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STAFF REPORT: CONSENT CALENDAR

Application No.:	**6-23-0627**
Applicant:	**City of San Diego**
Agent:	Eriberto Valdez
Location:	1000 block of East Mission Bay Drive, Mission Bay Park, San Diego, San Diego County.
Project Description:	Renovate playground, basketball court, and comfort station, reconstruct upper boat launch ramp, install ADA compliant sidewalks and parking spaces, repair parking lot, install security lighting, and new stormwater system.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of San Diego is proposing to renovate an existing playground and basketball court at De Anza Cove South, also known as Playa Pacifica Park, including updating playground equipment and surfacing, as well as adding ADA compliant sidewalks and parking spaces, resurfacing and restriping the parking lot, reconstruction of the upper boat launch ramp, installation of new security lighting, new stormwater system, and renovation of an existing comfort station. The project site is located on the 1000 block of East Mission Bay Drive within the southern cove of De Anza in Mission Bay Park (Exhibit 1).

The primary Coastal Act issues raised by the proposed development are potential impacts to public access and water quality during construction and impacts to water quality from the proposed playground surface. The City states that project construction is expected to last up to 12 months and will be scheduled outside the summer season (Memorial Day through Labor Day). Construction will occur in a phased approach to ensure adequate parking is provided to the public. Construction activities are not expected to prevent public access to the surrounding beach areas or other nearby park facilities as the City has proposed to provide a temporary pathway during construction to ensure accessibility to the shoreline is maintained at all times. **Special Condition No. 3** requires the applicant to submit a public access management program that contains a construction phasing schedule that substantially conforms to the preliminary plan reviewed by the Commission and identifies the staging and storage areas, alternate pedestrian pathways that will be implemented while the shoreline pathway is under construction, and signage that will be posted to notify the public of the alternative accessways. Special Condition No. 3 further requires permission from the Executive Director prior to conducting work during the summer. **Special Condition No. 2** requires the applicant to submit a lighting plan that requires all proposed light-emitting diode (LED) lighting to be 3,000 Kelvin or less, to minimize impacts on sensitive species.

Because the project is located adjacent to Mission Bay and includes a large amount of new and replaced impervious surfaces, the project has a greater potential for generating polluted runoff or changing runoff flows that may adversely impact coastal resources. To ensure that appropriate best management practices (BMPs) are implemented in the parking lot, **Special Condition No. 4** requires the applicant to submit a stormwater plan that identifies the stormwater pollution prevention measures to be used in the parking lot and describes how the stormwater generated from the parking lot would be captured and treated. **Special Condition No. 5** requires the submittal of a construction and pollution prevention plan to ensure that proper BMPs are implemented during construction to secure on-site materials and capture runoff that may enter nearby storm drains that flow directly into the waters of Mission Bay.

As stated above, a primary Coastal Act issue raised by the proposed development is the impact of the playground surface on water quality. The City originally proposed to use a synthetic rubber playground surface product, which would adversely impact the environment and biological resources, and potentially human health due to the numerous hazardous chemicals and compounds including heavy metals. The use and impact of synthetic rubber playground surface is further explained in CDP 5-23-0345 and through a memo prepared by Vanessa Metz, Ph.D., Commission Senior Environmental Scientist, included in the exhibits in the staff report for CDP 5-23-0345.

Commission staff worked with the City to ensure synthetic rubber playground surface would not be included in the project proposal. The City agreed to change the playground surface to PlayMatta Original Tiles, an acceptable playground surface that minimizes the discharge of hazardous chemicals and microplastic pollution into the

environment when used with the foam shock pad. **Special Condition No. 1** requires the applicant to use the PlayMatta surface with the foam shock pad for the new playground.

Finally, **Special Condition No. 6** requires the applicant to submit a bird nesting survey to ensure that nesting birds are not adversely impacted during tree removal or construction activities.

Commission staff recommends that the Commission **APPROVE** coastal development permit application **6-23-0627**, as conditioned. The motion is on page 5. The standard of review is Chapter 3 of the Coastal Act.

