfall, such that the discharge point is not directly on the channel. While this enhancement results in ESHA impacts, the enhancement reduces channel bed scour by creating a new side swale for storm flows and accommodates a future water quality basin required for future roadway improvements. The enhancement also enables future completion of the connector channel restoration to improve circulation conditions. Thus, these channel enhancements must occur in channel wetland ESHA. Construction of the bridge and channel enhancements will not only provide public access and viewing opportunities to the shoreline, but also provide long-term benefits to ESHA through greater channel stability, habitat connectivity, circulation, and adaptive capacity as sea level rises.	
5.12	In the 1-g parcel area, a pedestrian bridge is proposed to create a linkage over a tidal inlet associated with the F & G Street Marsh. Tidal habitats should be treated as ESHA and the bridge crossing must be designed to enhance the habitat values present and reduce erosion. This bridge span must be extended and the existing incised channel slope should be cut back, reducing the slope and then creating additional salt marsh habitat on the created floodplain. Site-specific studies to assess the extent and quality of natural resources at the site will be required at the time development is proposed.	This policy addresses the proposed bridge. The southern coastal salt marsh communities are considered to be ESHA. The proposed bridge has been sited and designed to minimize ESHA. The bridge will be supported by two concrete abutments placed approximately 15 feet back from the current top of channel, beyond existing wetland ESHA, to avoid the need for any center supports. The bridge reduces erosion and enhances habitat values present by laying back the slopes near the bridge and revegetating them with native wetland species. This grading will create new habitat on benches developed along the widened channel. Both the <i>Draft Chula Vista Bayfront Urban Greening Grant Promenade Bridge over the F&G Street Marsh Inlet – Early Action Analysis</i> (KTUA 2018) and the <i>Sweetwater Park – Urban Greening Grant Project: Biological Impact Analysis Report</i> (Merkel 2018) assess the extent and quality of natural resources at the site.	The project is consistent with this policy.

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5.13	If located in or adjacent to ESHA, new development shall include an inventory conducted by a qualified biologist of the plant and animal species present on the project site. If the initial inventory indicates the presence or potential for sensitive species or habitat on the project site, a detailed biological study shall be required. Sensitive species are those listed in any of three categories: federally listed, state listed or designated species of special concern or fully protected species, and CNPS categories 1B and 2.	Both the <i>Draft Chula Vista Bayfront Urban Greening Grant Promenade Bridge over the F&G Street Marsh Inlet – Early Action Analysis (KTUA 2018)</i> and the <i>Sweetwater Park – Urban Greening Grant Project: Biological Impact Analysis Report (Merkel 2018)</i> include an inventory conducted by a qualified biologist of the plant and animal species present on the project site, including sensitive species or habitat (e.g., California box thorn and Belding’s savannah sparrow), consistent with this requirement.	The project is consistent with this policy.
5.14	Development adjacent to ESHAs shall minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation buffer areas shall be provided around ESHAs to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect.	The development adjacent to wetland ESHA consists of the bridge, path, and associated grading and channel enhancements, all of which minimize impacts to habitat values or sensitive species to the maximum extent feasible. The bridge will be supported by two concrete abutments placed approximately 15 feet back from the current top of channel, beyond existing wetlands, to avoid the need for any center supports (wetland fill). The slopes near the bridge and in the eastern portion of the inlet will be laid back and revegetated with native wetland species to help reduce and prevent further erosion and buffer wetland ESHA from disturbance.	The project is consistent with this policy.
5.15	All buffers around (non-wetland) ESHA shall be a minimum of 100 feet in width, or a lesser width may be approved by the District if findings are made that a lesser buffer would adequately protect the resource. However, in no case can the buffer size be reduced to less than 50 feet.	There are no designated non-wetland ESHA resources (see CVB Development Policy 5.9 consistency discussion).	The project is consistent with this policy.
5.16	Public access-ways and trails are considered resource dependent uses. New accessways and trails located within or adjacent to ESHA shall be sited to minimize impacts to ESHA to the maximum extent feasible. Measures including, but not limited to, signage, placement of boardwalks, and limited fencing shall be implemented as necessary to protect ESHA.	The proposed bridge includes open fencing to prevent public access into the adjacent habitats while still allowing wildlife movement. The path includes open fencing along the western boundary to restrict human movement into the designated Buffer Areas to the west.	The project is consistent with this policy.
