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Date: July 30, 2026

To: COMMISSIONERS AND INTERESTED PERSONS

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Subject: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR
AMENDMENT NO. LCP-6-SAN-24-0037-3 (De Anza Natural) for
Commission Meeting of August 14, 2026.

SYNOPSIS

The subject LCP land use plan amendment was filed as complete on May 19, 2025. A one-year time extension was granted by the Coastal Commission at the August 2025 hearing. As such, the last date by which the Coastal Commission must take action is September 25, 2026.

SUMMARY OF AMENDMENT REQUEST

The City of San Diego (City) proposes to amend the certified Mission Bay Park Master Plan (MBPMP) Land Use Plan (LUP) to update the existing policies and figures addressing land uses within the De Anza area in the northeast corner of Mission Bay Park. The project area consists of approximately 314 acres of land and 191 acres of open water for a total of 502 acres containing the Kendall-Frost Marsh Reserve/Northern Wildlife Preserve, Campland on the Bay, Pacific Beach Tennis Club, McEvoy athletic fields, Mission Bay Golf Course, a vacated mobile home park, Mission Bay Recreational Vehicle Resort, public parking lots, and public lawn, beach, open water areas. The De Anza Natural LUP amendment is a long-range vision for the redevelopment and enhancement of De Anza Cove that will guide future specific development projects. The proposed amendment includes recommendations to establish a nature center, expand natural habitat, improve water quality through grading and channelization, and preserve or expand lower-cost recreational and overnight accommodation uses.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial of the LUP amendment as submitted, then approval with suggested modifications. The overall goals and policies of the De Anza Natural amendment to the Mission Bay Park Master Plan – to maintain low-cost open space recreational uses, maintain low-cost overnight accommodation, expand habitat acreage,

and improve water quality – align closely to the goals and policies of the Coastal Act. However, several key components of the proposal require clearer justification and stronger resource protections.

The amendment proposes extensive infill of open bay waters that currently support functioning eelgrass habitat. Because eelgrass is protected as a marine resource under Coastal Act Section 30230 and performs essential ecological functions, its removal is not typically supported, nor is mitigation credit appropriate for converting existing functioning habitat to another habitat type. The amendment also does not quantify the extent of eelgrass conversion or provide sufficient safeguards to avoid net loss of habitat value. Given that much of the De Anza area did historically support salt marsh habitat, Suggested modifications clarify when conversion of habitat is appropriate, and limitations on mitigation credit.

A central component of the proposed amendment is the dredging and creation of two channels through De Anza peninsula to partially redirect the flows of Rose Creek through De Anza Cove in the hopes of improving water quality and the recreational wetlands proposed at the tip of the peninsula. However, while the proposed amendment shows these channels in future development figures, to date there have been no technical studies showing the feasibility of these channels to achieve their stated goals. Suggested Modifications require project-specific technical studies to be conducted when the development envisioned by the amendment is brought forward, establishing the relevant circumstances at that time, the required performance and temporal thresholds to conform to, and the mitigation and monitoring program that will be implemented. This will ensure that any final approved design will be the least-impactful feasible option that has the greatest probability of meeting success criteria. Staff is also recommending suggested modifications that emphasize the design requirements of future development to implement Low Impact Development (LID) Best Management Practices (BMPs) that emphasize retention and infiltration of runoff over outward flows, utilizing low-lying, shielded lights to minimize spillover into nearby habitat, and the use of structures that can be adapted to or relocated away from future sea level rise. To strengthen the regulatory effect of the policies in the amendment to better ensure their future implementation, suggested modifications add regulatory language such as “shall” into various policies and goals.

Mission Bay Park, including the project area, currently supports a wide range of regional and shoreline-oriented recreational uses, such as athletic fields, tennis and pickleball courts, golf facilities, playgrounds, multi-use paths, beaches, boating and paddling areas, and existing low-cost overnight accommodations. The City’s existing Mission Bay Park Master Plan generally preserves these uses and envisions continued public access to diverse recreation opportunities, identifying De Anza as an area that accommodates both active and passive recreation and plays an important role in the park’s overall network of public recreational amenities. Suggested modifications ensure that tent camping will be a part of the mix. Other modifications ensure that private leasehold activities will not encroach on public shoreline access, and that public improvements associated with private leasehold redevelopment will be provided concurrently with private improvements. Siting and design of new facilities must also take into account sea level rise.

