

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

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January 15, 1997

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TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: CHUCK DAMM, SOUTH COAST DEPUTY DIRECTOR
DEBORAH N. LEE, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
ELLEN LIRLEY, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICESUBJECT: REVISED FINDINGS FOR CERTIFICATION OF MAJOR AMENDMENT 1-95/MISSION
BAY PARK MASTER PLAN TO THE CITY OF SAN DIEGO LOCAL COASTAL PROGRAM
(For Public Hearing and Possible Final Action at the Coastal
Commission Hearing of February 4-7, 1997)SYNOPSISSUMMARY OF COMMISSION ACTION

At its meeting of November 15, 1996, the Coastal Commission reviewed the Mission Bay Park Master Plan portion of Major Amendment 1-95 to the City of San Diego's certified local coastal program (LCP). In its action, the Commission rejected as submitted, then approved with suggested modifications, the Master Plan; the Commission modified the staff's recommendation with respect to the suggested modifications associated with future improvements on Bahia Point, and adopted all of the other suggested modifications, which were acceptable to the City, as recommended.

In its November, 1996 action, the Commission adopted two sets of suggested modifications and findings, one set associated with its original action in May, 1995, which addressed all components of the Mission Bay Park Master Plan except the redevelopment of Bahia Point. The second set of suggested modifications and findings specifically addressed Bahia Point. These revised findings meld the two sets of adopted suggested modifications and findings into a single document.

COMMISSION VOTES

1. Mission Bay Park Master Plan, approve as submitted:

Commissioners Voting "Yes": none

Commissioners Voting "No": Belgard, Flemming, Rynerson, Randa, Rick,
Staffel, Wan, Wear and Chairman Calcagno

2. Mission Bay Park Master Plan, approve with amended suggested modifications:

Commissioners Voting "Yes": Belgard, Flemming, Rynerson, Randa, Rick,
Staffel, Wan, Wear and Chairman Calcagno

Commissioners Voting "No": none

SUMMARY OF AMENDMENT REQUEST

The City of San Diego's current submittal consists of a single land use plan amendment, which would incorporate the new Mission Bay Park Master Plan, the one remaining non-certified land use segment of the City's LCP, which is entirely within the coastal zone. This portion of City of San Diego LCP Amendment #1-95 was continued from the March, 1995 Commission hearing, where final action was taken on other amendment components, then approved with suggested modifications in May, 1995. The matter was reheard by the Commission in November, 1996 pursuant to a stipulated judgment. Key issues raised in the overall plan are public access, protection of natural/biological resources, water quality and balancing competing interests and uses; public access and competing uses are the key issues surrounding the redevelopment of Bahia Point, which was the focus of the Commission hearing in November, 1996.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP amendment may be obtained from Ellen Lirley, Coastal Planner, at (619) 521-8036.

PART I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve (12) parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City gradually obtained Commission certification of each of its LUP segments, with the exception of Mission Bay. The earliest land use plan (LUP) approval occurred in May, 1979, with others occurring in 1988, in concert with the implementation plan.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January, 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remain; these are completing planning at a local level and will be acted upon by the Coastal Commission in the future.

Since effective certification of the City's LCP, the Commission has certified sixteen major amendments and seven minor amendments. These have included everything from land use revisions in several segments, the rezoning of single properties to modifications of city-wide ordinances. While it is difficult to calculate the number of land use plan revisions or implementation plan modifications, because the amendments often involve multiple changes to a single land use plan segment or ordinance, the Commission has reviewed, at least, 39 land use plan revisions and 95 ordinance amendments. Most amendment requests have been approved, some as submitted and some with suggested modifications; further details can be obtained from the previous staff reports and findings on specific amendment requests.

B. STANDARD OF REVIEW

The standard of review for land use plan amendments is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

C. PUBLIC PARTICIPATION

The City has held numerous local workshops, planning group, Planning Commission and City Council meetings with regard to the Mission Bay Park Master Plan as a whole. All of these local hearings were duly noticed to the public. In addition, the entire plan has undergone review at two previous Commission hearings, where the Bahia Point redevelopment was a main topic of discussion. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

The Commission adopted the following resolutions and findings following the public hearing.

- A. RESOLUTION I (Resolution to deny certification of the Mission Bay Park Master Plan, as submitted)

Resolution I

The Commission hereby denies certification of the amendment request to the City of San Diego Land Use Plan, and adopts the findings stated below on the grounds that the amendment will not meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will not be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use plan amendment does not meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act, as there would be feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

- B. RESOLUTION II (Resolution to approve certification of the Mission Bay Park Master Plan, if modified)

Resolution II

The Commission hereby certifies the amendment request to the City of San Diego Mission Bay Park Master Plan, if modified, and adopts the findings stated below on the grounds that the amendment will meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will contain a specific access component as required by Section 30500 of the Coastal Act; the land use plan, as amended, will be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use plan amendment does meet the

requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act, as there would be no feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

PART III. SUGGESTED MODIFICATIONS

The following are the suggested policy revisions for the Mission Bay Park Master Plan amendment request. Deletions are ~~struck out~~ and new language to be added is underlined.

1. On Page 33, under Planning Approach/Recommendations, the following modification shall be made:

3. Distribution of Recreation Orientations: As is described in more detail in further sections of this Plan, the Park's recreation orientations should be concentrated in the following areas:

Regional: Eastern South Shores, Bonita Cove, East Shores, East Vacation Isle, Crown Point Shores, and the southern portion of Fiesta Island.

Neighborhood: West Shore, Sail Bay, and Riviera Shores. ~~and Crown Point Shores~~

Commercial: Western South Shores, ~~West~~ Northwest Vacation Isle, Dana and Quivira Basins, Bahia Point and northeast corner.

Habitat: Southern and Northern Wildlife Preserve areas, the central and northern portions of Fiesta Island, and Least Tern nesting sites.

These categories and locations in no way restrict full use of all park areas by the general public, in recognition that the entirety of Mission Bay Park is of regional, statewide, national, and even international significance.

The associated illustrations on Page 32, and Figure 1 on Page 5, shall also be modified.

2. On page 44, under Land Use/Dedicated Lease Areas, the following modification shall be made:

15. Marina Village: 500 hotel rooms, limited retail, conference facilities. The redevelopment of this existing lease should include the unimproved parking strip facing the San Diego River Floodway as an addition to the lease area (4.0+/- acres), with concurrent realignment of Quivira Road to the south of the expanded lease area, creating a 19-acre redevelopment site. Expanding the lease area would allow the implementation of a wider public promenade on the north side of the development, taking full advantage of marina views. Likewise, realigning Quivira Road to the south of the expanded leasehold and preserving or

providing a public walkway/buffer area between the realigned road and the river channel will allow the public increased viewing opportunities along the San Diego River Floodway. Vehicular public access to Hospitality Point through the site shall be maintained.

3. On Page 46, under Land Use/Dedicated Lease Areas, the following modification shall be made:

16. Pacific Rim Marine Enterprises, Inc. (Mission Bay Marina): Optional hotel redevelopment. Should market conditions warrant, part or all of the Yacht Center leasehold should be permitted to redevelop into a guest housing complex similar in character to that proposed in Marina Village. Provisions for boat maintenance and servicing should be maintained as part of the redevelopment to the extent feasible. As in Marina Village, the unimproved parking area opposite the Yacht Center, plus a portion of Hospitality Point, should be added to the commercial lease area for redevelopment purposes (about 6 acres total). As in Marina Village, any redevelopment/expansion of this leasehold shall include the realignment of Quivira Road and provision of a public pedestrian walkway/buffer area along the San Diego River Floodway. In addition, public access along the marina frontage shall be provided in the future, in the event that boat maintenance/servicing operations are discontinued at this site.

4. On Page 50, under Land Use/Dedicated Lease Areas, the following modification shall be made:

21. South Shores Commercial Parcel: Because of its limited water access and isolation from other areas of the Park, this 16.5-acre site is considered marginal as a public recreation area and therefore, more suitable for commercial recreation purposes. The parcel has been configured such that its northern half lies outside the limits of the South Shores landfill while capturing a wide stretch of waterfront facing Pacific Passage. This allows a number of possible commercial uses to be considered, including the expansion of Sea World attractions, a 200-room motel, or a water-oriented entertainment center.

The underlying objective is that this parcel's "best use" is render maximum utility of best use from a recreation standpoint commercial recreation or visitor-serving commercial support facilities. In accordance with public consensus on this issue, "best use" should not mean permanent and exclusive commercially-supporting parking. Any new and permanent parking should be of such quantity and proportion as would be required to serve whatever commercial use may be proposed.

5. On Page 52, under Land Use/De Anza Special Study Area/Recommendations, the following modifications shall be made:

The De Anza Special Study Area remains subject to the goals and objectives established for the Park. Accordingly, specific criteria should govern the conception, preparation, evaluation and approval of development proposals in the SSA. Furthermore, the final development proposal shall

be incorporated into the certified Master Plan as an amendment to the City of San Diego Local Coastal Program.

25. De Anza SSA Development Criteria:

- The SSA shall be ~~91~~ 76 acres in area to include the totality of the existing land and water leases of De Anza Mobile Home Park ~~and 15 acres of adjacent public parkland~~, of which up to 60 acres can be developed as guest housing. (Figure 14 describes the proposed SSA configuration).
- The SSA ~~should~~ shall not be developed to the detriment of existing and/or future adjacent habitat areas. Foremost in consideration, should be the extent to which the SSA can contribute to the Park's water quality. In fact, some additional wetlands mitigation and creation must be required considered as part of the SSA.
- The SSA should facilitate the implementation of hydrologic improvements aimed at safeguarding the viability of marsh areas in its vicinity.
- The SSA ~~should~~ shall be developed to enhance the public use of this area of the Park. Recreational features such as waterfront trail, picnic areas, overlooks, canoe launching sites, etc. should be considered as an integral part of any development. Any redevelopment proposal shall incorporate a 100-foot buffer/public use zone along the entire Rose Creek frontage of the site, as measured from the top of the rip-rap, and adjacent to the proposed wetland at the mouth of Rose Creek located outside of the SSA. Public access/recreation improvements, such as walkways, overlooks, picnic tables, benches, etc. may only be sited in the upland 50 feet of said buffer/public use zone. In conformance with the Design Guidelines, a 150-foot minimum public use zone shall be maintained along the beach areas of the shore as measured from the mean high water line. Along other bulkhead or rip-rap areas of the shore, if any, a 50-foot minimum public use zone shall be maintained as measured from the top of the bulkhead or rip-rap. As an integral part of the SSA, a waterfront trail and viewing areas shall be provided within the public use zone along the entire shoreline of the site, in addition to other passive recreational features.

