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Date: May 28, 2021

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Subject: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR
AMENDMENT NO. LCP-6-SAN-19-0142-2 (Fiesta Island) for Commission
Meeting of June 10, 2021

SYNOPSIS

The subject Local Coastal Program (LCP) Land Use Plan (LUP) amendment was filed as complete on January 10, 2020. A one-year time extension was granted by the Coastal Commission on March 12, 2020. The date by which the Commission must act is July 16, 2021.

SUMMARY OF AMENDMENT REQUEST

The City of San Diego (City) proposes to amend the certified Mission Bay Park Master Plan (Park Master Plan) to update the existing policies and figures addressing land uses within the 470-acre Fiesta Island segment of the park ([Exhibit 3](#)). The proposed amendment includes maps, diagrams, and supporting policy language in the Park Master Plan that will guide future improvements to Fiesta Island area in four geographic subareas: North, Central, Southeast, and Southwest. When analyzing the amendment at the local level, the City studied two options for the 100-acre Southwest Subarea, Option A ([Exhibit 5](#)) with a new 6-acre shorefront public recreational park and boat facility, and Option B ([Exhibit 4](#)) that keeps the area in its current development-free configuration, with the City ultimately choosing to incorporate Option B into its final amendment proposal. The LUP amendment is a concept plan only, with the timing, location, and design of future improvements within the plan currently unknown. Such details will be finalized when subsequent project-level design and permit applications occur.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial of the LUP as submitted, then approval with suggested modifications.

The overall goals and policies of both the amendment and the Park Master Plan, to maintain low-cost open space recreational uses, align closely to the goals and policies of the Coastal Act. The amendment focuses on the 470-acre Fiesta Island segment of Mission Bay Park, a mostly undeveloped island connected by a single road to the rest of Mission Bay Park, and a highly popular destination for a wide range of coastal recreational uses.

Mission Bay Park has a certified Land Use Plan that was originally certified in 1994 and last updated in 2002. While the certified Park Master Plan currently has a conceptual development plan for Fiesta Island, the City has not yet implemented it, and in the decades since certification, the City has learned from speaking with various interest groups that the level of development in the currently certified plan was not very popular due to the amount of development it contains and potential impact it would have on the undeveloped nature of Fiesta Island. Consequently, the City drafted a new concept plan for the island to replace the one in the certified Park Master Plan.

The southern shore of Fiesta Island, located within the 100-acre Southwest Subarea of the Island and comprised of a 94-acre fenced off-leash dog park and 6-acre fenced California least tern nesting site, contains a broad sandy beach adjacent to the calm waters of the Southern Passage. Recognizing that this beach is underutilized by the public due to its half-mile distance from parking and lack of restrooms, the City initially designed a concept plan, later called "Option A," to address this with a 6-acre development consisting of a two-lane road serving a swim area, lifeguard station, parking lot, playground, and unmotorized boat storage and dock on the southern shore. After opposition arose from members of the public who wished for the Southwest Subarea to remain exclusively an off-leash dog area, the City subsequently drafted and selected "Option B," which maintains the Southwest Subarea free of development, for its formal proposal.

Because Mission Bay Park receives 15 million visitors every year, its public beaches and boat launch facilities can become heavily impacted by crowds, especially along the stretches of its coast most conveniently served by parking and walkways. Compared to the rest of the park, the approximately 0.4-mile long beach on the south shore of Fiesta Island sees a notably lower level and breadth of public use, and its activation with public swimming and boating facilities included in Option A would substantially expand public use while helping to relieve pressure on other parts of the park. However, as currently proposed, the LUP amendment would maintain the existing conditions that limit public use of the southern shore, such as lack of restrooms, recreational amenities, and parking, which would not be in conformance with the policies and mandates of the Coastal Act.

In the North Subarea of Fiesta Island, there currently exists a fenced 30-acre California least tern nesting site managed by the City in coordination with the United States Fish and Wildlife Service (USFWS), surrounded by a mile-long segment of Fiesta Island Road and sandy beach. In its amendment, the City proposes to maintain the North Subarea in its current configuration. However, USFWS submitted comments and participated in meetings with City and Commission staff in order to explain that the least tern nesting site has been failing for years since its peak in 2003, and that without substantial modification, it would not function as a viable nesting site for these endangered birds.

While USFWS first recommended closing off the entire North Subarea to public access year round and demolishing Fiesta Island Road to create a direct connection between the nesting site and the water, after subsequent coordination meetings between USFWS, the City, and Commission staff, a modified plan was devised that would address the issues at the nesting site while minimizing the closure of public access in the North Subarea. Specifically, as suggested to be modified, the 30-acre least tern nesting site, which currently occupies most of the inland portion of the North Subarea, would be shifted to the western half of the North Subarea. In conjunction with demolition of most of Fiesta Island Road within the North Subarea, the least tern nesting site would be regraded to form a continuous, sandy slope down to the beach and water, granting a direct connection between the upland nests and water foraging areas. Because Fiesta Island is a heavily visited park that allows off-leash dog activity, it will be necessary to maintain fencing around the nesting area, much as it is fenced off today. The inland portion of the eastern half of the North Subarea would be restored as a salt marsh to enhance Mission Bay's water quality and would serve as a foraging area for coastal birds. Finally, an approximately 1,600-foot segment of Fiesta Island Road would be retained on the east side to serve the half-mile of beach that would remain open to public access year-round.

Staff is recommending several suggested modifications to the subject amendment to minimize impacts to public access and recreation in the Southwest Subarea and address the failing California least tern nesting habitat in the North Subarea. The suggested modifications reinstate Option A with its new public recreation and boat facility along the southern shoreline. In order to address the concerns of proponents of Option B, who support retention of existing undeveloped open space in the Southwest Subarea, the suggested modifications delete the "dog activity park" development along the northern fence line that was deleted in Option B to help maximize the amount of earthen open space area in the 87 acres that would remain a fenced off-leash dog area. The suggested modifications also incorporate the updated least tern nesting and wetland plan that was devised among staff from the Commission, USFWS, and City, so that endangered bird species such as the least tern and migratory birds utilizing the Pacific Flyway will have a protected area within a heavily used public park to be able to nest, forage, and rest, safe from encroachment.

Thus, the LUP amendment to the Mission Bay Park Master Plan addressing Fiesta Island, as modified, can be found in conformance with the policies of Chapter 3 of the Coastal Act.

The appropriate motions and resolutions begin on Page 7. The suggested modifications begin on Page 8. The findings for denial of the Land Use Plan Amendment as submitted begin on Page 12. The findings for approval of the plan, if modified, begin on page 21.

BACKGROUND

The City of San Diego's first LCP was certified in 1988, and the City then assumed permit authority. The City as a whole is organized such that each separate community within its boundaries is covered by its own distinct community plan. Thus, the City's LCP consists of the certified LUPs for its community segments located within the coastal zone and the certified IP. The IP consists of portions of the City's Municipal Code, along with some Planned District Ordinances (PDOs) and Council Policies. In 1999, the Commission certified the City's Land Development Code (LDC), which primarily consists of Chapters 11

through 15 of the municipal code. It replaced the first certified IP and took effect in the coastal zone on January 1, 2000.

The Mission Bay Park Master Plan, the LUP for the Mission Bay Park segment of the City, was first certified in 1994 and last amended in 2002. However, the City has not obtained full certification for the park to incorporate it into its LCP, and Mission Bay Park remains an area of deferred certification.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment No. LCP-6-SAN-19-0142-2 may be obtained from Alexander Llerandi, Coastal Planner, at alexander.llerandi@coastal.ca.gov or (619) 767-2370.

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[EXHIBITS](#)

[EXHIBIT 1: Aerial View](#)

[EXHIBIT 2: Currently Certified Figure 32 Concept Plan](#)

[EXHIBIT 3: Strikeout/Underline Amendment](#)

[EXHIBIT 4: Proposed Figure 32 Concept Plan \(“Option B”\)](#)

[EXHIBIT 5: Original Figure 32 Concept Plan \(“Option A”\)](#)

[EXHIBIT 6: Suggested Modification Figure 32](#)

I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process, and in 1977 requested that the Coastal Commission permit segmentation of its LUP into twelve parts in order to conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part.