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EXHIBITS

I. MOTION AND RESOLUTION

Motion:

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

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

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

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

3. **Interpretation**. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land**. These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind

all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Revised Final Plans.**
   a. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval one full size set of revised final project plans. Said plans shall first be stamped approved by the City of San Diego and be in substantial conformance with the plans submitted by City of San Diego dated 9/06/2024 and received on 9/26/2024, except that they shall comply with the following:
      i. The playground surface shall be PlayMatta Original Tiles with foam shock pad. Use of shredded tires or synthetic rubber surfacing shall be prohibited.
      ii. Any trees removed shall be replaced at a 1:1 ratio. Replacement trees shall be a minimum 24-inch box size and shall consist of native or non-invasive species.
   b. All revised plans shall be prepared and certified by a licensed professional or professionals as applicable (e.g., architect, surveyor, geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical reports
   c. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit, or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

2. **Lighting Plans.**
   a. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval one full size set of lighting plans that demonstrate the following:
      i. Maximum color temperature of lighting fixtures shall contain a maximum color temperature of 2,700 degrees Kelvin (K), unless it can be demonstrated that such features would not meet required safety measures. In no case shall lighting exceed a correlated color temperature of 3,000 K.
      ii. All lighting fixtures shall be the minimum lumens required for safety and security. No non-security or non-safety lighting and no lighting for aesthetic purposes is allowed.
      iii. Security lighting attached to the structures shall use a control device or automatic switch system or equivalent functions to minimize lighting.
      iv. All lighting fixtures shall be shielded and directed downward to minimize light shining on adjacent properties or natural areas. Shielded shall mean that the light rays are directed onto the site, and the light source

(e.g., bulb, tube, etc.) is not visible beyond the property boundary of the site of the light source.

v. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness.

vi. Stand-alone light fixtures shall be limited to a maximum height of 20 feet

vii. No lighting shall produce an illumination level greater than one-foot candle (10.76 lumens) beyond the property boundary of the site of the light source.

3. **Public Access Management Program.**

a. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a Public Access Management Program that includes, at a minimum, the following:

i. The program shall include a construction phasing schedule and staging plan that substantially conforms to the plan titled “Playa Pacifica Park Construction Phasing Diagram, Timeline, and Work to be Performed” and provided to the San Diego Coast Coastal Commission office on August 1, 2023.

ii. The program shall include a plan for ensuring safe public access to and around construction areas and/or staging areas is maintained during all project operations. The plan shall include a description of the methods (such as signs, fencing, etc.) by which safe public access to and around construction areas and/or staging areas shall be maintained during all project operations. The applicant shall provide copies of all proposed signage.

iii. The program shall include all necessary temporary access provisions, including an alternative to the public shoreline sidewalk during construction, to maintain public pedestrian access around the construction areas and/or staging areas and along the shoreline.

iv. Construction shall not occur between Memorial Day weekend and Labor Day unless, due to extenuating circumstances beyond the City’s control (such as extensive delays due to severe weather, delivery of playground equipment/manufactured restrooms, or other environmental concerns) the Executive Director provides written authorization for such work.

v. Where public parking areas are used for construction staging or storage, the number of public parking spaces (on and off-street) utilized shall be the minimum necessary to implement the project.

vi. Lateral access along the shoreline shall be maintained at all times throughout construction.

vii. All recreational use areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
viii. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
ix. The permittee shall undertake development in conformance with the approved final program unless the Commission amends this permit, or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

4. **Parking Lot Stormwater Plan**.
   a. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a stormwater plan that identifies the stormwater pollution prevention measures to be used and describes the capture and treatment of the stormwater runoff generated from the De Anza Cove South parking lot. The final plan shall comply with the following Low Impact Development standards:
      i. Minimize disturbance of coastal waters and natural drainage features such as stream corridors, rivers, wetlands, natural drainage patterns, drainage swales, groundwater recharge areas, floodplains, and topographical depressions.
      ii. Minimize removal of native vegetation, and plant additional non-invasive vegetation, particularly native plants that provide water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control.
      iii. Maintain or enhance appropriate on-site infiltration of runoff to the greatest extent feasible. Use strategies such as avoiding building impervious surfaces on highly permeable soils; amending soil if needed to enhance infiltration; and installing an infiltration Best Management Practice (BMP) (e.g., a vegetated swale, rain garden, or bio retention system).
      iv. Minimize the addition of impervious surfaces, and where feasible increase the area of pervious surfaces in re-development. Use strategies such as minimizing the footprint of buildings; minimizing the footprint of impervious pavement; and installing a permeable pavement system where pavement is required.
      v. Disconnect impervious surface areas from the storm drain system, by interposing permeable areas between impervious surfaces and the storm drain system. Design curbs, berms, and similar structures to avoid isolation of vegetative landscaping and other permeable areas and allow runoff to flow from impervious pavement to permeable areas

for infiltration. Use strategies such as directing roof-top runoff into permeable landscaped areas; directing runoff from impervious pavement into distributed permeable areas (e.g., turf, medians, or parking islands); installing a vegetated swale or filter strip to intercept runoff sheet flow from impervious surfaces; and installing a rain barrel or cistern to capture and store roof-top runoff for later use in on-site irrigation.