The proposed amendment includes an Interpretive Nature Center intended to serve as a focal point for nature-based and cultural education within the project area. However, the proposed amendment does not include enforceable measures necessary to ensure that cultural resources within the project area will be adequately identified, protected, and interpreted at the project level. Suggested modifications require enforceable policies requiring consultation with Native American Tribes, resource identification prior to project-level approvals, avoidance of significant cultural sites where feasible, and clearly defined mitigation and monitoring procedures.

Thus, the De Anza Natural amendment to the Mission Bay Park Master Plan, 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 6. The suggested modifications begin on page 8. The findings for denial of the Land Use Plan Amendment as submitted begin on page 25. The findings for approval of the plan, if modified, begin on page 51.

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-24-0037-3 may be obtained from Alexander Llerandi, Coastal Planner, at (619) 767-2370 or SanDiegoCoast@coastal.ca.gov.

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EXHIBITS

- [Exhibit 1 – City Resolution with LUP Changes](#)
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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.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

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 December 7, 2023, and a City Council meeting on May 14, 2024, 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. MOTION 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-24-0037-3 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 resubmitted 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-24-0037-3 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-24-0037-3 for the Mission Bay Park segment of the City of San Diego as submitted 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-24-0037-2 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 Implementation 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.

1. On page 7 of Exhibit 1, the following modification shall be made:

Environment

In recognition of this generation's increasing attention towards environmental issues, and of this region's concern over the quality of the Bay's natural environment in particular, this Plan incorporates a decisive commitment to environmental health. This commitment is supported by comprehensive proposals aimed at improving the Bay's water quality and continuing the conservation and enhancement of the Park's wetland and upland habitats for the benefit of both wildlife and people. Key environmental recommendations include the establishment of ~~over~~ approximately 135-acres of new wetland area at the outfall of Rose Creek, and the creation of an overflow parking lot in South Shores. If properly designed, the wetland will help filter pollutants entering the Bay through Rose Creek, which drains a 58-square mile area, provide increased habitat for wildlife along the Pacific Coast Flyway, and provide the setting for nature- oriented recreational activities such as bird-watching and canoeing. The overflow parking lot will help reduce automobile traffic in the Park, which reduces harmful emissions and congestion, and helps preserve more of the land for recreation, commercial and upland habitat functions.

2. On page 7 of Exhibit 1, the following suggested modification shall be made

Key Recommendations

Water Quality

It is broadly recognized that the Park's economic and recreational future depends on the quality of the Bay's water. In response to fluctuating quality of the Bay waters, this Plan proposes a comprehensive set of measures involving state-of-the-art biological, mechanical, public education and recreation management programs.

- Biological measures include the establishment of salt-water marshes that can naturally filter pollutants as they enter the Bay through the creeks that drain the Bay's watershed. New marshes shall enhance and complement existing habitat types in Mission Bay Park. The principal marsh area would be located generally west of the Rose Creek outfall; smaller marshes are proposed at the Tecolote Creek outfall and on East Shores south of the Visitor and Information Center.

[...]

- ~~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.~~ New development and redevelopment shall incorporate Low Impact Development (LID) best management practices (BMPs) into site design to minimize impervious surfaces, retain and infiltrate stormwater where feasible, and treat runoff prior to discharge. Priority shall be given to infiltration-based BMPs, where feasible.

[...]

3. On Page 7 of Exhibit 1, the following modification shall be made:

Tourist Attractions

- Overnight facilities for recreational vehicles and tent camping are proposed as a potential use in De Anza Cove as part of the De Anza Natural plan, Figure 14a. At this location, recreational vehicle use and tent camping would enjoy optimum water access for swimming, birdwatching, observing nature, recreational opportunities, and non-motorized watercraft rentals. Being well served by Interstate 5 (I-5) and local ~~commercial~~ public streets, this location also generates minimal traffic conflicts in surrounding residential neighborhoods.