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 remained at that time, but some have since been certified as LCP amendments. Other areas of deferred certification still remain today and will be acted on by the Coastal Commission in the future.

Mission Bay Park is one of the City of San Diego's twelve LCP segments. The entire park is located within the coastal zone, bordered by the communities of Pacific Beach to the north, Clairemont Mesa to the east, Ocean Beach and Peninsula to the south, and Mission Beach to the west. The current LUP for Mission Bay Park, the "Mission Bay Park Master Plan," was first certified in 1994 and last amended by the Commission in 2002. However, the City has not taken the steps to formally incorporate Mission Bay Park into its LCP, and the park remains an area of deferred certification.

Since the effective certification of the City's LCP, there have been numerous major and minor amendments processed by the Commission. These have included everything from land use revisions in several segments, to the rezoning of single properties, to modifications of citywide ordinances. In November 1999, the Commission certified the City's Land Development Code (LDC) and associated documents as the City's IP, replacing the original IP adopted in 1988. The LDC became effective in January 2000.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or 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

Section 30503 of the Coastal Act requires local governments to provide the public with the maximum opportunity to participate in the development of the LCP amendment prior to submittal to the Commission for review. The City held a Planning Commission meeting on April 11, 2019 and a City Council meeting on June 17, 2019 with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

II. MOTIONS AND RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

1. MOTION:

I move that the Commission certify the Land Use Plan Amendment No. LCP-6-SAN-19-0142-2 for the Mission Bay Park segment of the City of San Diego as submitted.

STAFF RECOMMENDATION OF DENIAL OF CERTIFICATION:

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY CERTIFICATION OF LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Land Use Plan Amendment No. LCP-6-SAN-19-0142-2 for the Mission Bay Park segment of the City of San Diego as submitted and finds for the reasons discussed below that the submitted Land Use Plan Amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

2. MOTION:

I move that the Commission certify the Land Use Plan Amendment No. LCP-6-SAN-19-0142-2 for the Mission Bay Park segment of the City of San Diego if modified pursuant to the staff recommendation.

STAFF RECOMMENDATION: CERTIFICATION IF MODIFIED AS SUGGESTED:

Staff recommends a **YES** vote on the motion. Passage of the motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT WITH MODIFICATIONS:

The Commission hereby certifies the Land Use Plan Amendment No. LCP-6-SAN-19-0142-2 for the Mission Bay Park segment of the City of San Diego certified LCP and finds for the reasons discussed herein that, if modified as suggested below, the submitted Land Use Plan Amendment will meet the requirements of and conform to the policies of chapter 3 of the California Coastal Act. Certification of the plan if modified as suggested below complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed Land Use Plan be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted. The following suggested revisions are listed in the order they appear in the proposed LUP Amendment.

1. Replace the proposed Figure 32 (identified as “Option B” and attached as [Exhibit 4](#) to this staff report) with the modified Figure 32 (identified as “Suggested Modification Figure 32” and attached as [Exhibit 6](#) to this staff report).
2. On Page 1 of the proposed changes to the Mission Bay Park Master Plan, modify the language of Section i. Water Quality as follows:
 - i. Water Quality

~~No Changes~~

 - Incorporate Low Impact Development (LID) practices into building design and site plans that work with the natural hydrology of a site to reduce urban runoff, including the design or retrofit of existing landscaped or impervious areas to better capture storm water runoff

and encourage water infiltration to minimize reliance on storm drains that could be impaired by sea level rise.

3. On Page 8 of the proposed changes to the Mission Bay Park Master Plan, modify the language of Section 8 Fiesta Island as follows:

Fiesta Island enjoys unequalled exposure to the Bay waters and surrounding landscapes. Keep the island relatively undeveloped and connect “natural” recreation areas of the coastal landscape to the park through multi-use paths and hiking trails. Locate most of the park improvements within the southeastern subarea of the Island. Locate a new shoreline public recreation and boating facility in the Southwestern Subarea. ~~Locate a new parking area near the end of Hidden Anchorage to provide access to the beach via a multi-use path and include a paved parking lot for visitors for the existing fenced-off-leash dog area.~~ Locate a public camping area in the southeastern subarea. Connect uses through multi-use paths and trails, and maintain and expand natural habitat areas and the coastal landscape throughout the Island. Consider the effects of sea level rise, based on best available science and most recent flood maps, to identify design and siting that would reduce coastal and flood hazard risk and increase adaptive capacity of development within areas susceptible to flooding.

4. On Page 8 of the proposed changes to the Mission Bay Park Master Plan, modify the language of Section 11 Central Fiesta Island as follows:

The Island’s Central Subarea includes a mixture of regional and natural recreation. Retain the existing the youth camping and aquatic center. Expand the open sand arena suitable for sand-based tournaments and integrate a trail system for hiking, biking and equestrian activities within the coastal landscape area containing upland coastal sage scrub and maritime scrub. Locate the kelp drying and sand maintenance and storage to the Central Subarea as it is an important infrastructure for beach maintenance throughout Mission Bay Park. These sand and kelp areas provide foraging for bird populations inhabiting the Northern preserve area. Design the kelp drying and sand management area to avoid impacting sensitive plant species and wetlands located in the Central Subarea to the greatest extent feasible, including reducing the size of the facility, and provide on-site mitigation for impacts that are unavoidable. The coastal landscape areas may be gently raised to afford enhanced views of the Bay and provide wind protection for the eastern portion of the Island. Prioritize the preservation of the natural dune habitat located in the Coastal Landscape area of the Central Subarea where feasible.

5. On Page 9 of the proposed changes to the Mission Bay Park Master Plan, modify the language of Section 12 North Fiesta Island as follows:

The Island’s north subarea is a controlled habitat preserve area for the California Least Tern. In addition to sandy areas, this area includes mudflats, lower, mid and upper salt marsh and expanded wetland habitat. The existing mile-long paved roadway located around the perimeter of the subarea will be removed except for an approximately 1,600-foot long segment on the east side. A seasonal ~~The shortened~~ roadway (to be regraded to drain inward, away from the coast, to promote wetland

formation) shall be redeveloped into a two-lane road with turnaround to accommodate for bicycles, pedestrians, and vehicles ~~located around the perimeter of this site~~, allowing the public to access the beach areas on the east side of the peninsula. Gates provided at both the western and eastern entry points to the northern area. Maintain visibly permeable, fences with anti-perching features and interpretive signage around the Least Tern and salt marsh sites, with the interior space to be accessed only by authorized individuals. Public access shall be maintained to the roadway and eastern beach areas year-round, and the remainder of the north subarea shall be closed to public access year-round to protect the Least Tern and salt marsh sites. Dredge a channel across the Island along with bridges at the western and eastern roadway points to create new habitat areas and improve water circulation.

6. On Page 12 of the proposed changes to the Mission Bay Park Master Plan, modify the language of Section 44 as follows:

44. Motorized and Non-motorized Personal Watercraft (PWC) Trailer Parking:

Within the Southwestern Subarea of Fiesta Island, locate PWC vehicle parking at the ~~northern end of Hidden Anchorage Cove~~ new public recreation and boat launch facility adjacent to the southern shoreline.

7. On Page 12 of the proposed changes to the Mission Bay Park Master Plan, modify the language of Section 45, Beach Launching, as follows:

The Park should contain a variety of beach launching sites for board sailors, kayakers, canoeists and rowers. Board sailors in particular would benefit from a diversity of sites in order to capitalize on changing wind conditions. To this end, existing beach launching sites should be maintained, except where in conflict with specific natural habitat enhancement areas such as the northern area of Fiesta Island. Shoreline launching of motorboats, jet skis and catamarans is allowed around the Island, except for the-Southwest Subarea, which shall allow launching of non-motorized watercraft only.