Also, Figure 14 on Page 53 shall be modified to delete the 15-acre expansion area as part of the De Anza Special Study Area.

6. On Page 74, under Water Use/Swimming/Recommendations, the following modifications shall be made:

56. Potential New Swimming Areas: New swimming areas should be located adjacent to active existing or proposed parkland areas, and in areas of the Park enjoying relatively good water quality. Accordingly, the following potential new swimming sites are proposed:

- Fiesta Island, facing South Pacific Passage: A small embayment can be carved out of the Island's south shore. ~~Coupled with the construction of a jetty or breakwater in the Passage.~~ This embayment would enjoy tranquil waters and optimum access to parkland.
- Fiesta Island, west shore: The dredging of the shore to create a long crescent affords the opportunity to bring new sand to this beach and improve its function as a swimming area. However, strict monitoring and supervision would be required to mitigate its proximity to motor craft in Fiesta Bay. Buoys, markers, and signage should be placed in the water and on the beach defining the limits of the swimming area.
- West Vacation Isle, south shore. A small embayment already exists here. The addition of ~~a jetty or breakwater~~ buoys, markers and signage would ~~ease the water's chop~~ and make the site suitable for swimming.

7. On Page 90, under Environment/Recommendations, the following modification shall be made:

Accordingly, the following wetland areas are proposed:

- Rose Creek outfall: 80+/- acres. This site requires the ~~relocation~~ removal of Campland to the east of Rose Creek. Additional wetland should be considered in. Additionally, some wetlands creation may be required as part of the De Anza Special Study Area.
- Tecolote Creek outfall: 12+/- acres.
- Pacific Passage, south of the Visitor Center (Cudahy Creek): 5+/- acres.

8. Also on Page 90, under Environment/Wetland Habitat/Recommendations, the following new sections (68a and 68b) shall be added:

68a. Mitigation Banking for Publicly Used Wetland: A mitigation bank will be established in Mission Bay for habitat in excess of immediate project needs. To aid in maximizing habitat mitigation banking credit for the proposed wetland development projects, the design will limit areas designated for public use (i.e., wildlife observation decks, boardwalks, and/or canoeing) to a small percentage of the total area. Buffer zones around specific public uses will be designated and a sliding scale for mitigation credit implemented for these zones. Prior to the allocation of any mitigation credits, criteria and an estimated time frame for successful wetland habitat restoration/creation will be established. The final mitigation banking program shall be incorporated into the certified Master Plan as an amendment to the City of San Diego Local Coastal Program.

For wildlife observation decks and boardwalk use, no credit would be given for habitat within 25 feet of such use; half credit would be given for habitat within 25 to 50 feet of such use; full credit would be given for habitat 50 to 100 feet of such use, providing that bird nesting takes place within that zone; and full credit with no stipulations would be given for habitat 100 feet or farther away from such use.

Canoeing/kayaking areas will be included in the design, but will be implemented provisionally. Restrictions on this type of use and monitoring of possible impacts to wildlife and habitat will be instituted. Should adverse impacts occur, this type of use will either be further restricted or eliminated from the area. For the nature center and for the canoeing/kayaking use areas, no credit would be given for habitat within 50 feet of such use; half credit would be given for habitat within 50 to 100 feet of such use; and full credit would be given for habitat 100 feet or more from such use.

68b. Wetland Management Plan for Proposed Wetland Areas: Upon acceptance of a final wetland design by resource agencies, a wetland management plan will be developed for inclusion into this Master Plan. The final Wetlands Management Plan shall be incorporated into the certified Master Plan as an amendment to the City of San Diego Local Coastal Program. This management plan will include: provisions for appropriate agency consultation; criteria for maintenance activities, if needed; description of maintenance activities which may be required, including possible locations, equipment, personnel, methods, and means to minimize impacts to surrounding areas; and monitoring and reporting program, including but not limited to, water quality testing (petroleum products and other toxins) at point of water entrance to wetland, within treatment marsh, and in Mission Bay; wildlife usage; presence of invertebrates; composition of vegetation; health of vegetation, particularly Spartina; general weather conditions; and statistics of usage in public use areas. A regular monitoring and reporting schedule will also be included in the Plan for the estimated establishment period and subsequent annual "bank accounting" statements to agencies (California Coastal Commission, California Department of Fish and Game, Regional Water Quality Control Board, U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers).

9. On Page 103, under Access and Circulation/Parking Demand/Recommendations, the following modification shall be made:

83. Required Additional Parking: At present, the Park contains 6,595 assigned parking spaces, plus about 700 curbside spaces along East Mission Bay Drive, for a total of 7,295 spaces. Several/hundred 217 existing parking spaces are proposed to be deleted in pursuit/of/specific/land use/objectives/217/spaces/in Bahia Point, to exercise a shift and a potential expansion of the Bahia Hotel Lease, //and//potentially//384 spaces/in/Dé/Anza/Cove//to/permit/the/relocation/of/Camp/and/to/the/east side/of/Rosé/Creek/ These deletions would reduce the current supply to 6,694 7,078 spaces.

(7,295 - 217 = 7,078 spaces)

Accordingly, a total of ~~5,107~~ 4,723 new spaces should be provided in Mission Bay Park to satisfy peak day use demand.

(11,801 - ~~6,604~~ 7,078 = ~~5,107~~ 4,723 spaces)

10. On Page 110, under Access and Circulation/Public Tram, the following modification shall be made:

93. Commuter Use of the Overflow Parking: Considering the proximity to a regional light-rail transit station, the overflow parking could be dedicated for commuters during working days. This would enhance the function and efficiency of the facility and potentially maximize the use of the tram system. However, to make this lot available for non-park use, the land would have to be removed from the "dedicated" Park boundary, requiring a two-thirds citizen approval vote. ~~NEVERTHELESS, THIS COURSE SHOULD BE EXPLORED FURTHER.~~

11. On Page 116, under Access and Circulation/Bicycle and Pedestrian Paths, the following modification shall be made:

101. Key Linkage Improvements: In general, continuous public access, either improved or unimproved, shall be provided around the entire waterfront of Mission Bay. Current exceptions are located in the following areas: the leases of Sea World, Pacific Rim, Mission Bay Yacht Club, San Diego/Mission Bay Boat and Ski Club, and Fiesta Island Sludge Treatment Facility; the Mission Bay Park Headquarters Facility on Hospitality Point, and the Least Tern nesting areas at Stony Point and Mariner's Point. Where such access does not now exist, as leases or uses come up for renegotiation or change, the issue of public shoreline access will be re-examined consistent with security, safety and specific public aquatic/recreational needs and requirements. Moreover, to maintain safe and convenient continuity of the paths around the Park, these four key improvements should be implemented:

- A grade-separated pathway spanning Sea World's exit roadway. This overpass would allow pedestrians and bicyclists to safely cross from the entrance roadway and continue along its south side to Ingraham Street.
- A pedestrian and bicycle bridge over Rose Creek, designed also to accommodate maintenance and emergency equipment. This bridge would allow Park users to conveniently circle the northern edge of the Park.
- A raised path, or boardwalk, under the Ingraham Street Bridge at Crown Point Shores. The path would permit uninterrupted movement from Fiesta Bay to Sail Bay.
- Widening of the East Mission Bay Drive Bridge. The combined path is currently inadequate at this location. A widened bridge or separate path along its west side is recommended.

In addition to the above key linkage improvements, a continuous pedestrian and bicycle path should be pursued around Bahia Point. To this end, a shift in the Bahia Hotel lease area should be considered in accordance with Recommendation 17.

12. On Page 130, under South Shores/Fiesta Island/Recommendations, the following modification shall be made:

120. Swimming Embayment: A 4-acre embayment for swimming and wading, proposed by the City, is proposed in the Island's southern peninsula. The embayment is also intended to serve as an eelgrass mitigation area. Should it prove mandatory to increase the mitigation area, the embayment could be enlarged to about 9 acres, as shown on the diagram to the right. This option also allows the retention of Stony Point as a Least Tern preserve, should any or all of the replacement sites prove unsatisfactory. This option, however, reduces the area of the peninsula available for active recreation by about 14 acres, contrary to the development objectives of the Plan. Accordingly, this option should be considered to the degree that mitigation objectives supersede recreation objectives.

13. On Page 9 of Appendix G - Design Guidelines/Shore Access the following modification shall be made:

10. Leasehold Building Setbacks: In leasehold areas, buildings and landscape should be sited with the aim of enhancing the experience and use of the Park's waterfront (see following sections on landscape and architecture). Creating a varied building frontage along the public use zone to allow for landscape planting and other amenities between buildings would support this objective. To this end, along leasehold lines facing the shore, buildings should shall be set back an average of 25 feet from leasehold lines public use zones.

Swimming pools, terraces, lawn and planting areas should be placed in the setback areas. The intent is to use these setback areas as a means to add interest and visual amenity to the public use zone immediately adjacent to the leasehold water. For the purpose of computing the average setback depth, buildings sited beyond 50 feet from the leasehold line public use zone should not be part of the calculation. This guideline will encourage a varied building frontage ranging from zero to 50 feet, or conversely, a uniform minimum setback of 25 feet, from the public use zone.

14. On page 12 of Appendix G - Design Guidelines/Roads and Parking the following language shall be added:

14a. Commercial Parking Standards - The following minimum parking standards shall apply to all new development, additions or redevelopments of existing leaseholds within the Park. Upgrading of existing leaseholds parking facilities can take the form of surface parking, underground parking or parking structure, where appropriate and size requirements permit. The total number of required parking spaces may be relaxed (up to

1/3) where uses overlap within a leasehold and such multiple use is documented by site specific analyses or shared parking studies.