4. On Page 8 of Exhibit 1, the following suggested modification shall be made

Water Recreation

- Within De Anza Cove, a potential lease for Boat Facilities/ Clubhouse operating non-motorized boats is described within Recommendation 25 and other watercraft uses may also be incorporated as an incidental or accessory use to other uses and leaseholds. Details of allowable operation and access for watercraft as well as swimming will be determined after technical analyses, public input, and inter-agency consultation during the General Development Plan process. Rules should prioritize public safety, water quality, and habitat protection. The design and operation of a Boat Facility/ Clubhouse shall maintain continuous public lateral access along the shoreline and shall not impede direct public access

between upland areas and the water's edge. The structure shall be designed for easy relocation should it be subject to hazard.

5. On Page 9 of Exhibit 1, the following modification shall be made:

Access and Circulation

- All leases within De Anza shall require that all public paths, open space, and shorelines be maintained as fully accessible to the public, with signage that directs the public to the area and informs them of the right to public access in line with Appendix G – Design Guidelines, as well as prohibiting their guests and patrons from storing their equipment on parkland outside of the leasehold. Public accessways and other public recreational amenities within the leaseholds shall be constructed and opened for public use prior to or concurrent with the opening of new or redeveloped amenities on private leaseholds.

6. On Page 10 of Exhibit 1, the following modification shall be made:

The Master Plan recommends the expansion of guest housing facilities in the Park. Over one thousand new hotel rooms are envisioned in the Plan, located in Marina Village, Bahia Point, and Sunset Point. As they do today, these facilities will likely range in services and amenities so as to provide accommodation to a wide sector of the public. Low-cost visitor accommodations are proposed under the De Anza Natural Plan, Figure 14a and 14b, which could include recreational vehicles and tent camping.

7. On Page 10 of Exhibit 1, the following modification shall be made:

Preservation of Water, Marine and Biological Resources

The Master Plan incorporates ~~as~~ comprehensive water quality improvement program for Mission Bay, including the creation or restoration of nearly 100 acres of salt marshes, 80 of them at the mouth of Rose Creek to help trap contaminants before they enter the Bay's main water bodies. Most of the new marshes will be located either contiguous or in close proximity to the Northern Wildlife Preserve, which under the Plan is retained in its present configuration. Specifically, within Fiesta Island, eelgrass beds are located along the southern shore as shown on the Fiesta Island Concept Map – Figure 32. The marsh and eelgrass areas will help enhance the Bay's marine and biological resources by augmenting the availability of habitat for shore birds and invertebrate populations, and by helping improve the Bay's overall water quality.

Regional wetlands, constructed wetlands, salt marshes, and other wetland treatment systems may be used as part of a comprehensive water quality

improvement strategy for Mission Bay, but shall not substitute for required on-site Low Impact Design (LID), source-control, and stormwater treatment BMPs for new development or redevelopment. New development and redevelopment shall treat stormwater runoff at the project site to the maximum extent feasible before runoff is discharged to regional wetlands, storm drains, creeks, beaches, shoreline areas, or Mission Bay.

8. On Page 12 of Exhibit 1, the following modification shall be made:

Northern Habitat Area: West and south of Rose Creek outfall, and contiguous with the Northern Wildlife Preserve, large wetland habitat areas are proposed, as shown on Figures 14a and 14b. This habitat would include salt marsh, salt pan, and coastal sage scrub plant communities. Passive recreation activities such as hiking, jogging, resting, birdwatching, rowing, and canoeing could be permitted in habitat areas east of Rose Creek. Access into habitats west of Rose Creek would be limited (e.g., scientific studies, habitat enhancement activities, supervised tours) to provide an area for wildlife relatively free of human disturbance. Natural recreation areas (upland/buffer areas, wetlands, and open beach areas) are also indicated for De Anza Natural as discussed further in Recommendations 18 and 25. Conversion of existing sensitive habitat to another sensitive habitat type may be considered restoration only if demonstrated to be consistent with an appropriate historical condition that is also compatible with current and future land use and sea level rise. Conversion of sensitive habitats shall not qualify as habitat creation for purposes of mitigation.