5.19	Impacts to native habitat that does not constitute ESHA that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where off-	The proposed path extends north-south through disturbed habitat, disturbed and undisturbed Diegan coastal sage scrub, over the inlet to the F&G Street Marsh, and ultimately through urban developed land connecting to G Street. Diegan coastal sage scrub is native	The project is consistent with this policy.

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	site mitigation is more protective. Mitigation for impacts to native habitat shall be provided at a 3:1 ratio.	habitat, but does not constitute ESHA (see CVB Development Policy 5.9 consistency discussion). Permanent impacts to Diegan coastal sage scrub (all forms) will be mitigated at a 3:1 ratio onsite through establishment of maritime succulent scrub. Other areas proposed for habitat enhancement will be mitigated at a 1:1 ratio (see Table 3 and Figure 5 in <i>Sweetwater Park – Urban Greening Grant Project: Biological Impact Analysis Report</i> (Merkel 2018)).	
6.1 a	Invasive plant species (as listed in the California Invasive Plant Inventory list or California Invasive Plant Inventory Database or updates) will not be used in the Chula Vista Bayfront area. Any such invasive plant species that establishes itself within the Chula Vista Bayfront area will be immediately removed to the maximum extent feasible and in a manner adequate to prevent further distribution into Wildlife Habitat Areas. A condition of approval for coastal development permits will require applicants to remove any such invasive plant species that established itself within the Chula Vista Bayfront area.	No invasive plant species (e.g., species identified by the California Invasive Plant Council) are proposed (see Sweetwater Bicycle Path & Promenade 100% Conceptual Development Sheets 39-51).	The project is consistent with this policy.
7.3	All street and walkway lighting should be shielded to minimize sky glow.	The project is not proposing lighting.	The project is consistent with this policy.
7.7	Construction lighting will be controlled to minimize Wildlife Habitat Areas impacts.	No nighttime work is proposed; however, in the event temporary lighting is necessary during construction, implementation of mitigation measure BIO-2A would ensure minimization of habitat impacts: "Temporary night lighting during construction, if required should be downcast/fully shielded and directed away from adjacent native habitat."	The project is consistent with this policy.
8.1	Construction noise shall be controlled to minimize impact to Wildlife Habitat Areas.	Construction noise will be controlled to minimize impacts to sensitive species through implementation of mitigation measure BIO-6: "During the avian breeding season [January 15 to August 31], noise levels from construction activities must not exceed 60 dB(A) Leq., or ambient noise levels if higher than 60 dB(A). The project developer(s) should prepare and submit to the Port for review and approval an acoustical analysis and nesting bird survey to demonstrate that the 60 dB(A) Leq. noise level is maintained at the location of any active nest within the marsh. If noise attenuation measures or modifications to construction activities are unable to	The project is consistent with this policy.

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		reduce the noise level below 60 dB(A), either the developer(s) must immediately consult with the USFWS to develop a noise attenuation plan or construction in the affected areas must cease until the end of the breeding season. Because potential construction noise levels above 60 dB(A) Leq have been identified at the F&G Street Marsh, specific noise attenuation measures have been identified and are addressed in Section 4.7 of the EIR.” Specifically, the Final EIR requires the developer to install a 3-foot-high noise barrier along the east right-of-way of E Street for the extent of the habitat roughly parallel with the proposed path between Lagoon Drive and the F&G Marsh inlet to reduce the noise level to 60 dB(A) or below. The Final EIR further requires that: “The barrier must be of solid construction, with no gaps or cracks through or below the wall, and must have a minimum density of 3.5 pounds per square foot. The barrier must block line-of-sight between the source and receiver and be long enough to prevent flanking around the ends.” Enforcement of these mitigation measures by the Port/City will reduce noise impacts during the breeding season. Additionally, these mitigation measures will be conditions of approval in the Coastal Development Permits.	