vi. Where on-site infiltration is not appropriate or feasible, use alternative BMPs to minimize post-development changes in runoff flows, such as installing an evapotranspiration BMP that does not infiltrate into the ground but uses evapotranspiration to reduce runoff (e.g., a vegetated "green roof," flow-through planter, or retention pond); directing runoff to an off-site infiltration facility; or implementing BMPs to reduce runoff volume, velocity, and flow rate before directing runoff to the storm drain system.

vii. The permittee shall undertake development in conformance with the approved final plan unless the Commission amends this permit, or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

5. **Construction and Pollution Prevention Plan.**
   a. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a Construction and Pollution Prevention Plan. The final plan shall demonstrate that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:
      i. General. Best Management Practices (BMPs) and Good Housekeeping Practices (GHP's) designed to prevent spillage and runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the onset of such activity. The description and location of all water quality BMPs to be implemented during construction and demolition shall be specified.
         1. BMPs designed to minimize adverse impacts resulting from construction and demolition activities shall be implemented prior to the onset of such activity, including BMPs to minimize erosion and sedimentation, minimize the discharge of pollutants and non-stormwater runoff, and minimize land disturbance, as applicable. The description and location of all water quality BMPs to be

implemented during construction and demolition shall be specified.

2. All BMPs shall be maintained in a functional condition throughout the duration of the construction and demolition activities and shall be promptly removed when no longer required.
3. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting shall be prohibited, to minimize wildlife entanglement and plastic debris pollution. Only products with 100% biodegradable (not photodegradable) natural fiber netting shall be allowed.
4. Temporary erosion control measures shall be implemented if construction or site preparation ceases for a period of more than 30 days. These temporary erosion control measures shall be monitored and maintained until demolition or construction operations resume.
5. All construction methods and equipment to be used shall be specified.

ii. Staging and Storage of Equipment and Materials

1. Motorized equipment shall be staged and stored in the parking lot to reduce the potential for leaks or spills of fuel and other equipment fluids into coastal waters.
2. Staging and storage of construction equipment and materials (including debris) shall not take place on the shoreline pathway. Staging and storage of construction equipment and materials shall occur in inland areas at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible. Upon a showing of infeasibility, the applicant may submit a request for review and written approval to the Executive Director for staging and storage of construction equipment and materials closer than 50 feet from coastal water, drainage courses, and storm drain inlets. Construction is prohibited outside of the defined construction, staging, and storage areas.

iii. Construction Activities In and Adjacent to Coastal Waters

1. Construction work and equipment operations below the mean high-water line shall be minimized to the extent feasible, and, where possible, shall be limited to times when tidal waters have receded from the authorized work areas.
2. All work shall be performed during favorable tidal, ocean, wind, and weather conditions that will enhance the ability to contain and remove, to the maximum extent feasible, construction and demolition debris.

3. Equipment or construction materials not essential for construction work shall not be allowed at any time in the intertidal zone.
4. The footprint of areas within which demolition and construction activities are to take place (including staging and storage of equipment, materials, and debris; and equipment fueling and maintenance) shall be minimized to the extent feasible, to minimize impacts on the marine environment. Construction activities shall be prohibited outside of designated construction, staging, storage, and maintenance areas.
5. Vegetable-oil-based hydraulic fluids shall be used in heavy equipment used in construction lasting one week or longer overwater or adjacent to coastal waters, if feasible.
6. Biodiesel fuel shall be used in heavy equipment used in construction lasting one week or longer overwater or adjacent to coastal waters, if feasible.
7. All work shall take place during daylight hours, and lighting of the shoreline and bay area is prohibited.