9. On Page 13 of Exhibit 1, the following modification shall be made:

De Anza Natural (formerly Special Study Area): This area is planned to have a mix of the following uses, per Recommendation 25: low-cost visitor accommodations, active recreation, regional parkland, open beaches, boating concessions, paths/trails, and natural vegetation. Recommendation 25 described in more detail the intent of De Anza Natural and its development criteria. All leases within De Anza shall require that all public paths, open space, and shorelines be maintained as fully accessible to the public, with signage that directs the public to the area and informed them of the right to public access. The areas that have been identified for shoreline-adjacent uses and potential leaseholds include an allowance for the continuous 150-foot Public Use Zones as described in the Shore Access section of the Design Guidelines provided in Appendix G. This includes the non-motorized boat facilities and low-cost visitor accommodations.

10. On Page 13 of Exhibit 1, the following modification shall be made:

Resulting Dedicated Lease Area

[...]

Under this Plan, land is proposed to be dredged for wetland habitat and filled for uplands and swimming per Figures 14a and 14b so long as appropriate habitat protection measures are implemented.

11. On Page 15 of Exhibit 1, the following modification shall be made:

De Anza Natural Development Criteria

[...]

- De Anza Natural shall not be developed to the detriment of existing ~~and/or~~ future adjacent habitat areas. Foremost in consideration ~~should~~ shall be the extent to which the area can contribute to the Park's water quality based on detailed technical studies incorporating the best available science. Therefore, additional wetlands creation or restoration that enhances and complements already existing habitat is a major component of De Anza Natural. Additionally, improvements provided on De Anza peninsula should be flexible and planned in a manner that ~~can~~ will respond to the impending impacts of climate change. This Plan anticipates and plans for marsh migration to occur on the proposed De Anza island.

12. On Page 16 of Exhibit 1, the following modification shall be made:

- De Anza Natural should facilitate the implementation of hydrologic improvements aimed at safeguarding the viability of marsh areas and achieving measurable improvements in water quality in the vicinity. Prior to implementation of any new or modified tidal channels, comprehensive studies are required. These studies must include hydrodynamic modeling to simulate circulation and water quality modeling to predict and optimize improvements in key ecological parameters, such as dissolved oxygen, temperature, and nutrient concentrations. These studies incorporating the latest sea-level rise projections shall evaluate alternatives based on their comparative benefits, costs, and habitat impacts, with a primary emphasis on maximizing water quality and habitat enhancements. All new channels shall include a long-term maintenance and monitoring plan to ensure the project meets its stated water quality and ecological performance goals.

13. On Page 16-17 of Exhibit 1, the following modification shall be made:

- Active Recreation: Facilities identified as suitable for this area include ball fields, lighted tennis courts, a clubhouse facility (shared among recreation and community users), restrooms/concessions buildings, a ranger station facility, golf facilities, and other sports/recreation facilities that may be

proposed as part of a General Development Plan (GDP). De Anza Natural is currently home to community serving public recreation facilities such as the Bob McEvoy Youth Fields, the PB Tennis Club, the San Diego Boat and Ski Club, and the Mission Bay Golf Course and Practice Center. De Anza Natural envisions maintaining or enhancing these facilities as part of a future GDP processes that implement community-identified recreation needs. The City will work with the community-serving public recreation facility operators to plan for the future of the facilities and will design and phase development in a manner that minimizes disruption to active recreation access. Buffer zones and other land uses proposed for the site of existing recreation facilities should be implemented after these facilities have been modified, moved, or replaced for continued use, unless imminent climate hazards necessitate more immediate mitigation. As part of the GDP process, a portion of North Mission Bay Drive may be realigned and a portion may be reduced to maintenance/emergency vehicles, bicycles, and pedestrians only, as depicted on Figures 14a and 14b. Included within the active recreation land use area are water quality improvements and associated multi-modal circulation and parking for the above-referenced uses. As part of an improved pedestrian/bike path along Grand Avenue, pedestrian and bike paths ~~existing wetlands~~ may be realigned to allow for the pedestrian or /bike path to be separated (noncontiguous) from the roadway so long as the realignment does not encroach upon wetlands.