11.1	Walkways, paths, and overlooks near Wildlife Habitat Areas outside of the No Touch Buffer Areas will be designed in accordance with the following: a) Alignment, design, and general construction plans of walkways and overlooks will be developed to minimize potential impacts to Wildlife Habitat Areas. b) Path routes will be sited with appropriate setbacks from Wildlife Habitat Areas. c) Paths running parallel to shore or marsh areas that will cause or contribute to birdflushing will be minimized throughout the Chula Vista Bayfront. d) Walkways and overlooks will be designed to minimize and eliminate, where possible, perching opportunities for raptors and shelter for skunks, opossums or other Predators. e) Walkways and overlooks that approach sensitive areas must be blinded, raised, or otherwise screened so that birds are not flushed or frightened. In general, walkway and overlook designs will minimize visual impacts on the Wildlife Habitat Areas of people on the walkways.	The bridge and path have been designed to minimize potential impacts to Wildlife Habitat Areas. The proposed path extends generally north-south, west of Marina Parkway and the planned E Street extension, from the RV Park on parcel S-1, across parcels SP-3 and S-2 (planned Signature Park) over the F&G Street Marsh inlet, and ultimately through urban developed land connecting to G Street at parcel HP-1N. The bridge and path are entirely sited outside of the No Touch Buffer Area; however, there is a very small amount of grading and wetland and maritime succulent scrub mitigation proposed in the southern corner of the No Touch Buffer Area, which is consistent with the existing wetland and upland habitat in the buffer (see CVB Development Policy 5.2). By siting the bridge and path outside of the designated buffer area, there is a setback between the project and adjacent Sweetwater Marsh Wildlife Refuge. This distance from the shoreline avoids bird flushing. The path includes open fencing along the western boundary to restrict human movement into the designated buffer areas to the	The project is consistent with this policy.

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13.2 a-k	All new development shall: a) Comply with the Regional Water Quality Control Board Order No. R9-2007-0001, National Pollutant Discharge Elimination System Permit No. CAS0108758, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, and the San Diego Unified Port District (Municipal Permit), as adopted, amended, and/or modified or replaced by the Regional Water Quality Control Board with a new Municipal Permit. The Municipal Permit prohibits any activities that could degrade stormwater quality. b) Comply with the District Jurisdictional Urban Runoff Management Document and the District Standard Urban Stormwater Mitigation Plan ... c) Be designed and managed to minimize the introduction of pollutants into coastal waters to the maximum extent practicable. d) Be designed and managed to minimize increases in peak runoff rate and volume in order to avoid detrimental water quality impacts caused by excessive erosion or sedimentation. e) Include Site Design and Source Control BMPs and Low Impact Development practices, where feasible, in all developments. f) Implement the requirements of Hydromodification Management	west, but would allow for wildlife movement. It is also expected that the bridge will be high enough over the channel bottom so that it does not become shelter for skunks, opossums, or other predators, and far enough inland to avoid regular nuisances to shore birds and waterfowl resting/foraging along the Bay. The bridge itself could be utilized by raptors; however, the recreational use of the bridge would deter prolonged perch use. There is not a concern that the project will flush or frighten birds because of several factors. First, upland vegetation on the shore-side of the bridge helps to screen the bridge from the Wildlife Habitat Area. Second, the bridge is located a considerable distance east of the shore birds and waterfowl resting/foraging along the Bay. Third, flushing and frightening birds is a concern adjacent to roosting areas and shoreline adjacent to the project is not used for roosting. The construction of a future storm drain replacement in the southeastern portion of the inlet is not part of the current project. The construction of the drain, like all other drain outlets within the North Harbor Improvements of the CVB would require a CDP and U.S. Army Corps of Engineers permit. Construction of the drain headwall and energy dissipation must occur concurrent with or preceding the proposed grading activities in order to minimize risk of impacts to wetlands that will develop rapidly. The grading to restore the side channel and expand wetlands is part of the project. This grading would lower the storm drain to an elevation to accommodate drainage and would be tidally influenced when completed. As required, all stormwater treatment would happen prior to discharge. The project, as well as all development within the CV bayfront, will comply with Regional Water Quality Control Board and Port of San Diego stormwater and runoff requirements and will acquire all required permits prior to the commencement of construction. The project has been designed to minimize runoff, doesn't include impervious surfaces, and will not introduce pollution to coastal waters.	The project is consistent with this policy.