A new parking area should be developed in the south shore of Fiesta Island's northern cove (opposite the Hilton Hotel) to further enhance the use and benefit of this wide water area for board sailing. Adequate access restrictions, such as roadway and parking area curbing, should be implemented elsewhere in Fiesta Island to maintain beach-launching within the prescribed sites.

Locate the parking lot within the Southwestern Subarea at the new public recreation and boat launch facility adjacent to the southern shoreline ~~near Hidden Anchorage~~ to further enhance the use and benefit of this wide water area for board sailing.

A controlled access and clear roadway improvement design should be implemented on Fiesta Island to allow beach-launching to continue while providing for water quality improvements. Gates and fences are proposed to limit access to the western half of the North Subarea year-round ~~during nesting season.~~

8. On Page 13 of the proposed changes to the Mission Bay Park Master Plan, modify the language of Section 49, Fiesta Island Beach Parking, as follows:

Within the Southwestern Subarea of Fiesta Island, locate parking at the new public recreation and boat launch facility adjacent to the southern shoreline ~~northern point of Hidden Anchorage.~~

9. On Page 14 of the proposed changes to the Mission Bay Park Master Plan, modify renumbered Section 54, Potential New Swimming Areas, as follows:

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 along the southern shoreline.

~~(Note: no new supervised swim areas are proposed. Fiesta Island, facing South Pacific Passage along the Island's south shore will remain a fenced off leash dog area with an unsupervised beach.)~~

10. On Pages 26-27 of the proposed changes to the Mission Bay Park Master Plan, modify Section 116, Parkland or "Islands within and Island," as follows:

Fiesta island has four distinct "inland" subareas: North Subarea, Central Subarea, Southeast Subarea, and Southwest Subarea. Proposed uses within each subarea are as follows:

[...]

- Southwest Subarea. This subarea provides regional recreation consisting of up to ~~92~~ 87 acres of fenced off-leash dog park area containing shoreline, coastal landscape areas, trails, public parking, an off-leash swimming beach, eel grass habitat, a view pavilion and plaza. A two-lane roadway extending south to a public parking lot with boat trailer spaces shall provide access to watercraft storage areas and a shore launching area for non-motorized watercraft. Adjacent to the boat storage, a playground, lifeguard tower, and public restrooms shall be located next to a supervised swimming beach along with ADA shore access as well as a pier, ramp, and floating dock. The existing Least Tern Habitat preserve area at Stony Point would be preserved and augmented by a seasonal buffer that extends the habitat area during mating and nesting seasons.
11. On Page 28 of the proposed changes to the Mission Bay Park Master Plan, modify Section 117, Island Roadways, as follows:

Within the Southwestern subarea, ~~no roadway is provided within this area~~ a new two-lane road fenced off from the adjacent off-leash dog area shall connect to the new public recreation and boat launch facility adjacent to the southern shoreline.

12. On Page 28 of the proposed changes to the Mission Bay Park Master Plan, modify Section 122, Swimming Beach, as follows:

An off-leash swimming beach along the Island's southwestern subarea edge within the off-leash dog area and a new supervised swimming beach along the southern shoreline.

13. On Page 33 of the proposed changes to the Mission Bay Park Master Plan, modify Section 125, Beachfront Parking, as follows:

Additional spaces can be made for "off-the-edge" parking along roadway edges. These are critical resources for special events. Additional parking is located:

At the southern shoreline ~~the top of Hidden Anchorage~~ within the Southwestern subarea.

14. On Page 35 of the proposed changes to the Mission Bay Park Master Plan, modify Section 129 as follows:

129. Fenced Off-Leash Dog Areas: Continue to allow dog off-leash in public areas of the park. The Southwestern subarea is designated as a major fenced off-leash dog area.

The fenced off-leash dog area would include open fields for informal dog activities, dog beaches and limited walking trails and seating areas. Parking is proposed at the new public recreational and boat launch facility adjacent to the southern shoreline ~~near Hidden Anchorage and across from the sand area.~~

IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF SAN DIEGO LAND USE PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The proposed LUP amendment to the Mission Bay Park Master Plan addresses the 470-acre Fiesta Island segment of Mission Bay Park and includes island-wide improvements to recreation facilities, circulation, parking, trail system, landscaping, habitat, water quality, near-shore eelgrass, signage, and utilities. The amendment updates the existing concept plan for Fiesta Island currently in the Park Master Plan with a new concept plan that revised development locations and uses. At this time, there are no detailed construction documents, funding mechanisms, or engineering studies for any future improvements that would be needed, as they would be determined in subsequent project-specific coastal development permit actions subject to review and approval by the Commission.

Proposed island-wide roadway improvements include the realignment of one-way 4.7-mile perimeter Fiesta Island Road between the North Subarea and the Central Subarea; a

realignment in the Southeast Subarea; new crossover roadways between the North Subarea and the Central Subarea and between the Central Subarea and the Southeastern subarea; new roadway segments in the island interior; a change in one-way travel direction on Fiesta Island Road from counterclockwise to clockwise; a widening of the causeway onto Fiesta Island and construction of a roundabout; and enhancement of the existing roadway.

Due to its size and usage patterns, the current Mission Bay Park Master Plan and the proposed amendment divide uses and future improvements on Fiesta Island into four subareas: North, Central, Southeast, and Southwest.

The North Subarea is mostly undeveloped with a mix of native and non-native vegetation. Like all of Fiesta Island, the perimeter is ringed by sandy beaches, with some areas armored with rip rap. The interior portion includes a protected area for nesting least terns, which is surrounded by a chain link fence to limit access. As proposed, the North Subarea would remain preserved habitat and buffer area with recreation limited to the perimeter roadway and beach areas for swimming, fishing, and parking. Along the northern side of the crossover roadway there would be a small nature viewing area. The existing fenced least tern nesting site would remain, with dredging to create a cross-island water channel and new wetlands next to it in order to enhance water quality.

The Central Subarea is ringed by sandy beaches and bisected by the cutover of Fiesta Island Road, which is the only part of the circulation road that cuts across the island. To the north of the cutover, the Central Subarea is mostly undeveloped with a mix of native and non-native vegetation. To the south of the cutover is an area for sand recreation surrounded by a small ring of undeveloped park land covered by a mix of native and non-native vegetation. The eastern part of the Central Subarea includes a finger of Fiesta Island that forms the north side of Enchanted Cove, and includes an area dedicated to camping and aquatic recreation for youth, including the San Diego Youth Aquatic Center and the Fiesta Island Youth Camp, and a small wetland area north of the youth camp. The aquatic center is available for use by youth groups and can accommodate special events, as well as providing instruction for sailing, canoeing, rowing, kayaking, swimming, and windsurfing. Its facilities include a boat ramp, overnight dormitories, meeting rooms, a kitchen, courtyard, and labs, plus boat storage. The youth camp adjacent to the aquatic center includes twenty-five campsites that can accommodate up to 250 people, as well as an amphitheater and bonfire ring. The proposed amendment would relocate the existing sand management area (currently in the Southeast Subarea) to the northern portion of the Central Subarea, with the surrounding area enhanced through the creation of a habitat preserve, sand dune habitat, and native vegetation. No changes are proposed to the existing San Diego Youth Aquatic Center or Fiesta Island Youth Camp. New sand volleyball courts and other sand-oriented recreation facilities would be created in the expanded sand recreation area, as well as new berms to provide wind protection and arena seating.

The Southeast Subarea contains the only entrance causeway to Fiesta Island and is ringed by sandy beaches. Most of the subarea is undeveloped and covered by a mix of native and non-native vegetation. A portion of the area is used for sand storage and management by the City. The proposed amendment would include two active recreation parks, plazas, public restrooms, a group day use primitive camp area, public parking,

playgrounds, public art, ADA shore access at Enchanted Cove and Hidden Anchorage, and expanded habitat areas. Creation of a large habitat preserve is planned to the west of the realigned Fiesta Island Road and north of the southern shore of the Southeast Subarea. Wetland restoration would occur in the water near the outfall of Tecolote Creek, on the north side of the entrance causeway, and would also include a portion of the beach. The remaining land area would be revegetated with native coastal landscape habitat allowing for passive recreation and multi-use trails.