14. On Page 17-18 of Exhibit 1, the following modification shall be made:

- Low-Cost Visitor Accommodations: Low-cost visitor accommodations facilities (approximately 48.5 acres) are identified as suitable for this area, accessed from North Mission Bay Drive. Components of the facility include multi-modal ingress and egress and parking. It is anticipated that the perimeter of the low-cost visitor accommodation will allow for security but will include buffers and setbacks and shall not be detrimental to adjacent uses. In particular, the low-cost visitor accommodations facility will have open landscape spaces and publicly accessible multi-use paths as indicated on Figures 14a and 14b for pedestrian, skater, and bike access. The multiuse paths will include lighting, picnic tables and other seating, interpretive nature overlooks, and other park features as described in this plan's Design Guidelines, particularly Section II, Site Design. A vehicular access route to an accessible public parking area adjacent to the open beach area and shoreline multi-use path shall be provided. As part of the design of the low-cost visitor accommodations, large, uninterrupted paved areas shall be avoided, and ample planted areas

will be provided as part of each visitor space. The facility may include open space amenities, such as a pool/spa, bocce/horseshoe court(s), group barbecue, shade structures and an amphitheater. A market, restaurant, guest laundry and other similar visitor-support facilities shall be included. In recognition of expected sea level rise, associated amenities, utilities, and visitor-support facilities shall be sited and designed to facilitate relocation, removal, or adaptation in response to sea level rise. Facilities should be located primarily in the northern portion of the low-cost visitor accommodation area, away from the shoreline, and designed for easy relocation should they be subject to hazard. Additionally, low-cost visitor accommodations may need to be planned for in other parts of Mission Bay to maintain continued access. The City will work with the low-cost visitor accommodation facility operator(s) to plan for the future of the facilities and will design and phase development in a manner that minimizes disruption to low-cost visitor accommodation access and in a manner that does not prematurely impact existing low-cost visitor accommodations. Wetland restoration, buffer zones, and other land uses proposed for the site of existing low-cost visitor accommodation facilities should be implemented after these facilities have been modified, moved, or replaced for continued use, unless imminent climate hazards necessitate more immediate mitigation.

- Low-cost Visitor accommodations shall be sited and designed to avoid conflict with the planned restoration of adjacent upland and wetland habitats, ensuring that adequate public access and environmental conditions necessary for future restoration are preserved. Development and operation of the visitor accommodations shall not preclude or delay implementation of the planned restoration.

15. On Page 18 of Exhibit 1, the following modification shall be made:

- Boat Facilities/Clubhouse: The boating facility will potentially have a dryland structure and an over-water dock and/or space adjacent to the open beach for the launching of non-motorized boats. The boating facility will have its share of vehicular parking, based on the parking requirements of Section VII, Parking Demand. Within the boat facilities/clubhouse land use, a clubhouse facility could potentially exist that, taking advantage of its proximity to the shore and to De Anza Cove, would be shared with the adjacent Interpretive Nature Center and the public. The Boat Facilities/Clubhouse shall be designed and sited in a manner that takes into account future sea level rise and to not interfere with the public access to the shoreline.

16. On Page 18 of Exhibit 1, the following modification shall be made:

- Interpretive Nature Center: The site indicated for the potential Interpretive Nature Center east of Rose Creek is shown on Figure 14a. The Interpretive Nature Center will highlight nature-based education, including flora/fauna, geology, hydrology, sea level rise, coastal wetlands, cultural resources, and other education programs. The facility will have public restrooms, and vehicular parking based on the parking requirements in Section VII, Parking Demand. The nature center will incorporate the history and culture of the Kumeyaay or Tipai-Ipai in consultation with the Kumeyaay Nation. Kumeyaay traditional cultural use of Mission Bay and De Anza Cove shall be honored and respected. The final site of the Interpretive Nature Center shall be determined after thorough analysis of future sea level rise based on the best available science and shall be sited and designed to be outside of area of future sea level rise.