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	Plan ... as required. g) Minimize impervious surfaces in new development, especially directly connected impervious areas, and, where feasible, increase the area of pervious surfaces in redevelopment. h) Minimize erosion, sedimentation, and polluted runoff from construction-related activities of development, to the maximum extent practicable. i) Minimize the land disturbance activities of construction (e.g., clearing, grading, and cut and- fill), especially in erosive areas (including steep slopes, unstable areas, and erosive soils), to avoid detrimental water quality impacts caused by increased erosion or sedimentation. Incorporate soil stabilization BMPs on disturbed areas as soon as feasible. j) Require Treatment Control BMPs, in addition to Site Design and Source Control measures, when the combination of Site Design and Source Control BMPs is not sufficient to protect water quality. k) Be designed, constructed and maintain any required Treatment Control BMPs ... [for] all storms up to and including the 85%, 24-hr storm event for volume-based BMPs, and/or the 85%, 1-hr storm event ... for flow-based BMPs.		
14.5	As a future and separate project, the District will investigate, in consultation with USFWS, the feasibility of restoring an ecologically meaningful tidal connection between the F&G Street Marsh and the upland marsh on parcel SP-2 consistent with USFWS restoration concepts for the area. At a minimum, the investigation will assess the biological value of tidal influence, the presence of hazards materials, necessary physical improvements to achieve desired results, permitting requirements, and funding opportunities for establishing the tidal connection. This investigation will be completed prior to the initiation of any physical alteration of SP-2, F Street, and/or F&G Street Marsh. In addition, once emergency access to the Chula Vista Bayfront area has been adequately established such that F Street is no longer needed for public right-of-way, the District and City will abandon/vacate the F Street right-of-way for vehicular use, but may reserve it for pedestrian and bicycle use if ecologically appropriate.	The channel enhancements in the southeastern portion of the inlet are an essential component of the overall restoration and enhancement of F&G Street Marsh and Seasonal Wetlands called for in this policy. Because the project team is aware that the existing storm drain will need to be replaced in the future to improve tidal circulation and accommodate Chula Vista Bayfront development, the enhancements are configured in a manner that does not require regrading for these future projects. While the current project does not include a feasibility investigation, prepared in consultation with USFWS, the proposed project is consistent with this policy because it grades the channel to support future completion of the connector channel restoration of an ecologically meaningful tidal connection between the F&G Street Marsh and the upland marsh on parcel SP-2 consistent with USFWS restoration concepts for the area.	The project is consistent with this policy.

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14.6	Channelizations of other substantial alternations of streams shall be prohibited except for: (1) necessary water supply projects where no feasible alternative exists; (2) flood protection for existing development where there is no other feasible alternative; or (3) the improvement of fish and wildlife habitat. Any channelization or stream alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including the depletion of groundwater, and shall include maximum feasible mitigation measures to mitigate unavoidable impacts. Bioengineering alternatives shall be preferred for flood protection over "hard" solutions such as concrete or riprap channels.	Proposed channel grading and enhancements are for the improvement of fish and wildlife habitat, e.g., new wetland habitat, increased habitat connectivity, and space for wetland transgression.). Laying back the banks also stabilizes the channel (reduces erosion), avoiding possibly requiring future riprap or other hard erosion control solutions in the wetlands in the future. With the implementation of Final EIR Mitigation Measure 4.8 (mitigation ratios, onsite compensatory mitigation and monitoring plan, minimization of construction impacts, special status species surveys during construction, and required permits), the grading and enhancements minimize unavoidable effects. These will all be conditions of approval in the Coastal Development Permits, and will be enforced by the City and District.	The project is consistent with this policy.
17.2	The Wildlife Advisory Group will meet to: ... (iii) identify any changes or adjustments to the NRMP required to respond to changes in the man-made and natural environments that are affecting or, with the passage of time may affect, the effectiveness of the NRMP in achieving the Management Objectives ...	On November 15, 2017, the Wildlife Advisory Group (WAG) initially discussed the Sweetwater Park bike and pedestrian path, e.g., bike path width, impacts of the bike path and bridge, bridge pilings, entitlements, culverts, fence impacts, and potential sources for restoration grants. At the April 2018 Board of Port Commissioners (Board) meeting, the Board accepted \$4.8 million in funding for the Urban Greening Grant to build the proposed project. On April 18, 2018, District staff provided an update to the WAG on the current efforts regarding the restoration and enhancement alternatives plan. Staff described how the bike and pedestrian bridge over the F & G Street Marsh inlet will also include restoration and enhancement elements, and how staff will continue to explore grant opportunities to fund the restoration and enhancement alternatives for the entire Chula Vista Bayfront. The WAG also discussed culvert and channel enhancements to improve the flow and hydrology, different restoration scenarios and coordination requirements with adjacent property owners. WAG did not identify any changes or adjustments to the NRMP.	The project is consistent with this policy.