<u>HOTEL</u>	<u>1.0 space per guest room without kitchen</u> <u>1.0 space per studio unit with kitchen</u> <u>1.0 space per one-bedroom unit with kitchen</u> <u>2.0 spaces per two-bedroom unit with kitchen</u> <u>1.0 space per 300 gross square footage for hotel operations</u>
<u>RESTAURANT</u>	<u>1.0 space per 200 gross square feet, including outdoor dining areas</u>
<u>BANQUET ROOM</u>	<u>1.0 space per 200 gross square feet</u>
<u>MEETING or CONFERENCE FACILITIES</u>	<u>1.0 space per 200 gross square feet</u>
<u>RETAIL</u>	<u>1.0 space per 500 gross square feet</u>
<u>SCIENTIFIC RESEARCH & DEVELOPMENT</u>	<u>1.0 space per 500 gross square feet</u>
<u>MARINA</u>	<u>1.0 space per three boat slips</u>
<u>BOAT MAKING, REPAIR & SALES</u>	<u>1.0 space per 1,000 gross square feet</u>
<u>SPORTS FISHING</u>	<u>20 spaces per charter fishing boat mooring space</u>
<u>AMUSEMENT/THEME PARK</u>	<u>Parking requirements shall be determined by detailed traffic/parking analyses</u>

15. On Page 32 of Appendix G - Design Guidelines/Signage/Sign Standards, the following modification shall be made:

37. Commercial Signs: As a general rule, free-standing commercial signs should be low, close to the ground, shall not exceed eight feet in height and shall be placed in a landscaped setting. An exception may be granted for large resort hotels, to accommodate sign designs or site identification within other architectural features, such as entry walls or gatehouses. When planning such signs near roadways, motorist sight-lines should be kept in mind. Signs attached to buildings should be designed with similar sensitivity, ensuring that the signs blend with the architecture rather than appearing as a billboard. Rooftop signs are specifically prohibited.

16. On Page 33 of Appendix G - Design Guidelines/Signage/Advertising, the following modification shall be made:

42. Commercial Signs: Commercial signage which is visible from public areas of the Park should be restricted to those which directly serves the public interest as related to the Park's primary mission as an aquatic recreation and resort area. This would include directional and entrance signs for the leaseholds. Off-premise advertising signs ~~should~~ shall not be allowed (i.e. billboards).

17. On Page 46, under Land Use/Dedicated Lease Areas, the following modifications shall be made:

17. Bahia Hotel: 600-room resort hotel. In accordance with the objective of intensifying existing leaseholds, the Bahia Hotel lease, at the lessee's option, should be expanded towards the point of the peninsula, no further than the south curb of the north parking area, and shifted eastward ~~to the east side of the existing parking~~ in some areas. Such an expansion and shift could potentially permit the addition of 120 hotel rooms to the complex, above and beyond the current 484-room redevelopment plans. The following criteria should guide the precise redevelopment of the plan for Bahia Point:

- The demand to maintain public parking shall be a priority of any redevelopment plan. Any net loss of public parking resulting from a lease expansion and/or relocation should be mitigated by increasing parking lot capacity at Bonita Cove, Ventura Cove and if necessary, other areas in the western half of Mission Bay.
- On site parking for all hotel employees and guests within the hotel's leasehold shall be provided.
- Nothing in this plan shall be construed to allow development or the closure of public rights-of-way in a manner inconsistent with statutory or constitutional law.
- Access needs for small water craft users and the use of traditional picnic areas along the eastern shoreline shall be preserved as part of the specific redevelopment plan.
- The lease expansion should not exceed approximately one acre in area. An adequate public use zone should be maintained at the point itself in accordance with the Design Guidelines, taking into account the narrowness of the peninsula (150 feet to the main high water line).
- Every effort should be made as part of any redevelopment effort to implement A 10 foot wide continuous pedestrian and bicycle path access around the Bahia Point shall be made part of any redevelopment effort of the Bahia Hotel in accordance with the Design Guidelines.

- A minimum 20 foot grass strip along the eastern side of the peninsula shall remain.
- To mitigate the loss of any lawn area at Bahia Point, a minimum 20 foot wide grass strip shall replace beach along the length of Ventura Cove, adjacent to the parking lot, for approximately 400 feet. In addition, an approximate 50 foot by 100 foot lawn area for bocce ball and other recreational uses shall be added north of the entrance to the Ventura Cove parking lot, adjacent to the beach.
- A seasonal accessible-walkway-for-all shall be installed at Ventura Cove to the beach and the Bahia Hotel's expansion plan shall comply with the Americans with Disabilities Act.
- If the Bahia Hotel is to expand into Bahia Point's public parking areas, the lessee should be required to provide alternate means of carrying board sailing equipment to the tip of the Point from a drop-off area at the entrance of the lessee's hold.
- Any other public facilities, including all public parking removed from Bahia Point, shall be fully mitigated at the time of, or prior to, redevelopment.

Also, Figure 11 on Page 45 and Figure 12 on Page 47 shall be modified to be consistent with the preceding language.

PART IV. FINDINGS FOR DENIAL OF THE MISSION BAY PARK MASTER PLAN AMENDMENT

A. AMENDMENT DESCRIPTION AND HISTORY

The Mission Bay LCP segment consists entirely of Mission Bay Park, which is the world's largest urban water-recreation park, and is recognized as the premiere aquatic park in California, and possibly of the entire country. It includes seven square miles of land and water (approximately 4,600 acres) and accommodates well over 100,000 people on a summer's day. There are 2,100 acres of land area, 2,500 acres of navigable water and 27 miles of shoreline. Currently, there are approximately 200 acres of developed parklands, slips for 2,500 pleasure boats and 1,500 dry boat storage spaces. Major commercial leases in the park include five hotels, ten small marinas, a campground, a golf course and the Sea World Aquatic Theme Park.

The currently-submitted Mission Bay Park Master Plan has been several years in the making at the City level, and is a comprehensive document intended to guide development of the park over the next twenty or more years. The plan has approached Mission Bay Park as including several distinct subareas, or "Parks within a Park" as the plan defines it. These separate subareas include regional-oriented recreation, commercial-oriented recreation, neighborhood-oriented recreation and habitat-oriented recreation/preservation. While the general concept has merit, it must be acknowledged that there is considerable geographic overlap between subareas, with the "boundaries" far less rigid than

the submitted plan (Figure 1, Page 5) would indicate. In addition, the City may meet with significant resistance by members of the public used to recreating in particular areas of the park, whose particular recreational pursuits would be relocated to other areas through plan implementation (two examples being the plan's intent to relocate boardsailing from Bahia Point to Fiesta Island and large group picnics from Crown Point to Fiesta Island and South Shores).

Included within the plan is an approximately 50% increase in developed public parkland, to be realized with the completion of the South Shores area (Phase I has been approved by the Commission and is currently under construction) and development of the southern half of Fiesta Island after the existing municipal sludge facility is relocated out of the park. Also included are expansions of several existing commercial leaseholds (including the Bahia Hotel, which is addressed in greater detail in following findings) to accommodate up to 950 additional hotel rooms, relocation of the existing RV camping facility (Campland) and Mission Bay Boat and Ski Club to other areas within the park, a potential rustic campground on Fiesta Island and a new commercial lease area between Sea World and the South Shores parkland area. A new sand arena is proposed on Fiesta Island, to accommodate Over-the-Line and other sand-based sporting events, and a public amphitheatre and promenade are proposed in South Shores for cultural activities. Some of these facilities are proposed to encourage greater use of the entire park during the off-season (November through March) and during non-peak hours (evenings) to support expanded public use and demand.

Approximately 5,000 new parking spaces are proposed, all within the southeastern area of the park (vicinity of Fiesta Island and South Shores), including an overflow parking area to accommodate up to 2,900 vehicles. It is further proposed that the overflow parking lot be serviced by a tram on peak use days and for special events. Proposed expansions of existing commercial leases (Bahia Hotel and De Anza Resort), however, would result in the loss of approximately 600 public parking spaces in areas of the park which are not currently shown to be served by the proposed tram.

Improvements to the existing pedestrian/bicycle network in the park are included in the plan, which makes a commitment to complete a walkway/bikeway around the entire park perimeter. Although this path will follow the immediate shoreline around much of the Bay, it will be removed from the shore in some locations, due to existing leases/uses in those areas. Also proposed are additional boating facilities and the further delineation of areas devoted to particular types of water sports, such as jet skiing, sailboarding, waterskiing and rowing. The existing youth camping facilities on Fiesta Island are retained in the plan, and annual special events which have occurred in the past, such as Thunderboat races and the Crew Classic, are expected to continue.

Also included within the proposed master plan is a significant increase in natural resource areas, particularly wetlands. These are proposed both to satisfy a desire expressed by the public to have more natural area available for passive recreation and conservation purposes, and a realization that

wetlands serve an important function in maintaining good water quality. Mission Bay has a history of severe water quality problems, with many beach closures occurring each year due to contamination of bay waters. Most of these closures occur in the eastern portion of the park, and appear to be related to storm water flows and urban runoff entering the park via Rose, Cudahy and Tecolote Creeks and the City's storm drain system.

The plan proposes to expand the wetland area of the Northern Wildlife Preserve by approximately 80 acres; the existing preserve is located just west of the current Campland leasehold. The proposed wetland area would expand the marsh into the existing Campland area (RV camping would potentially be relocated elsewhere in the Park), connecting the existing marsh with the Rose Creek outlet. The plan would also provide small wetland areas at the mouth of Tecolote Creek (12 acres) and Cudahy Creek, just south of the Visitor Center (5 acres). These three creek outlets already support some wetland vegetation, and newly created wetlands stand the greatest chance of success if they are created adjacent to existing wetland habitats. In addition, expansion of the existing Least Tern nesting site at the northern end of Fiesta Island, and construction of salt pan habitat adjacent to it, are part of the proposed Mission Bay Park Master Plan.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that the LCP amendment, as set forth in the resolution for certification, is not consistent with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The Legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- d) Assure priority for coastal-dependent and coastal-related development over other developments on the coast.
- e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

C. NONCONFORMITY OF THE MISSION BAY PARK MASTER PLAN WITH CHAPTER 3

Review of Local Coastal Program submittals for findings of Chapter 3 consistency are generally analyzed according to thirteen policy groups. In the Mission Bay Park LCP segment, the following policy groups apply: Shoreline Access; Recreation and Visitor-Serving Facilities; Water and Marine Resources; Dredging, Filling, and Shoreline Structures; Commercial Fishing and Recreational Boating; Environmentally Sensitive Habitat Areas; Hazards; Locating and Planning New Development; Coastal Visual Resources and Special Communities; and Public Works. The portions of the master plan which address Public Works are approvable as submitted, so findings relative to that policy group are found only in Part V. of this report. The following resources/land uses are not present within Mission Bay Park, so no findings are made relative to them: Agriculture; Forestry and Soils Resources; and Industrial and Energy Development.