The Southwest Subarea consists primarily of an off-leash dog park fenced off from the rest of Fiesta Island, with a small dirt parking lot to the north of the fence. Stony Point at the very southwestern tip of the island is a fenced habitat area for nesting least terns and is reinforced by rip rap. There are no roads or paved trails within the Southwest Subarea, and it can only be accessed through pedestrian gates in the northern fencing and informal trails. The City analyzed two options for the Southwest Subarea, Option A and Option B, before formally selecting Option B as part of the proposed amendment.

Option A includes a fenced off-leash dog park and shoreline park. New developed facilities would be built for the dog park, including a small dog fenced off-leash area, a dog special event area, a special event obstacle course, a canine competition staging area, and new parking lot. A new roadway extending south to a public parking lot with boat trailer spaces would provide access to non-motorized boat storage, nearby beach watercraft storage areas, and shore launching area for non-motorized watercrafts. Adjacent to the boat storage, a plaza, playground, lifeguard tower, and public restrooms would all be located next to a supervised swimming beach along with Americans with Disabilities Act (ADA) shore access as well as a pier, ramp, and floating dock. The existing Stony Point least tern nesting site and seasonal closure fencing and buffer at the southwest corner would remain. Eelgrass restoration is planned off the southeast shore of Stony Point.

Option B for the Southwest Subarea includes very little new development and maintains most of the existing uses. New developed facilities would include a small dog fenced off-leash area, a view pavilion, plaza, and seating along with trail improvements. Two new parking lots would be constructed, one near the new developed dog park facility and one near Hidden Anchorage Bay adjacent to Fiesta Island Road. The existing Stony Point least tern nesting site would remain, as would the existing seasonal closure fencing and buffer. Eelgrass restoration is also planned off the southeast shore of Stony Point.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are not in conformance 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 development 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.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan does not conform with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone with regards to public access and habitat protection.

C. NONCONFORMITY OF THE CITY OF SAN DIEGO LAND USE PLAN WITH CHAPTER 3

1. PUBLIC ACCESS & RECREATION

Plan Summary

The Mission Bay Park Master Plan contains Figure 32 entitled “Fiesta Island Concept Plan” showing a conceptual map of Fiesta Island as it would appear if the development policies contained in the Park Master Plan were implemented. The proposed amendment, in addition to updating the policy language of the Park Master Plan, contains a new Figure 32 showing the updated concept plan. ([Exhibit 4](#))

Applicable Coastal Act Policies

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 of 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. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. [...]

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.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in

this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

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 30255

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related development should be accommodated within reasonable proximity to the coastal dependent uses they support.

Non-conformity with Chapter 3 Policies

Mission Bay Park is the largest municipal aquatic park in the country, consisting of approximately 4,235 acres in roughly equal parts land and water, with 27 miles of

shoreline, 19 of which are sandy beach with eight officially designated swimming areas. Fiesta Island, at the heart of Mission Bay Park, consists of 470 acres and six miles of shoreline, with almost the entirety of the island openly accessible to the public. Except for certain portions reinforced by rip rap, the majority of the perimeter of Fiesta Island consists of a sandy beach that extends approximately 50-150 feet from the water until it meets Fiesta Island Road, making it very easy for the public to pull off the road, park next to the beach, and recreate. However, an exception is the 100-acre Southwest Subarea of Fiesta Island. Due to a fence line that traverses the island along the northern boundary of this subarea, there are no roads within it, and the only access to the subarea is through pedestrian gates or along the beach. Once past the fence, the public may walk anywhere within the subarea except for the six-acre fenced Stony Point California least tern nesting area at the very southwest corner of the island.

Due to the size and configuration of the Southwest Subarea, the southern shoreline of Fiesta Island is over a quarter mile from Fiesta Island Road's nearest road-side vehicular parking to the north and the primary parking area for the Southwest Subarea is a half-mile away to the northwest, both outside the northern fence line. While the southern shore is used by dog owners walking along the beach, due to the sizeable distances involved and lack of any formal public amenities such as restrooms within the subarea, the southern shore of Fiesta Island is underutilized by the broad spectrum of the beach-going public compared to other parts of Fiesta Island and Mission Bay Park as a whole, with practically no water recreation occurring.

While the City originally designed a new six-acre fenced-off two-lane road and shoreline public recreational and boat facility consisting of a parking lot, playground, restroom, non-motorized boat storage, swim area, lifeguard station, and dock for launch of unmotorized water craft at the southern end of Fiesta Island in order to address this underutilization by the general public (subsequently referred to as "Option A"). After dog-owners who utilize the area voiced concerns that the introduction of a road, fenced or not, into the subarea would increase risk of accidents and diminish the City's limited coastal off-leash park capacity, the City adopted a revised design that kept the Southwest Subarea much as it is today (designated "Option B").

Despite Fiesta Island's prominent location within a popular regional amenity, the current underutilization of prime recreational space along the southern shoreline by the water-going public represents a substantial impediment to maximizing low-cost public access to coastal waters. Chapter 3 of the Coastal Act contains numerous policies, listed above, requiring that the breadth and range of public access to the coast be enhanced, distributed, and maximized to the maximum extent feasible. The historic use and enjoyment of the Southwest Subarea by the dog-owning segment of the public is a coastal use warranting continued protection, but an off-leash dog park area should not exclude a greater range of public coastal recreation. It is feasible for swimming, boat launching, and the provision of parking and restrooms to occur in the same area as off-leash dog activity without one displacing the other.

Members of the public promoting Option B's maintenance of the Southwest Subarea in its current configuration argue it is necessary to protect off-leash dogs from accidents with passing vehicles. However, the majority of Fiesta Island's 470 acres allows dogs to be off-

leash and does not have barriers along Fiesta Island Road. Additionally, unlike Fiesta Island Road, the new southern road and shoreline public recreation and boating facility in Option A would be fenced off from the remaining 87 acres of Southwest Subarea that would remain off-leash dog area.

Proponents of Option B also argue that for a city of its size, San Diego has inadequate inventory of waterfront off-leash dog areas, with just Fiesta Island and the nearby Dog Beach at the mouth of the San Diego River in the community of Ocean Beach. However, Dog Beach is over 20 acres in size, and together with Fiesta Island provides almost six miles of off-leash waterfront walking. In addition, the cities of Coronado and Del Mar adjacent to the City of San Diego have off-leash dog beach parks a short distance beyond city boundaries.

The City proposes Option B to maintain the Southwest Subarea much as it currently is configured in order to protect a long-standing park use; however, the goal of maintaining the existing off-leash dog use is not mutually exclusive with the broader range of coastal uses that the 15 million people who visit Mission Bay Park every year enjoy, such as swimming, boating, biking, walking, lounging, and more. As such, Option B would fail to maximize public access to the Southwest Subarea and is inconsistent with provisions of the Coastal Act that prioritize coastal-dependent development, encourage increased recreational boating and public launch facilities, and protect water-oriented recreational activities, including boating and swimming uses proposed in Option A. Thus, as proposed, the proposed amendment does not conform to the public access and recreation policies of Chapter 3 of the Coastal Act.

2. HABITAT PROTECTION

Plan Summary

The North Subarea of Fiesta Island currently contains an approximately 30-acre fenced California least tern nesting area, bordered on three sides by the one-lane Fiesta Island Road and sandy beach area. As proposed, the amendment to the Park Master Plan would keep this configuration, with the most notable change being the dredging of an open-water channel across the southern boundary of the subarea to hydrologically connect the bay waters on the west and east sides of Fiesta Island, as well as grade the inland area between the proposed channel and least tern nesting site to create an approximately 12-acre wetland sustained by the channel.

Applicable Coastal Act Policies

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 waterflow, 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.