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17.4	A Bayfront Cultural and Design Committee ("BCDC") shall be formed to advise the District in addressing the design of parks, cultural facilities, and development projects. The public participation process for the BCDC will include broad community representation and will be modeled after the Community Advisory Committee (CAC) process ... The BCDC will advise the District in the establishment of Chula Vista Bayfront Master Plan design guidelines to address cohesive development and streetscape standards, walkways and bikeways design to promote safe walking and biking, standards for design of park areas, and cultural facilities but will not address NRMF and Wildlife Habitat Areas design guidelines described above ...	BCDC discussed the proposed project on August 16, 2018 and determined the project seems to align well with the overall vision expressed in the Chula Vista Bayfront Design Guidelines. BCDC reviewed the suggested landscape choices in detail and found them to be well-considered and appropriate. BCDC offered constructive feedback and passed one motion carrying a recommendation forward to the Board regarding the proposed long-term use of temporary bollards along the Marine Group Boatworks leasehold boundary while the roadway is constructed. This recommendation will be considered along with the CDP and Concept Approval for the Sweetwater Path at an upcoming Board meeting.	The project is consistent with this policy.
18.1	The concept approval for the Signature Park will include a refined plan to address the linkage between the parks over the F and G Street Channel. The design will ensure that the linkage between the two parks is easily accessed, obvious, and allows visitors to flow naturally and safely between the two parts of the park. A separate pedestrian bridge will be evaluated and, if necessary, a supplemental environmental review will be performed to address any necessary issues prior to the concept approval being forwarded to the Board of Port Commissioners.	The proposed project includes a pedestrian walkway, Class I bike path with pedestrian/bicycle cross-flow minimized, and single span, steel truss bridge over the F&G Street Marsh inlet to provide a continuous walkway and bike path, fully accessible to the public, between Harbor and Signature Parks. The proposed pedestrian bridge was fully evaluated, and it was determined that the project is consistent with the Final EIR (see CEQA Consistency Analysis).	The project is consistent with this policy.
20.1	Shoreline promenades shall be a minimum of 25 feet in width allowing both pedestrians and bicyclists and shall be constructed directly along the waterfront where feasible and maintained free of private encroachment around the Bayfront. Pathways and walking trails not proposed along the shoreline shall be a minimum width of 12 feet.	The proposed pedestrian walkway and Class I bike path is not located along the shoreline. The proposed path minimizes cross-flow between pedestrians and bicycles; however, in some locations, the path is shared to provide a diverse public access experience. As such, the pedestrian walkway and Class I bike path, together, range from 16 and 22 feet, which is above the required 12 feet for trails not proposed along the shoreline. Within the design, the pedestrian walkway will be comprised of decomposed granite with a width of typically 8 feet and the Class I Bike Path will be a completely separated, paved right-of-way for bicycles with a width of typically 12 feet.	The project is consistent with this policy.

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20.2	Provide a continuous open space system, fully accessible to the public, which would seamlessly connect the Sweetwater, Harbor, and Otay Districts through components such as a continuous shoreline promenade or “Baywalk” and a continuous bicycle path linking the parks and ultimately creating greenbelt linkages.	Per CVB Development Policy 20.1, the proposed project provides a continuous walkway and bike path linking Harbor and Signature Parks. The project creates greenbelt linkages between recreational opportunities in larger Harbor Park and Bayfront ecology accessible from Sweetwater Park.	The project is consistent with this policy.
20.3	Create a meandering pedestrian trail constructed of natural material that is easily maintained and interwoven throughout the Signature Park. Create, as part of the E Street Extension, a pedestrian pathway/bridge to provide a safe route for pedestrians to walk and to transition from the Sweetwater District to the Harbor Park Shoreline Promenade and park in the Harbor District.	Per CVB Development Policy 20.1, the proposed pedestrian walkway will be comprised of decomposed granite. The walkway will be bordered by permanent landscaping including a variety of native and non-native trees, shrubs, and ground cover, all of which would be permanently irrigated and maintained as part of the park system. The proposed path minimizes cross-flow between pedestrians and bicycles to increase safety.	The project is consistent with this policy.