1. Shoreline Access/Recreation and Visitor-Serving Facilities.

The following Chapter 3 policies of the Coastal Act addressing access and public recreation are most applicable to the Mission Bay Park Master Plan, and state in part:

Section 30210

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

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

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

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

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected.

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213

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

Section 30214

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. ...

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221

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

Section 30223

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

Section 30224

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, ... (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, ...

Many of the land uses and improvements proposed in the Mission Bay Park Master Plan are consistent with some or all of these cited public access and recreation policies of the Coastal Act. Among them are the proposed increases in improved shoreline parkland, including additional beach and picnic areas, improvements to the pedestrian and bicycle pathways around the shoreline and throughout the Park, the provision of additional hotel rooms to accommodate regional visitors, and the provision of upland support facilities such as restrooms, picnic areas, informal play areas, etc.

Other proposals may be consistent with some Coastal Act policies and in potential conflict with others, such as the addition of new boat slips outside existing marina leaseholds. The new slips are consistent with Section 30224, but could decrease the amount of open water area currently available for general public recreation, inconsistent with Sections 30211 and 30220. Similarly, expansions of several existing commercial leaseholds are proposed to accommodate additional guest facilities (Bahia Hotel, Dana Inn and De Anza Resort), and a new commercial lease area is being added in the South Shores area. While the additional hotel rooms and other potential commercial support facilities are consistent with Sections 30213 and 30221, the leasehold expansions would usurp existing public parking lots, picnic areas and grassy uplands. This loss of public recreational space and parking facilities, and likely diminishment of public recreational enjoyment in adjacent areas, is inconsistent with Sections 30210, 30223 and 30252.

In the case of De Anza Resort, the plan does not specify in sufficient detail what future redevelopment of the site will include, once the existing mobile

home park has been removed in 2003. The mobile home park is inconsistent with Mission Bay Park's public parkland designation, and legislation has been enacted (the Kapiloff Bill) to assure removal of this use when its current lease expires. The proposed master plan designates this site a "Special Study Area", and gives only broad suggestions as to its future use. The plan also annexes approximately 15 acres of existing public park to the leasehold, land which is currently used for parking and picnicking, and is not clear how redevelopment of the site will compensate for the loss of public recreational facilities.

The other most controversial commercial lease expansion is that identified for the Bahia Hotel, in the western part of the Park near Mission Beach/Belmont Park; this has generated widespread public interest from several different user groups at both the City and Commission levels of review. Redevelopment according to the Master Plan would shift the existing leasehold eastward, eliminating Gleason Road, a two-lane road running northwesterly along Bahia Point to an existing public parking lot at the tip of the Point. In addition to removing the only direct access point for users of the tip (a popular launch area for sailboats, windsurfers and sailboarders), approximately 250 existing public parking spaces, along the road itself and at the tip of the point, would be eliminated. The City is proposing shifting the leasehold eastward primarily to accommodate a 16-foot-wide pedestrian/bicycle path around the point, which is one of a few gaps in an otherwise-complete shoreline access path.

The master plan indicates that the public uses currently occurring on Bahia Point (the recreational boating uses listed plus family picnicking, swimming, lawn games, etc.) will be accommodated in the new areas of parkland to be opened at South Shores and Fiesta Island, along with new parking areas to support those uses. Much of the public testimony given at the previous hearings, and in letters attached to prior reports, maintains that these uses cannot be as easily shifted as the City believes, and that, at least in the case of the various small boating activities, water quality, winds and wave action limit potential launching sites to a very few locations, of which Bahia Point is a critical one. Many members of the public attest that the City's proposed replacement sites do not have this unique combination of natural conditions necessary for their sports. Their testimony further concludes that adjacent parking is critical in order to support these uses at any location, due to the size and weight of the boating equipment required for sailboarding, windsurfing and sailing.

The City, however, maintains not all of the existing public uses at Bahia Point would have to relocate, since the Ventura Cove parking lot, located just east of Gleason Road and north of West Mission Bay Drive, is underutilized much of the year and could accommodate additional usage. While this may be true at times, the traffic and parking analysis in the Environmental Impact Report (EIR) prepared for the overall Mission Bay Park Master Plan, states that public parking lots in this area (shown as the Ventura/Bonita Cove area in the EIR) are filled to capacity during the peak summer season. Thus, the Ventura Cove parking lot, which holds 371 vehicles, could not accommodate any overflow in the summertime; and, even if only partially full much of the year,

it cannot easily accommodate the approximately 250 existing public parking spaces on Gleason Road/Bahia Point which would be lost through the proposed lease expansion.

The Bahia Hotel is located in the western part of the Park near Mission Beach/Belmont Park, and only two blocks east from the West Mission Bay Drive/Mission Boulevard intersection. This is the most impacted intersection in the entire Park, according to the EIR, and operates at Level of Service F during both commuter and recreational peak hours in the summertime. The removal of approximately 250 public parking spaces in the immediate area of this highly congested intersection can only exacerbate the situation, when motorists cannot find parking and are forced into U-turns or through the Mission Beach community, whose one main street is often at gridlock.

The City's argument that existing public facilities/amenities which would be lost through implementation of the Bahia Hotel expansion will be compensated for in other areas of the Park is flawed. The Master Plan contains no phasing plan to assure that replacement facilities are built and in operation prior to removal of existing facilities. In fact, the plan encourages immediate expansion of existing commercial leases, including the Bahia, to increase City revenues, while acknowledging the new park areas in South Shores are not finished (and indeed, not yet fully permitted), and that completion of projects on Fiesta Island will not occur for several years, since the sludge beds are not expected to vacate the site until late in 1998.

The plan does propose construction of approximately 500 parking spaces in the proposed overflow parking area in the immediate future, but this is the minimum needed for South Shores, which is nearby, and does not address the loss of approximately 600 existing public parking spaces through expansion of the Bahia Hotel leasehold and the annexation of existing public parking areas at De Anza Point into the private leasehold. Furthermore, the City is not securing or committing to the development of alternate transit. The plan simply suggests a tram service and it includes several optional routes for a privately-operated service from the overflow lot to various areas within the Park. The tram is suggested only to be run on demand (i.e., peak use days and for special events), such that it will not be available on a daily basis. Furthermore, none of the proposed tram routes serve the particular areas of Mission Bay Park where existing public parking is being proposed for elimination.

Additionally, the plan states that all commercial leases must provide adequate parking within the leaseholds for lease uses, but no parking standards are included in the plan. City staff has advised that the City's off-street parking regulations would assign parking requirements by use to each leasehold. However, under the Coastal Act, a certified land use plan is the standard of review to determine the adequacy of implementing ordinances. Thus, the land use plan must include sufficient detail (specific design criteria, height limits, parking requirements, setback distances, etc.) to guide ordinance formulation and maintain the integrity of existing ordinances. The proposed plan does include design criteria, including height limits, and establishes setback and buffer areas for individual use areas and

between potentially conflicting uses; however, the plan's parking standards only apply to public areas, and no criteria is established for the commercial leases.

The Commission has long supported the concept of constructing a continuous shoreline access path for pedestrians and bicyclists. At present, there is no public access in the following locations: the leases of Sea World, Pacific Rim, Mission Bay Yacht Club, San Diego/Mission Bay Boat and Ski Club, and Fiesta Island Sludge Treatment Facility; the Mission Bay Park Headquarters Facility on Hospitality Point, and the Least Tern nesting areas at Stony Point and Mariner's Point. The master plan conceptually endorses extending the existing walkway segments to complete a linkage which will circle the entire bay but will not always be right along the shoreline in deference to the uses listed above. However, it would appear that public access in at least some of these locations can be improved whenever leases are renegotiated or permits for development issued.

In summary, although the plan represents a significant planning effort on the part of the City, and includes many worthwhile proposals and concepts, it is not fully consistent with many of the cited access and recreation policies of the Coastal Act in its current form. The potential increase in the number of guest rooms at the Bahia Hotel, and the future redevelopment of the De Anza mobile home site with new guest accommodations, are supported in Section 30221 of the Act, which requires provision of adequate visitor-serving commercial uses. However, because the City proposes to accommodate this increase through expansion of the leasehold boundaries, such that a significant amount of public parking is lost, the policies of the Mission Bay Park Master Plan addressing redevelopment of these areas are not fully consistent with the other cited access and recreation policies of the Coastal Act. The Commission, therefore, finds the proposed Mission Bay Park Master Plan inconsistent with the cited access and recreation policies of the Act.

2. Water and Marine Resources/Environmentally Sensitive Habitat Areas.

A number of Coastal Act policies address the protection and enhancement of sensitive land and water habitats. Those most applicable to Mission Bay Park state, in part:

Section 30230

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

Section 30231

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

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

Section 30240

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

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

The proposed Mission Bay Park Master Plan includes the expansion of existing wetlands (the Northern Wildlife Preserve), the construction of new wetland areas (mouths of Rose and Tecolote Creeks), construction of a salt pan habitat area on Fiesta Island, modification of existing least tern nesting sites (including expansion, abandonment and creation), and expansion of eelgrass habitat in various bay locations. In addition, the plan proposes to adopt a more natural approach to landscaping throughout much of the park, by replacing more ornamental vegetation with coastal sage and coastal strand species. Besides being visually appealing, these vegetative types will be of greater benefit to park fauna than are the existing ornamentals/exotics.

In preparing the master plan, the City polled a significant number of San Diego households to discern what park features were most important to the general public. A desire for more wetlands and other natural (less developed or structured) parkland was repeatedly expressed. This, coupled with the need to improve the water quality of Mission Bay, prompted the City to plan a significant expansion of wetland areas and other natural habitats. Thus, the plan proposes an additional 80 acres of marsh adjacent to the existing Northern Wildlife Preserve and Rose Creek (replacing the existing Campland RV facility), 12 acres at the mouth of Tecolote Creek and 5 acres near the Visitor's Center (mouth of Cudahy Creek). Storm drains and the three creek outlets are considered to be major sources of pollution from urban runoff and the new wetlands will provide a natural filtration system to aid in keeping pollutants out of the bay.