iv. Stockpile and Debris Management

1. All demolition and construction materials, equipment, debris, and waste shall be properly stored and contained, and shall not be placed or stored where it may be subject to wave, wind, rain, or tidal dispersion, to prevent pollutants from entering coastal waters, sensitive habitats, and the storm drain system.
2. All stockpiles, construction materials, and demolition debris shall be enclosed on all sides, covered during rain events, and not stored in contact with the soil, and shall be located a minimum of 50 feet from coastal waters, sensitive habitat, and storm drain inlets.
3. Sediment control BMPs shall be installed at the perimeter of staging and storage areas, to prevent sediment in runoff from construction-related activities from entering coastal waters.
4. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs, to prevent the accumulation of debris, sediment, and other pollutants that may potentially be discharged into coastal waters.
5. All trash and debris shall be disposed of in the proper trash and recycling receptacles at the end of every construction day.
6. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

7. All debris resulting from demolition or construction activities, and any remaining construction materials, shall be removed from the project site within 24 hours of completion of the project.
8. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

v. Spill Prevention and Equipment Maintenance
   1. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of construction products or materials that may have adverse environmental impacts. The discharge of any construction products or materials into coastal waters shall be prohibited.
   2. Leaks or spills of fuel, oil, grease, lubricants, hydraulic fluid, chemicals, preservatives, paints, or other construction products or materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as feasible.
   3. Construction vehicles, machinery and equipment operating at the project site shall be inspected daily to ensure there are no leaking fluids and shall be serviced immediately if a leak is found. Reasonable and prudent measures shall be undertaken to prevent any discharge of fuel or oily waste from heavy machinery or construction equipment into coastal waters. The applicants shall have adequate equipment and materials available to contain any such spill immediately.
   4. Fueling and maintenance of construction equipment and vehicles shall be conducted off-site, if feasible. Any fueling and maintenance of mobile equipment conducted on site shall take place at a designated area located at least 50 feet from coastal waters, sensitive habitat, and storm drain inlets (unless these inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, if procedures are implemented to fully contain any potential spills.
   5. Equipment, machinery, and vehicles shall be washed only in designated areas specifically designed to contain runoff and prevent discharges into coastal waters. Thinners, oils, and solvents shall not be discharged into the sanitary sewer or storm

drain systems. The applicant shall submit evidence that the approved water quality plan has been incorporated into construction bid documents.

6. **Nesting Bird Survey.**
   a. Should tree removal occur during the bird nesting season, February 15 to September 15, a qualified biologist with experience in conducting bird surveys shall conduct a survey no more than 72 hours prior to removal of the tree in order to determine the presence or absence of nesting birds. If any active nests are detected, the tree will be flagged and mapped, and removal of the tree will be prohibited until the nesting cycle is complete.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The City of San Diego is proposing to renovate an existing playground and basketball court at De Anza Cove South, also known as Playa Pacifica Park, including updating playground equipment and surfacing, renovating the existing comfort station, adding ADA compliant sidewalks and parking spaces, resurfacing and restriping the parking lot, reconstruction of the upper boat launch ramp, installation of new security lighting, and construction of a new stormwater system. The project site is located on the 1000 block of East Mission Bay Drive within the southern cove of De Anza in Mission Bay Park in the City of San Diego (Exhibit 1).

The City originally proposed to use a synthetic rubber playground surface product. As discussed in detail in Section C. Water Quality, upon further review of this proposed playground surface material, the Commission's staff water quality specialist determined that this material would adversely impact the environment and biological resources, and potentially human health due to the numerous hazardous chemicals and compounds including heavy metals present in the proposed playground surface product. Commission staff worked with the City to ensure synthetic rubber playground surface would not be included in the project proposal. The City agreed to change the playground surface to PlayMatta Original Tiles, an all-weather playground surface that the Commission's water quality specialist has determined minimizes the discharge of hazardous chemicals and microplastic pollution into the environment when used with the foam shock pad underneath.

The site is currently equipped with electric vehicle (EV) charging stations that the proposed project will not impact. Reconstruction of the upper boat launch ramp will not require work to be performed in open coastal waters, however, **Special Condition No. 5** requires BMPs for construction activities in and adjacent to coastal waters.