Non-Conformity with Chapter 3 Policies

The United States Fish and Wildlife Service (USFWS) manages the California least tern nesting site in the North Subarea in partnership with the City of San Diego, along with the least tern nesting sites at Stoney Point at the southwest corner of Fiesta Island and two other sites located elsewhere in Mission Bay Park. During the City review process and Commission review process of the proposed amendment, USFWS submitted a comment letter describing how the northern least tern nesting site, despite being the largest nesting site within Mission Bay Park, is underutilized and has a years-long downward trend of use since peaking in 2003.

City and Commission staff met with USFWS at the northern least tern nesting site in order to view the site and discuss the reasons for the ongoing underperformance of the nesting site and measures that could be included in the LUP amendment to address them. USFWS explained that the nesting site is inadequate because, despite its size, it has no direct connection to the sandy beach and bay waters, which are important for least terns nesting in sandy uplands so as to be able to forage. Currently, the nesting site is separated from the water by a chain link fence, vegetated berm, Fiesta Island Road, and a publicly used beach. Additionally, USFWS explained that least terns require sandy soil free of vegetation for nesting, but that due to its upland location, the northern nesting site annually becomes overgrown with vegetation that support tern-nest predators, such as snakes and rats, despite annual efforts to remove vegetation from the nesting site prior to the start of nesting season.

The USFWS recommended that instead of the Northern Subarea being maintained in its inland configuration as proposed by the City, the subarea be closed to the public year round and substantially reconfigured, with the least tern nesting site shifted west to be adjacent to the western beach, the eastern half of the subarea converted to salt marsh, and the entire one-mile segment of Fiesta Island Road be demolished to create direct connections to the water so that the site can serve as a least tern nesting area and a migratory stopover for birds travelling along the Pacific Flyway migration route.

The Commission's staff ecologist Dr. Laurie Koteen attended the site meeting and, upon reviewing USFWS' letter and related information, concurred that the nesting site is underperforming, and that some of the actions proposed by the USFWS are necessary to restore the viability of the nesting habitat. Thus, the proposed amendment's maintenance of the current configuration of the North Subarea will not address the ongoing impacts to sensitive species habitat, including California least tern nesting habitat. Therefore, the proposed amendment does not conform to the habitat protection policies of Chapter 3 of the Coastal Act.

V. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO LAND USE PLAN AMENDMENT, IF MODIFIED

A. SPECIFIC FINDINGS FOR APPROVAL

Public Access

Southern Shoreline Park

The standard of review for the proposed amendment is Chapter 3 of the Coastal Act. However, the currently certified Park Master Plan contains several policies and goals addressing the provision of balanced and enhanced public access throughout the park. Goals in the Park Master Plan addressing public access state in the various sections:

Land Use

Goal 1: An aquatic-oriented park which provides a diversity of public commercial and natural land uses for the enjoyment and benefit of all the citizens of San Diego and visitors from outside communities.

Goal 2: A park in which land uses are located so as to avoid negative impacts on adjacent areas, providing for ease of access, and according to the particular qualities of different parts of the Bay.

Goal 3: A park which enhances the viability and use of other connected open space areas so as to promote the creation of a comprehensive, integrated open space system.

Water Use

Goal 1: A park in which water areas are allocated and maintained to support the diverse aquatic interests of those visiting Mission Bay.

Goal 2: A park which provides adequate and safe access to the waters of Mission Bay.

Goal 3: A park in which the water areas are maintained to assure the maximum enjoyment of aquatic activities consistent with safety, aesthetic, and environmental concerns.

Goal 4: A park in which water areas are maintained to assure continued navigability for designated uses, and in which adequate shoreline access for water use is maintained.

Fiesta Island

Goal 1: An area which supports a diversity of regional-serving public and non-profit recreation and natural resource management and enhancement uses.

[...]

Goal 1.5 An Island whose southern side provides for public recreational uses complementary to the water use in South Pacific Passage and Hidden Anchorage, and the land use at the South Shores area of the Park.

Southwest Subarea Shoreline Park

Mission Bay Park is the largest municipal aquatic park in the country, consisting of approximately 4,235 acres in roughly equal parts land and water, with 27 miles of shoreline, 19 of which are sandy beach with eight officially designated swimming areas. However, despite its size, the usable park area, beach, and parking spaces come under considerable strain during the busier summer months and holidays, when public uses tend to congregate around the most conveniently accessible stretches of beach and grassy park area. Because of the difficulty involved in accessing the southern shore of Fiesta Island, the approximately half-mile stretch of beach is currently underutilized by the general public due to the distances involved in walking from the primary parking area a half-mile to the northwest and the lack of public amenities, such as restrooms, in the entire 100-acre Southwest Subarea. While almost the entirety of Fiesta Island lacks formal public amenities such as restrooms, the ability of the public to simply pull off Fiesta Island Road, park their car or recreational vehicle next to the beach, and easily access beach gear or restrooms within them means that the portions of Fiesta Island outside the Southwest Subarea see a broader range of coastal recreation compared to the southernmost shore.

Recognizing this discrepancy, the City initially designed a concept plan, Option A, to address this with a two-lane road serving a swim area, lifeguard station, parking lot, playground, and unmotorized boat storage and dock on the southern shore before subsequently selecting Option B, which maintains the Southwest Subarea free of development, for its formal proposal. However, the City's proposal of the more limited Option B would maintain the existing impediments to use of the southern shore by the broader public. Option B was chosen by the City in response to members of the public opposed to changes to the existing off-leash dog area; however, the uses envisioned by the new public recreation area included in Option A are compatible with the existing off-leash dog use. A proposed fence would separate the new roadway, parking lot, and

playground from the off-leash dog area to minimize the risk of accidents, and dog owners would also be able to utilize the new restrooms or other new amenities. Additionally, under the City's Option B proposal, there would be approximately 94 acres of fenced off-leash dog area, while there would still be approximately 87 acres of off-leash dog area with the new shoreline public recreation area included in Option A, preserving the overwhelming character of the Southwest Subarea as an off-leash dog area fenced off from vehicular roadways.

Because boating is a coastal-dependent use that is prioritized by the Coastal Act over non-coastal dependent uses, waterfront locations that can accommodate public boating activity are an important resource that should be maximized to the greatest extent feasible when identified. Within Mission Bay Park, boating, both motorized and unmotorized, is a popular year-round activity. Mission Bay Park hosts several local and regional boating groups and competitions with some of the largest being the annual Thunderboats motorized races and the San Diego Crew Classic rowing competition. While these annual competitions bring regional and national attention to Mission Bay Park's role as a major boating resource, the majority of boating in Mission Bay is comprised of the public bringing their own watercraft for recreational use, and much as is the case with beach recreation, Mission Bay Park's boat storage and launching facilities are often overcrowded and of insufficient capacity to meet current need.

In addition to the greater public access granted by the southern recreational area, Mission Bay Park has a need for public non-motorized boating facilities. While it has several miles of coastline, due to safety or logistical concerns, not every spot along Mission Bay Park's shoreline is allowed or suitable for launching non-motorized watercraft. Mission Bay Park is a popular site for several local and regional outrigger and dragon boat rowing clubs. These boats can be up to 50 feet long and weigh over 400 pounds. Because of this, recreational boaters of this type require launching points that are adjacent to parking and boat facilities such as docks and storage facilities. Additionally, due to their size, these boats are not usually transported in and out of the park, but instead require storage space within Mission Bay Park to lease from the City or sublease from an existing City tenant, such as Campland on the Bay RV Resort. However, in addition to updating the Mission Bay Park Master Plan regarding Fiesta Island, the City is also working on updating conceptual plans for other portions of Mission Bay Park, such as De Anza Cove and the Campland by the Bay leasehold. Due to the potential loss of boat storage and launch facilities there, either temporarily during construction or permanently in the park areas planned to be converted to wetlands, the City and boating groups have sought other areas of Mission Bay Park to provide long-term public boating amenities, such as the south shore of Fiesta Island in Option A, prior to the City's selection of Option B for its proposal. Some members of the public have argued that the existing South Shores boat launch ramp across the water to the east of SeaWorld is a suitable site that the boating groups should use. However, while the South Shores boat ramp does provide water access, it does not provide other boating amenities, such as temporary boat storage and equipment lockers. The City currently has no formal general development plan or funding secured at this time for upgrading the South Shore boat ramp.