The new salt pan habitat, which the Commission approved in a recent permit action, is required mitigation for the U.S. Army Corps of Engineers permit for dredging the South Shores embayment, a project approved by the Commission many years ago and currently under construction. New eelgrass areas are proposed through the removal of East Ski Island (part of the Mission Bay Shoreline Stabilization Project approved last July) and through the recontouring of the

western shoreline of Fiesta Island. The plan includes the concept of dredging a channel across the northern portion of Fiesta Island to further separate the most sensitive habitats (least tern site and salt pan) from more heavily used areas. This channel would also provide additional area for eelgrass colonization, which currently flourishes throughout much of Mission Bay.

These proposals all promote wetland/habitat expansion and enhancement, and improvements to water quality and marine life, and are thus priority uses under the Coastal Act. The plan has identified areas of the park where wetland habitats have the greatest chance of success, especially the Rose Creek area adjacent to the existing wildlife reserve. However, since the new wetlands are intended to serve both as habitat and as water filtration systems, concern has been raised over the need to periodically maintain (dredge or remove) the wetlands as they absorb toxins. Based on conversations with the wildlife agencies (California Department of Fish and Game and U.S. Fish and Wildlife Service) salt water systems generally require less maintenance than do fresh water systems. Should maintenance be required, it could be conducted in small segments so as not to disturb much of the system at any given time. However, the master plan does not include any parameters for maintenance of the created wetlands, nor a monitoring program to determine if maintenance is required.

Moreover, the City is proposing limited public use of some created wetlands for both passive and active recreational purposes, including nature study and education, but also kayaking and hiking. Such activities may diminish the function of the new wetland areas, and, in the case of the Northern Wildlife Preserve expansion, a greater amount of human intrusion into the existing wetlands may result from encouraging human use of new wetlands immediately adjacent. Any diminishment of existing wetland values is clearly inconsistent with Sections 30230, 30231 and 30240 of the Act. In addition, some new habitat areas are proposed in locations currently available for public recreation, another priority use under the Coastal Act. In view of the significant increase in public parkland areas in other parts of the park, however, the Commission would likely support the expansion of wetland habitats into some areas currently used by the public. In the case of Campland, for instance, the existing RV facility may be relocated to another area of the park, so the recreational use will not be eliminated but continue elsewhere.

The City's planned expansion of wetland areas and other natural habitats, designed to improve the water quality of Mission Bay, is anticipated to be built gradually over the twenty years the Master Plan is intended to cover. Eventually, the new wetlands will provide a natural filtration system to aid in keeping pollutants out of the bay. In the meantime, several existing storm drains and three creek outlets are considered to be major sources of pollution from urban runoff. These all enter the eastern waters of the Bay, the general area where the City suggests the small watercraft users and picnickers that currently utilize Bahia Point could be relocated.

Bahia Point, which is in the western part of the Park, nearer the open ocean, receives significantly greater tidal flushing than do the eastern areas. Thus, Bahia Point enjoys better water quality than areas along the eastern

shore and around Fiesta Island. The better water quality provides a significant health benefit to recreational users, be they swimmers or boaters. The plan's proposal to relocate the Bahia Point users, most of whom are engaging in body-contact watersports of one type or another, to an area of poorer water quality cannot be found consistent with Section 30231 of the Act and the retention of the Bahia Point area for water-oriented recreational uses is consistent with Section 30220.

In summary, although most of the master plan policies addressing wetlands are supportable under the Coastal Act, concerns remain over the proposed human activities in new wetland areas. This is particularly problematic since the City wants to use the created wetlands as a mitigation bank for future City projects, such that some level of credit must be assigned to them. Human incursions into the wetlands will diminish their value to some unknown extent, and the plan does not address this issue adequately. The second primary concern is with the City's proposed relocation of existing land and water uses into areas of poorer water quality, specifically the relocation of recreational boating from Bahia Point to the eastern part of the Bay. Thus, as proposed, the Commission finds this policy group inconsistent with the cited policies of the Act.

3. Dredging, Filling, and Shoreline Structures/Hazards.

Mission Bay Park contains many marinas, and boating activities are a significant part of public park use. Thus, maintenance dredging of navigational channels is conducted from time to time. In addition, erosion along much of the shoreline has required the City to devise a shoreline stabilization program, which the Commission approved under three separate permits approximately a year ago. Portions of the existing shoreline, especially those areas nearest the ocean entrance, are fortified with riprap or bulkheads, whereas other areas contain only sandy beach. The following Coastal Act policies address shoreline maintenance and/or potential structural improvements, and state in part:

Section 30233

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

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

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

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

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

(7) Restoration purposes.

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

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. [...]

(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse

Section 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30236

Channelizations, dams or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

The Mission Bay Park Master Plan assumes completion of the approved shoreline stabilization projects mentioned previously, and goes on to identify some future projects that will require dredging and/or filling. These include creation of the new wetland areas addressed in the previous finding, and potential modification of the shoreline of Fiesta Island. The City wants to shave a strip of land off the western side of the island; this will create a better beach and area for viewing special events, such as the Thunderboats, and will also create additional area for eelgrass habitat. Another proposal would dredge a channel across the upper third of the island, isolating the least tern nesting site at the northern tip and potentially improving water circulation to the eastern part of the bay; this would also provide additional area for eelgrass.

The City also proposes to provide a new swimming beach along the southern shore of Fiesta Island, and enhance an existing swimming area on Vacation Isle by constructing jetties to reduce water chop. Under Section 30235, jetties are permissible to protect existing public beaches in danger from erosion; there is no provision to construct them as a recreational enhancement or to allow creation of new beaches. Moreover, such structures often alter natural shoreline processes and could be an impediment to navigation. In addition, the use of tidal gates, tidal channels and other forms of streambed alteration are suggested as possible means to address water quality concerns. Without more specific data, it is unclear whether or not such devices could be permitted under the Coastal Act; if not, their inclusion in the master plan is inappropriate. The Commission finds all or portions of the preceding proposals inconsistent with various cited policies of the Act.

4. Commercial Fishing and Recreational Boating.

Mission Bay Park is, first and foremost, an aquatic recreational area. The provision and maintenance of adequate area for public water sports is a high priority under the Coastal Act. Section 30234 addresses this and states:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

For the most part, the plan's policies addressing boating activities are fully consistent with the cited Coastal Act provisions. The redevelopment of Bahia Point is an exception. The Bahia Hotel maintains a small marina, along with two paddle-wheel excursions boats which are available for both public cruises and private parties. The subject Master Plan proposes an expansion of the water lease at the Bahia Hotel to allow additional dock area. Although concern was initially raised over the possible location of the lease expansion, it would appear that an expansion could occur without infringing on area currently used by the public for recreation (i.e., swimming or boating areas).

Of greater concern is the proposed land expansion of the leasehold, which would remove existing public parking and road access to the tip of Bahia Point, which is heavily used by sailboarders, windsurfers and sailers. The most significant amenity needed for the continuance of such uses at this location, in addition to favorable wind, wave and water quality conditions, is vehicular access with close-in parking, since the equipment for these sports is heavy and cumbersome. Sporting participants have testified (before the Commission and in attached letters) that fewer and fewer places exist in Mission Bay Park that provide all these factors (namely Santa Clara and Bahia Points). Recent shoreline stabilization improvements on Santa Clara Point have rendered much of the shoreline inaccessible now for small watercraft users, making Bahia Point all that more critical to these recreationists. Although the required access could likely be provided in the proposed future parklands in the South Shores/Fiesta Island area, these locations do not provide the wind, wave and water quality conditions necessary to the cited sports. Thus, it is only at Bahia Point that the full range of needed amenities for these forms of recreational boating occur. Therefore, the removal of the access road and parking at Bahia Point is inconsistent with Section 30234 of the Coastal Act.

5. Locating and Planning New Development.

Section 30250 of the Coastal Act provides that new development should be placed contiguous with existing development and in areas where adequate infrastructure exists to support the new uses; it should also not adversely impact coastal resources. Two types of development are proposed in the Mission Bay Park Master Plan; new parkland areas for general public recreational use are proposed in the southeastern part of the Park (South Shores and Fiesta Island) and expansions of existing commercial leases are proposed at several existing leaseholds. Even those leaseholds not being expanded are encouraged to intensify within existing boundaries. Only one area of existing open parkland is being proposed as a new commercial lease; that is a sixteen-acre site between Sea World and South Shores.

Two of the proposed lease expansions (De Anza and Bahia) would remove areas of existing parkland currently experiencing heavy public use. At De Anza, the addition of fifteen acres to the leasehold would displace nearly 400 public parking spaces, along with grassy upland and picnic facilities. At Bahia, the addition would not encroach onto existing turf areas, but it would eliminate approximately 250 public parking spaces. Although these additions might be technically consistent with portions of Section 30250 of the Act, since they would occur contiguous with existing like uses and would be served by existing infrastructure, they are inconsistent with the public access provisions of the Act, as discussed in a previous finding. In addition, the proposed expansions would adversely impact public recreational areas, which are a significant coastal resource.

The additional parkland areas at South Shores and Fiesta Island, which the Master Plan suggests will be available for the relocation of current Bahia Point users, will enjoy the benefit of easy freeway access, as they are very close to the I-5/I-8 interchange. A large overflow parking lot is planned in

this area as well, which will be relatively close to a future trolley station. Large group picnics and most special events are also proposed to be held in this part of the park, benefiting from the availability of transit service, trolley access and a potential future park tram. Unfortunately for both future large group and special event participants, and the relocated Bahia Point users, the tram is only a concept thus far, with no identified start-up time or source of funding, and trolley service has not yet been expanded this far north.

A final concern is that the proposed master plan contains no parking standards for commercial uses in the park, although it does calculate and provide for necessary public recreational parking. It is not possible to assume the parking standards are addressed through underlying zoning, because most of Mission Bay Park is unzoned. To date, the City has addressed commercial parking through site-specific analyses whenever new uses have been proposed or existing uses intensified. This has not been completely successful, as there are indications that parking for existing commercial leaseholds has "spilled over" into nearby public parking areas. For instance, there is evidence that some of the public parking along Gleason Road is heavily used by employees of the Bahia Hotel.