The applicant proposes to use a phased construction approach. The first phase will include demolition of the existing concrete path, comfort station, asphalt, landscape,

and irrigation. Once this portion of demolition is complete, the reconstruction and renovation of the comfort station, concrete path, boat launch ramp concrete extension, landscape, and irrigation will be constructed. Phase two will commence with the demolition of the existing playground, basketball courts, sidewalks, asphalt on the southern half of the parking lot, curb and gutter, lighting, landscape, and irrigation. Once demolition is complete in the second phase, construction will begin on the playground, basketball courts, sidewalks, asphalt on the southern half of the parking lot, curb and gutter, trash enclosure, lighting, stormwater BMPs, landscape, and irrigation. Finally, the third phase will commence with demolition of the existing asphalt on the northern portion of the parking lot, curb and gutter, landscape, and irrigation. Once this portion of the demolition is complete, construction will begin on the northern portion of the parking lot including asphalt, curb, and gutter, sidewalks, stormwater BMPs, landscape, and irrigation (Exhibit 3). Construction is expected to take 12 months to complete, with the proposed schedule stopping construction in May and resuming in September, with an additional plant establishment and maintenance period of approximately three months after each phase. Based on the preliminary construction scheduled submitted by the City, no work is expected to occur during the summer season; however, because unforeseeable construction delays can occur, the City has requested the option to ask the Commission's Executive Director to authorize work during the summer season, Memorial Day weekend through Labor Day, if necessary and if such work is necessary to finalize construction and reopen the playground for public use in a timely manner.

Mission Bay Park is located in an area of both original and deferred certification, where the Commission retains jurisdiction and Chapter 3 policies of the Coastal Act are the standard of review. The Commission has certified the Mission Bay Park Master Plan as the Land Use Plan for Mission Bay Park, which serves as guidance**.**

B. Biological Resources

Coastal Act policies 30240 and 30251 protect sensitive habitats.

The project includes the removal of four trees that will be replaced at a 1:1 ratio. **Special Condition No. 1** requires the applicant to replace any trees removed at a 1:1 ratio. Additionally, **Special Condition No. 6** requires the applicant submit a bird nesting survey to ensure that nesting birds are not adversely impacted during tree removal or construction activities.

The City proposes to upgrade existing lighting to light emitting diode (LED) fixtures as part of the project. The replacement of the existing lighting with LED lighting could impact nearby marine and avian species within Mission Bay. While LED lighting is more energy efficient than traditional lighting, LED lighting has the potential to disrupt natural circadian rhythms leading to disruption in behaviors (e.g., breeding, foraging) and sleep due to the high blue light frequencies in LED lights. Environmental studies recommend a Correlated Color Temperature (CCT) of 3,000 Kelvin or below, a range that contains less blue light. In this case, the applicant has proposed 3,000 Kelvin lighting so no

substantial impacts are expected. **Special Condition No. 2** requires the applicant to submit final plans indicating a CCT of 3,000 Kelvin for all proposed lighting.

As conditioned, the proposed development will not have an adverse impact on any sensitive habitat. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Water Quality

Section 30231 of the Coastal Act requires that coastal waters are protected, and runoff minimized.

The City originally proposed to use a synthetic rubber playground surface product, which contained synthetic rubber SBR (Styrene Butadiene Rubber), held together with a polyurethane binder; and a top surface layer consisting of small synthetic rubber granules of recycled post-industrial EPDM (Ethylene Propylene Diene Monomer) or TPV (Thermoplastic Vulcanizates) held together with an aromatic or aliphatic urethane binder. The City indicated that this surface material met the guidelines as set by the ADA, and the material had the required critical fall height for compliance with ASTM F1292.

Upon further review of this proposed playground surfacing material, the Commission's water quality specialist determined that this material would adversely impact the environment and biological resources, and potentially human health due to the numerous hazardous chemicals and compounds including heavy metals (e.g., lead, zinc, mercury, and arsenic), polyaromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), 6-phenylenediamine (6-PPD), phthalates, organophosphate esters (OPEs), and per- and polyfluoroalkyl substances (PFAS), among others, that potentially pose problems for human health, the environment, and aquatic life. The use of synthetic rubber playground surface is further explained in CDP 5-23-0345 and the exhibits on that staff report include a memo prepared by Vanessa Metz, Ph.D., Commission Senior Environmental Scientist dated June 27, 2024.

In addition to hazardous chemicals, small synthetic rubber granules (classified as microplastics) are continuously dislodged from the surface of Poured-in-Place (PIP) rubber playgrounds, often in large numbers. Tire shreds (also microplastics) may also be dislodged from the base layer as the playground surface deteriorates. Granules of synthetic rubber and tire shreds are transported by wind, stormwater runoff, maintenance sweeping, power-washing, and playground users' feet and clothing into surrounding areas, where they contribute to microplastic pollution of soil, air, waterways, and the ocean. Both the microplastic particles and their leachates can cause adverse impacts to aquatic species. Due to their toxicological effects, environmental persistence, and bioaccumulation, microplastics have been documented to cause chronic toxicity in numerous aquatic organisms—including fish, mammals, amphibians, marine birds, aquatic invertebrates, and zooplankton—and to adversely impact human health.