Given the quarter-to-half mile distance between the south shore of Fiesta Island and the nearest parking, the south shore goes unused by a wide swath of the coastal visiting public who would otherwise be well served by its calm waters and wide beach. With the current

distance between the nearest parking and the southern shore, even members of the public not participating in boating may find it difficult to carry their beach equipment to the shore and would be deterred from using this portion of the shoreline. Instead, they would be more inclined to go to the other, already crowded parts of Mission Bay Park. Given the substantial crowding of Mission Bay Park's beaches and insufficient parking capacity during the peak summer months and major holidays, the underutilization of almost half-mile of beach is not the most balanced use of coastal resources and is a substantial impact on the ability of the public to recreate on the coast.

Proponents of Option B argue that the southern shore is utilized by the public who walk along the shoreline with their dogs, and this use would be adversely impacted by additional fencing associated with Option A. While this is a popular public use warranting of protection, that use is not mutually exclusive with the broader public access and uses that would be available as part of Option A. While Option A describes the new public recreational and boating areas as fenced off from the off-leash dog park area to ensure safety and minimize accidents between vehicles and off-leash dogs, the amendment is a concept plan only, with details to be determined once project-specific permits come forward. That means that dog walking along the water may still be able to occur depending upon the location of future fencing. In addition, the existing publicly accessible portions of the island, which is the majority of its 470 acres, allow dogs to be off-leash, and that will still remain under the plan as modified.

In order to maximize public access to this underutilized section of beach and provide new public recreational uses, the suggested modifications would reinstate Option A as the adopted concept plan for future development of the Southwest Subarea of Fiesta Island. Related policy language in the suggested modifications will require the provision of public recreation facilities along the shoreline as described in Option A, including restrooms, a recreation area, and a boat dock. However, because the proponents of Option B supported maintenance of the Southwest Subarea as an undeveloped, earthen open space, Option A as modified ([Exhibit 6](#)) would delete the "Dog Activity Park" along the northern fence line to reflect its deletion in Option B and maintain that area as undeveloped open space. Thus, the LUP amendment as modified will enhance and prioritize coastal dependent uses and promote the balanced distribution of public access across Fiesta Island and Mission Bay Park as a whole.

North Subarea Nesting Site Closure

The North Subarea of Fiesta Island is currently bordered on three sides by a mile of sandy beach varying in width from 10 to 170 feet, backed by Fiesta Island Road, with the interior consisting of a 30-acre fenced California least tern nesting site and vegetated uplands with informal trails. As originally proposed in the LUP amendment, this existing configuration was to be maintained with a new cross-island channel and wetland constructed south of the least tern nesting site. As explained in more detail in the "Habitat" section of the report below, the least tern nesting site is failing, and after discussions among the USFWS, City staff, and Commission staff, a revised plan amenable to all agencies was developed wherein the 30-acre least tern site would be relocated adjacent to the western beach, approximately three-quarters of the portion of Fiesta Island Road within the subarea would be demolished to create a direct connection between the nests and the water, and the

nesting area would be closed to public access year round to protect the least terns and their nesting habitat from damage due to use by the public and off-leash dogs. The eastern half of the North Subarea would become a wetland, with a quarter-mile stretch of Fiesta Island Road retained to maintain year-round public access to the eastern beach area, as that side has the greater breadth of allowable public uses with the presence of fire pits and swim areas, whereas the western half that will be closed for the nesting site has a smaller range of allowable uses due to the adjacent Fiesta Bay motorized boating area, where swimming is not allowed.

The stretch of beach that would be closed year-round to public access for the nesting site represents approximately half a mile of shoreline and nine acres of sandy beach and upland that has been used by the public since Mission Bay Park's construction in the 1960s. Regardless of size or location, the closure of a public beach area is a substantial step that has adverse impacts on public access, and is a measure rarely taken by the Commission. When addressing balancing uses for both habitat and recreation, the Commission looks to see if both uses can be accommodated on the same site, even if at different times of the year from each other. However, in the case of northern Fiesta Island, after discussions with USFWS and review of information by the Commission's staff ecologist, Dr. Laurie Koteen, it was determined that, due to the role the area plays in the support of the state and federally-endangered California least tern and the fact that, despite its thousands of acres, Mission Bay Park has a very limited supply of undisturbed habitat for wildlife, the year-round closure is necessary to protect against human impact during both nesting season and migratory season, as human activity and off-leash dogs can disturb soils and scare off foraging birds.

Yet while the half mile of beach on the western half of the North Subarea will be closed to public access year-round, the half-mile of beach on the eastern half will continue to remain open year-round. An approximately 1,600 linear foot portion of Fiesta Island Road will be retained on the east side and converted to a two-lane road with turnaround to allow the public to still be able to conveniently access the eastern beach. While USFWS and the City requested that the retained portion of the road be made a pedestrian and bicycle path instead to create a more passive recreation area and avoid the need to widen the retained portion of Fiesta Island Road into two lanes and maximize wetland area, given the distances involved, such a change could dissuade the public from utilizing the northern beach area due to the difficulty in carrying beach supplies, recreational equipment, and firewood along the half-mile of beach. Finally, because the interior of the eastern half will be converted to a functioning wetland habitat, it will also be closed to public access year-round, but the public will be able to view the wetlands from the beach area as an improvement in the scenic resources over the existing sand berm and invasive vegetation. Thus, the LUP as modified will preserve the eastern portions of the North Subarea that currently allow the greatest range of public uses while limiting the year round closure to the smallest area necessary in order to address current failings in habitat for an endangered species.

Traffic and Alternate Transportation

Regarding public traffic and circulation within and to Fiesta Island, access to the island is provided by the Fiesta Island Road causeway at the southeast corner of the island, where it intersects with East Mission Bay Drive near SeaWorld Drive. Once on Fiesta Island,

Fiesta Island Road is an approximately 4.7 mile one-way, one-lane loop road that circles the perimeter of the island in a counter-clockwise direction. The road has one cutover in the middle of the island, which allows traffic to bypass the northern half of the island and return toward the entrance causeway. Fiesta Island Road does not have any formal parking on the road, but informal parking is permitted on the adjacent beach. Fiesta Island Road also has sharrow markings, but no other bicycle facilities or sidewalks are present.

Regarding traffic, an April 2017 traffic survey was conducted, with intersection traffic monitoring occurring for morning and evening peak periods on a weekday, as well as midday during a Saturday, while daily traffic volume data was collected over a four-day period from a Thursday through Sunday. The traffic survey evaluated four intersections along SeaWorld Drive near Fiesta Island during weekday AM and PM peak hours and weekend midday peak hours, as well as the entrance intersection of Fiesta Island Road and East Mission Bay Drive. All intersections operated at or above the acceptable Level of Service (LOS) D or better except for the intersection of Fiesta Island Road and East Mission Bay Drive during the midday peak hours, when it operated at LOS E. The daily roadway segment operations analysis looked at six roadway segments during the weekday and weekend conditions. All of the segments operated at acceptable LOS D or better except for SeaWorld Drive between I-5 and East Mission Bay Drive and between Friars Road and South Shores Parkway, which operate at LOS E during midday weekend peak hours.

The traffic analysis found that the additional vehicle trips associated with the proposed amendment will not increase the vehicle to capacity ratio of the nearby roadway segments beyond the significant impact threshold. However, when analyzing nearby intersections, it was found that buildout under the amendment as suggested to be modified would increase wait times at the entrance intersection of Fiesta Island Road and East Mission Bay Drive by 27.2 seconds, resulting in a significant impact (wait times would increase by 10.8 seconds under the unmodified amendment, also a significant impact).