To summarize, the City is proposing to eliminate approximately 600 public parking spaces in total, including approximately 250 public parking spaces on Bahia Point, with no immediate replacement elsewhere or alternative means to ferry persons about the park. In addition, at the De Anza leasehold, public picnic and play areas would be eliminated with a lease expansion. Finally, no parking standards for commercial development have been proposed. The Commission finds it inappropriate to displace existing public recreational uses for the benefit of private commercial facilities. Once the additional parkland has been improved and opened to the public, and transportation mechanisms (i.e., remote parking, tram service and adequate commercial parking standards) are in place and demonstrated to operate successfully, the concept of expanding existing leaseholds, including the Bahia Hotel leasehold, might again be brought before the Commission. Should that occur in the future, not only the above factors would weigh in the Commission's ultimate determination, but also the previously discussed factors of water quality, wind and wave conditions, parking availability and traffic circulation. All of these would be considered before any specific redevelopment proposals of existing commercial leaseholds could be approved. However, at this time, the Commission finds this policy group inconsistent with the cited Coastal Act policy.

6. Coastal Visual Resources and Special Communities.

Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. Mission Bay Park is a visitor destination point of national significance, and is, itself, a scenic resource. Views into portions of the park are available from the surrounding road system (I-5, I-8, Mission Boulevard and Pacific Beach Drive). In addition, views within the park are obtained from its internal circulation system (East and West Mission Bay Drives, Ingraham Street and Sea

World Drive primarily). Additional views are afforded by bicycle and pedestrian paths throughout the park, from boats on Mission Bay, from picnic and play areas in the park, and from the various commercial lease areas (hotel room windows and restaurant decks, etc.).

A concern with respect to visual amenities is the plan's design standards for signage and failure to prohibit new billboards in the park. The plan identifies the various types of signage (directional, informational, commercial, etc.) and suggests certain styles and materials. However, no specific size standards (dimensions/height/etc.) are given, nor does the plan append the City's Sign Ordinance, which currently contains very strict coastal zone requirements. As stated previously, the various certified land use plans are the ultimate standard of review, so the required specificity must be contained therein, or the ordinance could be modified in the future to delete the existing coastal zone criteria. With respect to billboards the plan states only that "consideration should be given to examining and enforcing the City's billboard policy" rather than simply prohibiting the placement of new billboards within the park. The Commission finds this lack of specificity inconsistent with Section 30251 of the Act.

PART V. FINDINGS FOR APPROVAL OF THE MISSION BAY PARK MASTER PLAN,
IF MODIFIED

A. SUMMARY FINDING/CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The City has done a commendable job in preparing a comprehensive planning document for its greatest recreational asset, Mission Bay Park. The general goals and objectives of the plan are good ones, and the Commission would support a great number of plan proposals as submitted. However, as with all the City's land use plans for coastal zone communities, the Coastal Act requires a far greater level of specificity than does general planning practice, since the land use plan is the standard by which implementation ordinances are judged. For instance, the Mission Bay Park Master Plan contains no parking standards for commercial development, and the City would rely on the existing Off-Street Parking Ordinance to regulate this issue. However, should the City propose to modify the parking standards in the Off-Street Parking Ordinance, with no underlying requirements in the certified land use plans, the Commission would be obligated to approve such changes, even if parking were totally eliminated. This is because an ordinance with no specific parking requirement is "consistent with and adequate to carry out" a land use plan with no parking requirement. This is just one example of the concerns raised in the submitted master plan document. Another example would be the plan's policies directing the redevelopment of Bahia Point, particularly the expansion of the existing commercial leasehold boundaries of the Bahia Hotel. These have been addressed at length in the previous findings and, briefly, revolve around the plan's proposal to remove approximately 250 public parking spaces and Gleason Road and encourage current Bahia Point users to relocate their recreational activities to other areas of the Park. These concepts have been found inconsistent with a number of Coastal Act policies.

However, the Commission finds that the proposed LCP amendment for the Mission Bay Park Master Plan is approvable, if modified in such a fashion as to include policies adequately protecting existing public access and recreational amenities, wetlands and marine resources. Further, the plan must be modified to include appropriate design standards to protect visual amenities. The suggested modifications clarify the significance of the entire park from a national, and even international, perspective, delineate the features of some expanded leaseholds and prohibit expansion of the De Anza leasehold. They also prohibit the use of jetties to create swimming areas and establish parameters for wetlands mitigation banking and monitoring in created habitats. Further suggested modifications address shoreline access improvements, building setbacks, parking standards and signage requirements. The suggested modifications to the LUP addressing the redevelopment of Bahia Point represent a compromise position allowing an expanded and more intense commercial operation for the hotel, while retaining existing public recreational uses on surrounding lands.

These modifications are addressed in detail below. Therefore, the Commission finds that the proposed local coastal program amendment, with the inclusion of the suggested modifications, is consistent with Section 30001.5 and all previously-cited sections of the Act. Furthermore, the Commission finds the amendment, as recommended for modification, would be consistent with applicable Chapter 3 policies to the extent necessary to achieve the statewide goals as set forth in Section 30001.5 of the Act.

1. Shoreline Access/Recreation and Visitor-Serving Facilities.

As indicated previously, many of the land uses and improvements proposed in the Mission Bay Park Master Plan are consistent with some or all of the cited public access and recreation policies of the Coastal Act. Among them are the proposed increases in improved shoreline parkland, including additional beach and picnic areas, improvements to the pedestrian and bicycle pathways around the shoreline and throughout the park, the provision of additional hotel rooms to accommodate regional visitors, and the provision of upland support facilities such as restrooms, picnic areas, informal play areas, etc. To address those areas along the shoreline where public access does not now exist, a suggested modification has been drafted to require that, as leases or uses come up for renegotiation or change, the issue of public shoreline access will be re-examined consistent with security, safety and specific public aquatic/recreational needs and requirements.

A concern was raised regarding the addition of new boat slips outside existing marina leaseholds (i.e., expanding the water leases) at the Mission Bay Yacht Club and the Bahia Hotel to allow additional dock area. The new slips are consistent with Section 30224, but could decrease the amount of open water area currently available for general public recreation, inconsistent with Sections 30211 and 30220. However, it would appear that expansions could occur at either site without infringing on area currently used by the public for recreation (i.e., swimming or boating areas); this can be assured through the coastal development permit process at the time the lessee's choose to implement this plan recommendation. The expansions proposed in the master

plan would still maintain the total amount of water leases under the 6.5% cap established by a vote of the people several years ago (that vote also established a cap of 25% for ground leases).

Similarly, land expansions of several existing commercial leaseholds are proposed to accommodate additional guest and boating facilities (Bahia Hotel, Dana Inn, Marina Village, Pacific Rim and De Anza Resort), and a new commercial lease area is being added in the South Shores area. In the case of De Anza Resort, the plan does not specify with sufficient detail what future redevelopment of the site will include, once the existing mobile home park has been removed in 2003. A suggested modification has established more definitive parameters for redevelopment, including requirements for public pedestrian access all around the perimeter of the leasehold. In addition, setbacks from public use areas and wetlands (existing and proposed) are now included in the plan via suggested modifications. The proposed master plan designation of this site as a "Special Study Area" is similar to designating it an area of deferred certification - the suggested modifications make it clear that the final development plan for this site must come before the Commission as an LCP amendment. Finally, the plan proposal to annex approximately 15 acres of existing public park to the leasehold, which the lessee indicates is not required for site development, has been deleted through the suggested modifications.

The Dana Inn expansion, which the lessee again indicates is unnecessary, did not raise concern because it would affect only a small area of grassy upland, in a part of the park which does not receive a high level of public use. No public parking areas would be affected, nor any existing recreational amenities. Therefore, no suggested modification was made with respect to this leasehold expansion.

Expansions at Marina Village and Pacific Rim, both located in the Quivira Basin (southwestern) part of the Park offer a potential to improve public access to and use of this underutilized section of parkland. The leases would be permitted to expand southward into an area of unimproved land, which has been used informally for public parking during special events and as a staging area for City development projects in nearby locations. There is, however, adequate improved public parking to accommodate the small number of users in this location, where the only public recreational amenities are a restroom, one picnic shelter, a sand volleyball court and a jetty used by fishermen. Suggested modifications for these two leases will require that Quivira Road be realigned to the south of expanded leases, and that an adequate buffer remain between the realigned road and the San Diego River Channel to accommodate passive recreational uses, primarily walking, jogging and bicycling. With the inclusion of the suggested modifications to direct redevelopment such that public access in the area is significantly enhanced, the Commission finds these lease expansions consistent with the Coastal Act.

The final proposed expansion is for the Bahia Hotel leasehold. The existing hotel complex occupies much of Bahia Point, which is north of West Mission Bay Drive, and just east of the main entry into the Mission Beach community. The master plan proposal would expand the lease northwards almost to the tip of

Bahia Point and would shift it eastwards, to allow construction of a 16-foot-wide pedestrian walkway/bikepath all around the point. This is one of only a few areas of the park where the public cannot now walk the entire shoreline, although at lower tides walkers and joggers can get all the way around by using sandy beach for a short distance. Existing turf areas on the north and east sides of the point, along with a restroom facility, would remain available to the public, but approximately 250 public parking spaces, and Gleason Road itself, would be eliminated with the expansion. Gleason Road provides vehicular access to the tip of Bahia Point, and also accommodates a significant number of public parking spaces (part of the approximate 250 total). This area has been historically used for Sunday picnic gatherings for more than thirty years, and is considered a most desirable location (due to favorable winds, waves and water quality, as well as convenient vehicular access) by sailboarders, windsurfers and small sailboat operators.

There would appear to be a fair amount of redevelopment potential within the existing leasehold, since many of the existing buildings are single-story structures. In fact, the City has already reviewed, through not formally endorsed or approved, a redevelopment proposal which would expand the current facility by approximately 50% within the existing lease boundaries. This concept has not been submitted for review by the Commission as yet, and the proposal does not include public access improvements around Bahia Point.

The City's traffic studies done in conjunction with the updated master plan indicate that peak day parking demand will be 11,801 spaces for build-out of the entire park, including 2,570 spaces assigned to the South Shores and Fiesta Island parkland improvements. Currently, there are 6,595 improved parking spaces, plus about 700 curbside spaces along East Mission Bay Drive, for a total of 7,295 existing parking spaces in the park overall. Therefore, there remains a parking deficit of 1,936 parking spaces to accommodate and support existing development within Mission Bay Park (11,801 spaces projected minus 2,570 spaces assigned to new parkland development minus 7,295 spaces currently provided = 1,936 parking space deficiency for existing uses). Thus, the park will require approximately 4,506 additional spaces (2,570 spaces planned for new development plus 1,936 space deficiency) to accommodate existing park demand and to serve the new parkland once South Shores and Fiesta Island are both open for public recreational uses. Over 5,000 new spaces are proposed in the southeastern area of the park, at and near those new facilities. However, the new spaces will be too far removed from Bahia Point to compensate for the loss of approximately 250 existing spaces in that critical location, and the City does not expect to provide tram service for many years, if at all.