20.4	Segregate pedestrian and bike trails where feasible. Provide a meandering public trail along the entire length of Bayfront. Leave unpaved the meandering trail within the Sweetwater Park and adjacent to Buffer Areas.	The proposed pedestrian walkway and Class I bike path minimizes cross-flow between pedestrians and bicycles. The pedestrian walkway will be comprised of decomposed granite (DG), while the Class I Bike Path will be a separated, paved right-of-way for bicycles. Consistent with Development Policy 20.3, the pedestrian path was designed as a meandering trail, where feasible, including sections of alignment through parcel S-2 (planned Signature Park) and is designed to make connections to a future path system within the planned park. However, due to space constraints in various locations, the pedestrian path joins with the bicycle path. From south to north, the paths join on parcel HP-1N, the segments before and after the F&G Street bridge crossing, a section within parcel S-2, and the segment joining the northerly connection at parcel SP-3 and the E Street roundabout. The DG pedestrian walkway is bordered by permanent landscaping, adjacent to Buffer Areas, along the E Street Extension (Marina Parkway) between Lagoon Drive and G Street.	The project is consistent with this policy.

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23.4	Public views of the Bay and access along the waterfront shall be provided via a proposed "Baywalk" promenade. This pedestrian path will also connect to the Signature Park, and the pathway system within the Sweetwater District, ultimate linking the two districts and "enabling viewers to experience visual contact at close range with the Bay and marshlands."	Construction of the path and bridge will provide public access and viewing opportunities to the shoreline and provide a continuous walkway and bike path, fully accessible to the public, between recreational opportunities in larger Harbor Park and Bayfront ecology accessible from Sweetwater Park.	The project is consistent with this policy.
23.5	Existing views to the water from the following view corridor roads shall be protected and enhanced: E Street, F Street, Bay Boulevard between E and F Streets, Marina Parkway, and G and L Streets (in the City of Chula Vista); as shall the new views of the Bay created from the H Street corridor. These protected views shall be denoted by the "vista" icons on the Precise Plan for Planning District 7.	The view from Marina Parkway will be enhanced as a result of the proposed landscaping adjacent to the path, including a variety of native and non-native trees, shrubs, and ground cover, all of which would be permanently irrigated and maintained as part of the park system.	The project is consistent with this policy.
24.1	The project shall be designed to encourage use of alternate transportation by including the H Street transit center close to the rail line, bike and pedestrian pathways, water taxis, and a private employee parking shuttle.	The proposed project provides bike and pedestrian pathways along the Bayfront (spur route to the Bayshore Bikeway), thereby encouraging the use of alternate transportation.	The project is consistent with this policy.

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24.2	The project shall include connections to the planned Bayshore Bikeway and provide an additional local bikeway loop that will be safer and more scenic as it is located closer to the water.	The proposed project links the waterfront to the Bayshore Bikeway. The path will increase safety by minimizing cross-flow between pedestrians and bicycles, and will more scenic because it provides unobstructed views of the Bay so that the public can more easily experience Bay ecology, e.g., shore birds and waterfowl resting/foraging along the water's edge.	The project is consistent with this policy.
25.1	Excess dredge material from within the project area shall be tested for beach compatibility and placed on local beaches if suitable.	Dredging material is required for construction of the bridge and associated grading. As a condition of approval in the Coastal Development Permits, this material will be tested for beach compatibility and placed on local beaches, if suitable.	The project is consistent with this policy.
25.3	Prior to commencement of any in water development that involves disturbance of the subtidal water bottom, surveys will be done of the project area and a buffer area to determine the presence of the invasive alga <i>Caulerpa taxifolia</i> . The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department Fish and Game, and the National Marine Fisheries Service.	As a condition of approval in the applicable Coastal Development Permit, any channel grading and enhancements that involve disturbance of the subtidal water bottom will be previously surveyed in consultation with applicable resource agencies to determine the presence of the invasive alga <i>Caulerpa taxifolia</i> .	The project is consistent with this policy.