The traffic survey identified intersection improvements that could mitigate the intersection impact to below a level of significance: either a) the installation of an all-way stop by adding signage and restriping, or b) widening the intersection and constructing a roundabout. Subsequent to the traffic survey's completion, the City installed an all-way stop at the intersection, and thus the mitigation measure has already been implemented.

The subject amendment envisions bicycle and pedestrian facility improvements for Fiesta Island, including multi-use paths and recreational trails, pedestrian and bicycle bridges at key crossings, a bicycle lane along Fiesta Island Road, and the widening of the Fiesta Island entrance causeway to provide a Class I multi-use path for bicyclists and pedestrians. The amendment also contains several bicycle-focused policies that support the provision of bicycle connections between nearby transit centers, the regional bicycle network, and Mission Bay Park. The amendment also contains a number of policies related to pedestrian amenities within Fiesta Island, including wayfinding signage, dedicated pedestrian pathways, separated pedestrian facilities, and marked crossings with high-visibility striping and other enhancements.

The Metropolitan Transit System (MTS) provides alternate transit in the region, but not to Fiesta Island itself. The closest bus route has stops located on Morena Boulevard on the east side of I-5, half a mile away. The forthcoming Blue Line trolley extension expected to open in late 2021 will have a trolley stop along Morena Boulevard in the same area. The Class I San Diego River Trail and Mission Bay Park multiuse trails are located on East Mission Bay Drive and SeaWorld Drive. Class II bicycle lanes extend along SeaWorld Drive, and Class III facilities extend along East Mission Bay Drive. Sidewalks are intermittently present along portions of East Mission Bay Drive and SeaWorld Drive. The amendment contains policy language that addresses a potential public tram around Mission Bay Park, with stops at the forthcoming trolley station and various points in the park and adjacent communities. Should such a regional tram come to fruition, it would be expected to include stops serving highly visited regional destinations, such as Fiesta Island.

In conclusion, the LUP amendment as modified will contain plans and policies that maintain and enhance the broadest balance of public access and recreational opportunities around Fiesta Island while minimizing the closure of access needed to address existing failings in sensitive habitat, and can be found consistent with the policies of Chapter 3 of the Coastal Act.

Habitat

Fiesta Island is artificial, made largely from dredging operations used to create Mission Bay Park. Much of the flora and fauna on the island are non-native species and, in some instances, considered invasive. With the exception of the youth camp area, there have been no formalized planting on the island.

Regarding wetland habitat present in the project area, southern coastal salt marsh is found on the east side of the island at the mouth of Tecolote Creek and within a few isolated non-tidal saline basins on the island. The salt marsh by Tecolote Creek is tidally influenced, while the small inland patches occur in areas of low soil permeability with no drainage outlet to the bay. Saltpan and mudflats are located in low-lying areas where ponding occurs and are generally devoid of vegetation. The upper shoreline is primarily sandy beach and transitional sandy silts, with portions regularly groomed by the City to maintain even grades as the City has been doing since before the Coastal Act. In addition, open water around Fiesta Island consists of unconsolidated soft bottom habitats, with a fringe of eelgrass around much of the island.

Regarding upland habitats in the project area, the southern foredune community occurs on sandy sites in proximity to the high-water line but primarily in patches in the inland portions of the Central Subarea. Diegan coastal sage scrub can also be found in inland portions of the island. Vegetated disturbed land has been colonized by primarily non-native vegetation dispersed throughout the island, interwoven with dirt paths and a City sand management area.

Ninety-five plant species have been observed on Fiesta Island, of which six are considered sensitive by one or more regulations: nuttall's lotus, coast woolly-heads, estuary seablite, lewis' evening primrose, red sand-verbena, and woolly seablite. Ten sensitive animal species were observed or are known to be present on Fiesta Island, including: California

least tern, white-tailed kite, California brown pelican, loggerhead shrike, Caspian tern, northern harrier, common loon, San Diego black-tailed jackrabbit, California horned lark, and double-crested cormorant. Other sensitive animal species not observed but with moderate to high potential to occur onsite include the wandering skipper, cooper's hawk, burrowing owl, Canada goose, western snowy plover, reddish egret, American peregrine falcon, long-billed curlew, osprey, Belding's savannah sparrow, black simmer, and elegant tern.

Currently, the 30-acre fenced California least tern nesting site in the North Subarea has demonstrated a years-long downward trend in nesting use since peaking in 2003. USFWS, who manages the site in coordination with the City of San Diego, has detailed the minimum steps necessary to address the causes of the decreased nesting and reconfigure the site to be a year-round resource to not just California least terns during the nesting season, but to a wide range of both local and migrating shore birds seeking a protected area to forage and rest. As modified after coordination with USFWS and the City, the LUP amendment would shift the 30-acre least tern nesting site, which currently occupies most of the inland portion of the North Subarea, to the western half of the North Subarea. In conjunction with demolition of most of Fiesta Island Road within the North Subarea, the least tern nesting site would be regraded to form a continuous, sandy slope down to the beach and water, granting a direct connection between the upland least tern nesting area, the sandy beach, and water foraging areas. Because Fiesta Island is a heavily visited park that allows off-leash dog activity, it will be necessary to maintain fencing around the approximately 30-acre nesting area, much as it is fenced off today, though instead of chain link fencing, a lower-scale form of fencing that is less conducive to perching by raptors is recommended by both the USFWS and the Commission's ecologist.

The steps taken to enhance the least tern nesting area will also make it more attractive to other shorebirds, such as the federally listed western snowy plover, as they too nest and roost in sandy areas with direct access and line-of-sight to open water and forage within non-vegetated intertidal areas at low tide. Additionally, Mission Bay Park is located within the Pacific Flyway, the coastal route taken by migratory birds outside of the breeding season. The waterfront configuration of the relocated nesting site and its closure to public access will ensure that this resource will be present for migrating birds to rest and forage without risk of disturbance by human activity.

The modified amendment's creation of wetlands next to the least tern nesting site within the eastern inland portions of the North Subarea would provide further foraging areas for the terns as well as other listed species, such as the federally endangered light-footed Ridgway rail. Because the wetlands will be hydrologically connected to the bay waters and would be intended by the City and USFWS to serve as natural, undisturbed habitat, the new wetlands would also be closed to the public year round to ensure that human and off-leash dog activity do not adversely impact the habitat or disturb sensitive species making use of it. The separation would be enforced through a mixture of signage and low-scale fencing to dissuade perching by raptors that may prey on the least terns and other shore birds utilizing the area.

Separately, the proposed LUP would relocate the existing 24-acre sand management area used by the City to store excess sand from its beach grooming activities, currently located

at the southeast corner of the Fiesta Island to the Central Subarea west of the Youth Aquatic Center. Like most of Fiesta Island, this 40-acre portion of the Central Subarea is undeveloped, primarily consisting of vegetated open space and informal public trails. However, the biological survey conducted in preparation of the concept plan identified most of the special status plant species found on Fiesta Island as being located in isolated stands scattered throughout this segment, such as coast woolly-heads, Lewis's evening primrose, and Nuttall's lotus. Thus, relocation of the sand management area to this portion of Fiesta Island could displace and impact the limited presence of special status vegetation on Fiesta Island. However, as described previously in this report, this LUP amendment is a concept plan only, with the timing, location, and design of future improvements within the plan currently unknown. Such details will be finalized when subsequent project-level design and permit applications occur, and either Chapter 3 of the Coastal Act will continue to be the standard of review or, if Mission Bay Park is fully certified in the future, the City's certified LCP Environmentally Sensitive Land regulations will govern the final design, siting, and, if necessary, mitigation for the relocation of the sand management area, as well as all other development on the island. Both Chapter 3 of the Coastal Act and the LCP's Environmentally Sensitive Land Regulations will require a redesign of the sand management area that avoids direct and indirect impacts to any sensitive habitat resources in the Central Subarea to the greatest extent feasible, even if it requires a smaller sand management area than currently exists. Suggested Modification No. 4 will also require that impacts to sensitive habitat be avoided to the greatest extent feasible. Thus, the LUP as modified will conform to the habitat protection policies of Chapter 3 of the Coastal Act.