The plan contains no phasing component to assure that replacement facilities are built and in operation prior to removal of existing parking, although the City has assured the Commission that this is their intent. In fact, the plan appears to encourage immediate expansion of existing commercial leases, including the Bahia Hotel, to increase City revenues, while acknowledging the new park areas in South Shores are not finished (and indeed, not yet fully permitted), and that completion of projects on Fiesta Island will not occur for several years, since the sludge beds are not expected to vacate the site

until late 1998 at the earliest. The plan does propose construction of approximately 500 parking spaces in the proposed overflow parking area in the immediate future, but this is the minimum needed for South Shores, which is nearby, and does not directly address the loss of existing public parking spaces through leasehold expansions nor the current parking deficit of nearly 2,000 spaces to serve existing uses. Furthermore, the City is not securing or committing to the development of alternate transit. The plan simply suggests a tram service and it includes several optional routes for a privately-operated service from the overflow lot to various areas within the park. The tram is suggested only to be run on demand (i.e., peak use days and for special events), such that it will not be available on a daily basis. Furthermore, none of the conceptual tram routes serve the Bahia Point area, although the plan text suggests a tram might go as far as Mission Boulevard (this would be past Bahia Point).

For all these reasons, the Commission cannot find that the expansion of the Bahia leasehold as proposed in the master plan is consistent with the Chapter 3 policies of the Coastal Act. Although the preservation and enhancement of visitor-serving commercial facilities are a high priority under certain Coastal Act policies, public access and recreation are, at least, equally high priority uses under other Coastal Act policies. Therefore, the Commission finds that if the plan is modified as suggested to provide for some expansion of the hotel, while preserving some parking, requiring nearby mitigation of parking losses and preserving recreational use of the tip of Bahia Point, the plan would achieve an acceptable balance between the various legitimate, high priority and competing interests and would thus be consistent with Chapter 3 policies.

The modifications allow a leasehold expansion both northwards and eastwards; however, the northward expansion could extend no further than the southern curb of the north parking lot at the tip of the point. This would eliminate about fifteen existing public parking spaces and a grassy area which is not very amenable to public use (it is small, surrounded by parking lots, and disconnected from both the shoreline and the hotel). The potential eastward expansion is not geographically limited or defined at this point; however, expansion eastward must consider and preserve the physical access and parking needs of small watercraft users and picnickers in this area. Specifically, the adopted modification states that "the demand to maintain public parking shall be a priority" and that "access needs for small water craft users and the use of traditional picnic areas along the eastern shoreline shall be preserved." These access needs include both physical access to the use area and adequate support facilities, such as parking.

The suggested modifications further require that, if the Bahia Hotel expands, parking for all guests and employees must be accommodated within the hotel leasehold, a 10-foot wide pedestrian and bicycle access must be provided continuously around Bahia Point, and a minimum twenty-foot-wide grass strip must remain along the eastern side of the peninsula. Expansion of the hotel must provide that any net loss of parking will be mitigated by establishing additional parking at Bonita Cove and/or Ventura Cove, which are located in the immediate vicinity; or, and only if necessary, replacement parking may be

provided elsewhere in the western half of Mission Bay. In addition, provisions to mitigate any loss of lawn with additional grassy area along the length of Ventura Cove, and to install an approximately 50-foot by 100-foot lawn area suitable for bocce ball and other lawn sports must also be included in redevelopment of the Bahia Hotel. The plan must also be modified to insure that redevelopment includes shoreline access consistent with the Americans with Disabilities Act. The suggested modifications will also require the consistency of any potential development, including the closure of public rights-of-way, with all statutory and constitutional law.

Only as modified can the Commission find the Master Plan recommendation for the redevelopment of Bahia Point consistent with the Coastal Act. With the suggested modifications, the Commission finds that an adequate, if not specifically defined, area for public use will remain all around the perimeter of the point. Furthermore, the Commission recognizes that the particular watersports engaged in at Bahia Point require the use of heavy and cumbersome equipment. Thus, the access needs of watercraft users include the need for transportation of equipment to the tip of the point and secure storage of recreational equipment. Picnickers using the grassy areas along the eastern shoreline have similar access needs, which are also protected by the language of the adopted suggested modifications. The modifications assure that necessary access to accommodate small watercraft users and picnickers will be part of any redevelopment proposal. These modifications balance the policies that support visitor-serving commercial facilities with those supporting public access and recreation. Although much detail is left for future City and Coastal Commission review as part of a specific redevelopment proposal for the hotel leasehold, the suggested modifications provide adequate and appropriate direction to guide any future proposals. At a minimum, the hotel's redevelopment plan will require a coastal development permit from the Coastal Commission, and it is anticipated there would be associated discretionary reviews and lease amendments at the local level as well.

The plan states that all commercial leases must provide adequate parking within the leaseholds for lease uses, but no parking standards are included in the plan. City staff has advised that the City's Off-Street parking regulations would assign parking requirements by use to each leasehold. However, under the Coastal Act, a certified land use plan is the standard of review to determine the adequacy of implementing ordinances. Thus, the land use plan must include sufficient detail (specific design criteria, height limits, parking requirements, setback distances, etc.) to guide ordinance formulation and maintain the integrity of existing ordinances. The proposed plan does include design criteria, including height limits, and establishes setback and buffer areas for individual use areas and between potentially conflicting uses; however, the plan's parking standards only apply to public areas, and no criteria is established for the commercial leases. Thus, a suggested modification is included to establish parking standards for commercial leases as well as for public use areas. With the inclusion of adequate parking standards, the Commission finds the plan consistent with Section 30252 of the Act.

2. Water and Marine Resources/Environmentally Sensitive Habitat Areas.

The proposed Mission Bay Park Master Plan includes a significant expansion of existing wetlands and the construction of new wetland areas at the mouths of Rose, Tecolote, and Cudahy Creeks; altogether, this will expand the park's wetlands by nearly 100 acres. These wetlands are proposed both for habitat and passive recreation purposes and in hopes of improving the Bay's water quality. Storm drains and the three creek outlets are considered to be major sources of pollution from urban runoff and the new wetlands will provide a natural filtration system to aid in keeping pollutants out of the bay.

Also proposed is construction of a salt pan habitat area on Fiesta Island, modification of existing least tern nesting sites (including expansion, abandonment and creation), and expansion of eelgrass habitat in various bay locations. In addition, the plan proposes to adopt a more natural approach to landscaping throughout much of the park, by replacing more ornamental vegetation with coastal sage and coastal strand species. Besides being visually appealing, these vegetative types will be of greater benefit to park fauna than are the existing ornamentals/exotics. Also, the plan identifies several areas where eelgrass resources can be expanded.

These proposals all promote wetland/habitat expansion and enhancement, and improvements to water quality and marine life, and are thus priority uses under the Coastal Act. However, the City is proposing limited public use of some created wetlands for both passive and active recreational purposes, including nature study and education, but also kayaking and hiking. Such activities may diminish the function of the new wetland areas, and, in the case of the Northern Wildlife Preserve expansion, a greater amount of human intrusion into the existing wetlands may result from encouraging human use of new wetlands immediately adjacent. To address these concerns, suggested modifications are included which provide for wetland management and monitoring. If human recreational use in created wetlands is adversely impacting the habitat, said uses can be restricted or eliminated. In addition, the suggested modification sets up a program for assigning credits for mitigation banking purposes, with lesser credit given to wetland areas closest to recreational and educational areas. Moreover, the suggested modifications make it clear that the City's final proposals for both the mitigation banking program and the Wetlands Management Plan must be incorporated into the adopted master plan as amendments to the City's LCP.

The proposed Mission Bay Park Master Plan recommends the expansion of the Bahia Hotel leasehold, resulting in the elimination of public parking and vehicular access to the small watercraft launching sites at the tip of Bahia Point. This could force relocation of these activities into areas of the Bay experiencing significantly poorer water quality than the area around Bahia Point. With the suggested modification providing that the existing water-contact sports can continue at Bahia Point, through the retention of appropriate access, the Commission finds the modified plan for Bahia Point consistent with Sections 30220 and 30231 of the Act. With these modifications, and those discussed in the previous paragraphs, the Commission finds this policy group consistent with the previously-cited policies of the Coastal Act.

3. Dredging, Filling, and Shoreline Structures/Hazards.

The maintenance of Mission Bay Park marinas' navigational channels will require occasional maintenance dredging, and correction of erosion problems along much of the shoreline is requiring the City to complete a comprehensive shoreline stabilization program. Portions of the existing shoreline, especially those areas nearest the ocean entrance, are fortified with riprap or bulkheads, whereas other areas contain only sandy beach. The Mission Bay Park Master Plan identifies several future projects dredge and/or fill projects, such as creation of the new wetland and marine habitat areas addressed in the previous finding.

Most of these potential projects can be found consistent with Sections 30233, 30235 and 30236 of the Coastal Act; however, the City also proposes to provide a new swimming beach along the southern shore of Fiesta Island, and enhance an existing swimming area on Vacation Isle by constructing jetties to reduce water chop. Under Section 30235, jetties are permissible to protect existing public beaches in danger from erosion; there is no provision to construct them as a recreational enhancement or to allow creation of new beaches. Moreover, such structures often alter natural shoreline processes and could be an impediment to navigation. In discussions between City and Commission staff, it has been determined that floating buoys will maintain a safe swimming area in these locations. Thus, a suggested modification removes the recommendation for jetties at these sites, and the Commission now finds the preceding proposals consistent with various cited policies of the Act.