Therefore, Commission staff worked with the City to ensure synthetic rubber playground surface would not be included in the project proposal. The City agreed to change the playground surface to PlayMatta Original Tiles, an all-weather playground surface that the Commission's water quality specialist has determined minimizes the discharge of hazardous chemicals and microplastic pollution into the environment when used with the foam shock pad underneath. The foam shock pads provide up to 12 ft. of critical fall height protection, and they are also porous and recyclable. **Special Condition No. 1** requires the applicant to use the proposed PlayMatta surface with the foam shock pad for the new playground and prohibits the use of shredded tires.

The proposed project is located adjacent to Mission Bay and includes a large amount of new and replaced impervious surfaces. As such, the project has a greater potential for generating polluted runoff or changing runoff flows that may adversely impact coastal resources and is therefore considered a Development of Water Quality Concern (DWQC). For DWQCs, the Commission has historically required that structural best management practices (BMPs) be sized, designed, and managed to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85th percentile 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-based BMPs.

The infiltration basin proposed as part of this project will capture runoff from the parking lot that enters existing storm water conveyance systems and is designed to treat all storms up to an 85th percentile storm event. A modular wetland system is needed to treat runoff from the southern half of the parking due the shallow and fluctuating groundwater levels. The southern section of the site is approximately 2.5 feet lower than the northern section which would place an infiltration basin within the anticipated ground water levels. Runoff from the basketball courts and restrooms will be directed to pervious areas for dispersion. It is not feasible to direct runoff from the boat ramp and certain walkways to landscaping or a treatment basin due to their proximity to the Bay. To mitigate this, an area equivalent to these impervious sections was added to the treatment area upstream of the infiltration basin. The promenade, walkways, basketball courts, and a portion of the restroom are impervious surface areas that are anticipated to drain to adjacent landscaped areas.

To ensure that appropriate BMPs are implemented in the parking lot, **Special Condition No. 4** requires the applicant to submit a stormwater plan for the parking lot that identifies the stormwater pollution prevention measures to be used in the parking lot and describes how the stormwater generated from the parking lot area would be captured and treated. To ensure that construction activities do not impact water quality by allowing sediment or pollutants to enter bay waters, **Special Condition No. 5** requires the submittal of a construction pollution and prevention plan to ensure that proper BMPs are implemented to secure on-site materials and capture runoff that may enter nearby storm drains that flow directly into the waters of Mission Bay.

Therefore, as conditioned, the project will not result in erosion or adverse impacts to water quality.

D. Community Character and Visual Resources

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

E. Public Access and Parking

The project will improve an existing free public recreational facility. A total of 30 public parking spaces will be temporarily unavailable during construction to accommodate staging and storage. Given that the site is within in a public park, there are no feasible alternatives to stage during construction, and since the playground will be closed during construction, the temporary occupation of parking spaces is expected to have a minimal impact on public access to Mission Bay Park. Since the project would include improvements to the pedestrian pathway along the shoreline and public parking, the applicant has proposed to provide temporary restrooms and a temporary pathway during construction to ensure accessibility to the shoreline is maintained at all times (Exhibit 3). **Special Condition No. 3** requires the submittal of a public access management program that contains a construction phasing schedule that substantially conforms to the plan reviewed by the Commission and identifies the staging and storage areas to be used, alternate pedestrian pathway that will be implemented while the shoreline pathway is under construction, and signage that will be posted to notify the public of the alternative accessways. Although the City is not anticipating construction during the summer, **Special Condition No. 3** allows the Executive Director to permit work to occur between Memorial Day and Labor Day if necessary to ensure the playground is reopened as soon as feasible.

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

F. Local Coastal Planning

The Mission Bay Park Land Use Plan (LUP) segment of the City of San Diego Local Coastal Program (LCP) was certified on May 11, 1995, but no implementation plan has been developed yet, and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LUP for the area. Approval of the project, as

conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3.

G. California Environmental Quality Act

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The City of San Diego determined the project to be categorically exempt.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing water quality and stormwater will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives, or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Mission Bay Park Master Plan
- CDP 5-23-0345 staff report and exhibits: https://documents.coastal.ca.gov/reports/2024/7/Th15b/Th15b-7-2024-report.pdf