Visual Resources and Community Character

Fiesta Island is generally flat and almost entirely undeveloped, with a naturalized open space character. There are approximately six miles of shoreline that can be directly accessed by existing road infrastructure which provides opportunities for passive and active recreation close to the road. The vegetation on the island consists primarily of ruderal vegetation and ornamental vegetation as well as beach, coastal sage scrub, salt marsh, mudflat, and dunes. Existing uses are limited to various recreational activities and sensitive habitat areas with limited built structures at the San Diego Youth Aquatic Center and youth camping leasehold.

Though Fiesta Island does not contain any officially designated scenic viewpoints, landmarks, or view corridors, the visual assets of Fiesta Island include its location in Mission Bay with sweeping, unobstructed public views of Mission Bay and surrounding communities from all points of the shoreline. Public views toward scenic resources from the shoreline are unobstructed, while views from the interior of the island are obstructed by perimeter berms. Only the shoreline of Fiesta Island is readily visible from exterior vantage points off the island, with the inland portions obstructed by the berms.

Compared to existing conditions, the proposed amendment as modified would not alter or block public views from existing scenic vistas or substantially alter the appearance of Fiesta Island as viewed from exterior vantage points off the island. Compared to the currently certified Park Master Plan, the proposed amendment as modified would significantly reduce changes to the natural open space character and landform because the proposed amendment has less formal developed park and recreation uses. The

majority of the major grading will occur in the North Subarea in order to reconfigure the California least tern nesting area and create the new wetland habitat and water channel adjacent to it. The structures anticipated to be built for the new recreational uses, such as restrooms, lifeguard facilities, docks, and concession for the primitive camping site, would be low-lying, small scale structures that would not substantially change the undeveloped nature of Fiesta Island. Additionally, the proposed uses and road configuration will expand the opportunity for the public to be able to access and enjoy Fiesta Island's visual resources. Thus, the LUP amendment as modified will maintain the visual resources and character of Fiesta Island and can be found in conformance with Chapter 3 of the Coastal Act.

Water Quality

Between 1959 and 1961, Mission Bay Park was dredged from historic river estuary and embayment into its current configuration, with virtually all the silts and clays being pumped into the interior of Fiesta Island. The main streams that flow into Mission Bay are Tecolote Creek, adjacent to the Fiesta Island entrance causeway at the southeast corner of the island, and Rose Creek to the north of Fiesta Island. Drainage on most of Fiesta Island is by sheet flow to a containment berm on the inland side of Fiesta Island Road, which extends along the perimeter of most of the island, and then to informal basins where it percolates into the soil or evaporates. On the exterior side of the berm, runoff sheet flows across Fiesta Island Road and into Mission Bay. On the southwest part of the island, several culverts convey runoff from the fenced off-leash dog park to Mission Bay. Mission Bay is listed on the Clean Water Act Section 303(d) List of Water Quality Limited Segments for eutrophic conditions (nutrient heavy) and lead.

Fiesta Island is mostly undeveloped, with large areas of pervious surfaces (sand recreation and vegetated areas) mixed with a smaller amount of impervious areas (roads and paved camping areas). Future projects that could occur under the amendment as modified may result in an increase in impervious areas due to new structures such as restrooms, new and widened roadways, and new parking areas. At buildout, impervious areas on Fiesta Island would increase 12.7 acres under the amendment as modified, from 16.2 acres at present to 28.9 acres (impervious area would increase by 10.6 acres under the City's original, unmodified proposal). The perimeter Fiesta Island Road would be recontoured to alter storm water drainage flows into the island as opposed to allowing the water flow into the beach and bay. A bioswale of variable width would be created to capture storm water. Suggested Modification No. 2 will require the incorporation of Low Impact Development (LID) practices and promotion of infiltration in all project-specific development under the LUP's concept plan in order to reduce the volume of runoff entering bay waters. Thus, the LUP as modified would contain policies that would direct runoff away from coastal waters and maintain and enhance Fiesta Island's substantially pervious character through improved runoff management and can be found consistent with Chapter 3 of the Coastal Act.

Coastal Hazards

Section 30253 of the Coastal Act requires, in part, that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard and shall neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or require the erection of shoreline protection. Fiesta Island is comprised entirely of artificial dredged fill material that was placed there from dredging that occurred for the creation of Mission Bay Park. Surface elevations range from 10 to 25 feet MSL, with higher elevations generally concentrated along the perimeter and southern portions of Fiesta Island connected to the mainland by the entrance causeway. Ten to fifteen-foot tall impoundment berms are located around the perimeter of the island. Most of Fiesta Island consists of 2-3% slopes, with the sand berms at a higher 25-50% angle. Most of the beach area slopes at less than 5%, with portions sloping at 10%. The mean high-water line on Fiesta Island is located at an elevation of +4.74 feet mean low-low water (MLLW), and the annual highest tide omitting storm surge is +7.37 MLLW. Within the island's interior, there are no waterways that directly connect to Mission Bay (i.e. surface drainage connection). Rather, there are shallow depressions that support a combination of hydrophytic vegetation, hydric soils, and wetland hydrology.

The shores of Fiesta Island are in the 100-year flood zone applicable to coastal environments with wave height of less than three feet. The boundary between the flood zone and inland areas of the island outside of the flood zone is about 3.8 feet above MSL. Fiesta Island is almost completely undeveloped, with an open-space earthen character. The amendment as modified would not substantially change this because the future development would be small-scale in nature, with primitive tent camping and public recreational spaces served by small scale structure such as restrooms, unmotorized boat storage, lifeguard station, and a concession station. The majority of the new development would be inland of Fiesta Island Road and the perimeter berm ringing the island, with the new shorefront development consisting of substantially at-grade development such as the new public recreation and boating facility at the southern shoreline. As projected by the United States Geologic Survey's Coastal Storm Modeling System (COSMOS), even with a projected sea level rise of 6.6 feet (2 meters), only the beach area and road area seaward of the perimeter berms would be flooded, with the remainder of Fiesta Island remaining outside of the 100-year flood zone. Thus, not only will the development under the amendment as modified introduce minimal new structural development within Fiesta Island, what is proposed will be outside of the flood zone under projected sea level rise and will be sufficiently low-scale enough that relocation inland in response to future sea level rise, if necessary, is not anticipated to be overly burdensome. Suggested Modification No. 3 requires that all future development under the LUP concept plan consider the effect of sea level rise in order to identify the design and site that would be safe from coastal hazards for its economic life and not require the erection of shoreline protection. Therefore, the LUP amendment, as modified would maintain Fiesta Island in its undeveloped character and would not introduce new development that would be threatened by sea level rise or require the erection of shoreline protection, and is consistent with the Chapter 3 policies of the Coastal Act.

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

Section 21080.9 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. 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 submission. Nevertheless, the Commission is required in an LCP submittal, or as in the case, an LCP amendment submittal, to find that the LCP, or LCP as amended, does conform with CEQA.

The City prepared and adopted a Program Environmental Impact Report (PEIR) for the proposed amendment (SCH. No. 2017051034 – Project No. 562189). The Commission has reviewed and evaluated the proposed amendment and finds that potential impacts are adequately mitigated by the LUP amendment with Commission staff's suggested modifications. With the implementation of policies requiring the provision of a new public recreational and boat launch facility along the southern shore of Fiesta Island and the provision of a protected California least tern nesting area and wetland closed off to the public at the northern end of the Fiesta Island, the amendment as modified will maximize public access and habitat protection to the greatest extent feasible while avoiding substantial adverse impacts. There are no feasible alternatives or feasible mitigation measures which would substantially lessen any significant adverse effect which the amendment may have on the environment. Any specific impacts associated with the individual development projects would be assessed through the environmental review process, and an individual project's compliance with CEQA would be assured. The Commission therefore finds the subject amendment as modified consistent with the California Environmental Quality Act.