4. Commercial Fishing and Recreational Boating.

Mission Bay Park is, first and foremost, an aquatic playground. The provision and maintenance of adequate area for public water sports is a high priority under the Coastal Act. Section 30234 addresses this and states:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

There are no commercial fishing operations in Mission Bay Park, but there are sportfishing centers and numerous venues for recreational boating experiences. These include marinas, boat launch ramps, repair facilities, a rowing center, outlets for renting sailboats, sailboards, kayaks, etc., and businesses offering instruction in various water sports and boating techniques. In addition, specific water areas are designated for sailing, rowing, personal watercraft (jet skis), water skiing, etc, with speed limits and safety features appropriate to each sport. Upland support facilities are provided for various water sports, and there is an aquatic camp for youth on Fiesta Island.

Modifications of some of these facilities are proposed, including expansions of water leases at the Mission Bay Yacht Club and the Bahia Hotel to allow additional dock area. Although concern was initially raised over the possible location of the lease expansions, it would appear that expansions could occur at either site without infringing on area currently used by the public for recreation (i.e., swimming or boating areas). The expansions proposed in the master plan would still maintain the total amount of water leases under the 6.5% cap established by a vote of the people several years ago (that vote also established a cap of 25% for ground leases).

However the proposed land expansion of the Bahia Hotel leasehold, which would remove existing public parking and road access to the tip of Bahia Point, was found inconsistent with the Coastal Act in prior findings for numerous reasons. A suggested modification is included which would allow some expansion of the commercial leasehold, but would also retain the existing public access amenities and some of the existing parking facilities, thus allowing small watercraft sports, beach activities and picnicking to continue in this location. Specifically, the adopted modification states that "the demand to maintain public parking shall be a priority" and that "access needs for small water craft users and the use of traditional picnic areas along the eastern shoreline shall be preserved." These access needs include both physical access to the use area and adequate support facilities, such as parking. Only as modified can the Commission find that the Master Plan, as it addresses Bahia Point, adequately protects the interests of water-oriented recreational users. Therefore, with the suggested modifications, the Commission finds the plan consistent with Section 30234 of the Act.

5. Locating and Planning New Development.

New parkland areas for general public recreational use are proposed in the southeastern part of the park (South Shores and Fiesta Island). The additional parkland areas at these locations will enjoy the benefit of easy freeway access, availability of transit service, trolley access and a potential future park tram. Unfortunately, the tram is only a concept thus far, with no identified start-up time, and trolley service has not yet been expanded this far north. However, by the end of this century, the overflow lot should be improved, in conjunction with the improvement of Fiesta Island after relocation of the sludge facility, and trolley connections available. At present, the overflow lot can be used in an unpaved condition, and has been so used in the past for major special events. The City is planning to conduct an economic feasibility study within the next two years to determine the threshold conditions to support a tram; potential sources of funding are transient occupancy taxes, subsidization by park lessees, or contracting the tram service to private enterprise.

Expansions of commercial leases are proposed at several existing leaseholds. Even those leaseholds not being expanded are encouraged to intensify within existing boundaries, to generate additional revenue which in turn can fund many of the proposed public improvements. The expansions proposed in the plan at Pacific Rim, Marina Village and Dana Inn do not affect areas of high public use, and would not remove existing public parking facilities. However, two of

the proposed lease expansions (De Anza and Bahia) would remove areas of existing parkland currently experiencing heavy public use. At De Anza, the addition of fifteen acres to the leasehold would displace nearly 400 public parking spaces, along with grassy upland and picnic facilities. At Bahia, the addition would not encroach onto existing turf/play/picnic areas, but it would eliminate approximately 250 public parking spaces. However, as discussed in the previous access finding, the Bahia Hotel leasehold expansion is not anticipated to result in adverse impacts, since the suggested modifications provide a specific mandate for the retention of some public parking and access for recreational boaters and picnickers, along with a number of provisions addressing the redevelopment overall. Also as discussed in the access finding, suggested modifications have been included to protect the existing public parking and recreation facilities adjacent to De Anza by restricting the De Anza leasehold to its existing boundaries. As modified, the Commission finds the proposed land use intensification at these sites consistent with all applicable Chapter 3 policies of the Act.

Only one area of existing open (undeveloped) parkland is being proposed as a new commercial lease; that is a sixteen-acre site between Sea World and South Shores. The plan describes this as a "best use" parcel, and had designated that some form of commercial endeavor would be the "best use" in this location. Although the parcel fronts on the bay, the shoreline in this area is riprapped, so that no direct water access for swimming or other beach-related activities is possible. The southern extent of Sea World's parking lot abuts the parcel to the west, and grassy uplands, parking areas, and possibly a relocated Mission Bay Boat and Ski Club facility would abut it on the east. Potential uses identified in the plan are a small hotel, a water park or perhaps additional Sea World attractions.

The final concern with respect to this policy group is that the proposed master plan contains no parking standards for commercial uses in the park, although it does calculate and provide for necessary public recreational parking. To date, the City has addressed commercial parking through site-specific traffic analyses whenever new uses have been proposed or existing uses intensified. This has not been completely successful, as there are indications that parking for existing commercial leaseholds has "spilled over" into nearby public parking areas. Therefore, the Commission finds it appropriate to adopt a suggested modification establishing commercial parking standards to be incorporated into future lease negotiations and coastal development permits for future projects. Thus, as modified, the Commission finds this policy group consistent with the cited Coastal Act policies.

6. Coastal Visual Resources and Special Communities.

Mission Bay Park is a visitor destination point of national significance, and is, itself, a scenic resource. Views into portions of the park are available from the surrounding road system (I-5, I-8, Mission Boulevard and Pacific Beach Drive). In addition, views within the park are obtained from its internal circulation system (East and West Mission Bay Drives, Ingraham Street and Sea World Drive primarily). Additional views are afforded by bicycle and pedestrian paths throughout the park, from boats on Mission Bay, from picnic

and play areas in the park, and from the various commercial lease areas (hotel room windows and restaurant decks, etc.).

The importance of the park's visual resources is stressed throughout the Mission Bay Park Master Plan. The proposed master plan includes provisions for the further enhancement of scenic resources. These range from the increase in natural open space areas to special mounding/landscaping treatments in more developed areas to frame and enhance views. The types of improvements proposed in the 20-year plan are similar to features already existing in the park, including both open recreational areas and high-intensity commercial structures. Implementation of the proposed master plan concepts will result in temporary adverse visual impacts during the construction of individual projects, but the various concepts, in and of themselves, do not appear to raise any serious visual concerns.

In the submitted master plan, the City proposes a relaxation of the existing 30-foot height limit, which applies to property west of I-5. This limit was established by Proposition "D", a citizen's initiative passed by City voters in 1974. The current proposal would allow flexibility in both building height and roof design, such that an extra five feet would be considered beyond the present 30 ft. height limit for the Quivira Basin and Dana Inn leaseholds to accommodate underground parking facilities at those two sites and then a general deviation for all leaseholds to consider architectural treatments and roof design. The general deviation for all leaseholds would allow an additional ten feet for building design throughout the park. The underlying intent is that buildings would continue to have thirty feet (or thirty-five in the two exceptions noted) of useable building height, with the extra ten feet allowed solely to provide interesting roofscapes, rather than plain flat roofs as currently exist. This is considered aesthetically desirable, since many views of the overall park are afforded from high-rise hotels (built before 1974), structures like the Sea World Tower, and airplanes.

The Commission supports the general concept of variable roof heights, within the limits proposed. However, it must be understood that, in its review of individual development proposals, the Commission may not always find the additional height acceptable. Permits are reviewed on a case by case basis, and the potential impacts of the proposed development on existing public views is a significant consideration for projects in scenic areas like Mission Bay Park. In addition, Proposition "D" does not allow for any variances, so the City's proposal will need confirmation by a vote of the people before it can take effect.

Appendix G contains the Design Guidelines for future park development, and includes parameters for site design, landscaping, architecture and signage. These are further broken down to include setbacks of commercial development to accommodate a shoreline public use zone; standards for bike and pedestrian paths; lighting standards; fencing and park furniture treatments; building height and massing requirements; standards for materials and colors; etc. As proposed, the plan includes appropriate direction for the planning of most future facilities. However, a concern was raised with respect to the plan's design standards for signage and its failure to prohibit new billboards in the

park. As stated previously, the various certified land use plans are the ultimate standard of review, so the required specificity must be contained therein, or the ordinance could be modified in the future to delete the existing coastal zone criteria. Therefore, the Commission finds a suggested modification addressing signage/billboards is appropriate; as modified, the Commission finds this policy group consistent with Section 30251 of the Act.

7. Public Works.

The park is served by all the normal urban utilities, and components of the region's sewage and storm drain systems are located within its borders. However, Mission Bay Park does not contain any significant public works facilities except the existing sludge drying operation on Fiesta Island. This was established many years ago, before passage of Proposition 20 and the subsequent Coastal Act, as an interim use associated with the creation of the park (sludge being a major component of the park's upland areas). The use is inconsistent with the tidelands grant wherein the state transferred the park to the City of San Diego and plans for relocation of the facility to NAS Miramar (outside the coastal zone) are currently being implemented. It is anticipated, if all construction components continue on their current schedules, that the facility on Fiesta Island will be abandoned sometime in 1998. At that time, the Water Utilities Department will restore the site to pre-existing conditions and turn it over to the Parks and Recreation Department for future park improvements.

The master plan addresses the sludge facility as an existing, temporary use and plans ahead for the time when this area of parkland can be opened for public recreation. The proposals for future development of Fiesta Island include long stretches of sandy beach, grassy uplands to support individual and group picnicking, a sand arena for Over-the-Line and other special events, and primitive camping. The northern end of the Island, which is not currently impacted by the sludge facility, will remain in a natural state, and will include a Least Tern nesting site and salt pan habitat. No new public works facilities are proposed to be sited within the park, although further upgrading and maintenance of existing utility systems will continue. As proposed, the Commission finds the Master Plan consistent with the Public Works policy group.

PART VI. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the Mission Bay Park Master Plan, as proposed, would result in significant impacts under the meaning of the California Environmental Quality Act. Portions of the plan are inconsistent with the Coastal Act, and could have adverse impacts in the areas of biology, water quality, visual resources, public access and recreation. Several suggested modifications are included to reduce the potential impacts to below a level of significance. As modified herein, there would not appear to be any feasible, less-environmentally-damaging alternatives and no significant environmental impacts would occur if the modifications are accepted by the City of San Diego. Moreover, future individual development projects relying on this master plan will be reviewed for CEQA consistency by the City or Coastal Commission when they are proposed. Therefore, this modified LCP amendment can be found consistent with the provisions of the California Environmental Quality Act.

(1518A)