17. On Page 18 of Exhibit 1, the following modification shall be made:

- Regional Parklands: Features will include one or more of the following: children's play area, multi-purpose turf field(s), adventure playground, sand volleyball court(s), a small stage, grass amphitheater, public restroom(s), multi-use pathways, water-dependent uses, and other facilities that may be programmed in future General Development Plan(s), and as described earlier in the Land Use section under "Regional Parkland." All regional parkland facilities ~~will~~ shall be available to the public at no cost or low cost, shall incorporate Low-Impact Development to protect water quality, and shall account for projected sea level rise, and have the vehicular parking based on the parking requirements of Section VII, Parking Demand.

18. On Page 18-19 of Exhibit 1, the following modification shall be made:

- Natural Open Areas (Open Beach, Wetland, and Uplands/Buffer areas): Natural areas are indicated on Figures 14a and 14b. Expanded (new) habitat areas will complement the existing marsh habitat to the west (Rose Creek, and Northern Wildlife Refuge/ Kendall-Frost Mission Bay Marsh Reserve). Taking into account sea level rise, newly developed habitat will include upper and lower salt marshes, mudflats, tidal channels and uplands (dune/sage), and buffers. The acreage of each of these specific habitats within the overall wetland and upland acreage of 261.8 acres will be informed by technical analysis as part of the future GDP process and shall support a healthy wetland habitat. It is envisioned as part of De Anza Natural that proposed upland areas will transition to wetland over time with sea level rise.

A wetland management and implementation plan shall be prepared in accordance with Recommendation 67b to assist in the ongoing management and maintenance of the newly restored wetlands to ensure their continued viability through forces such as sea level rise and climate change. Natural recreation areas, as depicted in Figures 14a and 14b, will include a multi-use path, as well as overlooks, interpretive features and water quality detention/swale areas. If technical analyses in the General Development Plan suggest conflicts with proposed land uses, preference shall be given to protecting Natural Areas so that at least 80 acres of tidal marsh habitat remain in the De Anza Natural project area, in addition to as well as community-serving recreation and public access. Expected sea level rise and other changes will naturally alter the topography and habitat characteristics of Natural Areas over time. Uses adjacent to Natural Areas should account for these changes in terms of the appropriate intensity of use as well as physical infrastructure that may later need to be removed or relocated. Future Boundary Line Adjustments may be considered if the City desires to bring restored wetlands into the Multi-Habitat Planning Area boundary. All development shall incorporate adequate setbacks, buffers, and design measures necessary to prevent lighting, noise, human activity, and other spillover impacts on adjacent habitat

19. On Page 19 of Exhibit 1, the following modification shall be made:

- Plant palettes within De Anza Natural should give preference to native plants when feasible and appropriate, particularly within low-cost visitor accommodation and regional parkland areas. Native plants currently growing on De Anza Cove should be used as the basis for any plant palette, and effort should be taken to minimize the removal of native plants appropriate for the location now growing in De Anza Cove. Dune and Coastal Sage Scrub plants should be used as the basis for any plant palettes for the Upland areas and shall be comprised of species native to corresponding habitats in San Diego County. Effort should be taken in coordination with Parks and Recreation biology staff to ensure that invasive plants ~~are~~ shall not be included in any planting palette within or adjacent to restoration areas. The use of fertilizers and herbicides shall be minimized and conducted in a manner that avoids adverse impacts to habitat areas and water quality.

20. On Page 21 of Exhibit 1, the following modification shall be made.

Off-Peak Park Use

There are daily and seasonal periods when Mission Bay Park is relatively lightly used. Increasing the intensity of use during these periods would bring more people to the Park and help discourage illegal or undesirable after-hour activities.

Recommendations

33. Lighting: The Park's main pathways, parkland parking, and group picnic areas ~~should~~ shall have night shielded, downward facing lighting with a color temperature of 3000 Kelvin or less to encourage evening use of the Park. In addition, the City should program off-peak season and nighttime activities and events.

21. On 24 of Exhibit 1, the following modification shall be made:

Swimming

Recommendations

53. Existing Swimming Areas: Sail Bay, Crown Point Shores, De Anza Cove, Fiesta Island, Leisure Lagoon, Tecolote Shores, the west end of Enhanced Cove, Ventura Cove, and Bonita Cove ~~should~~ shall be maintained as posted and supervised public swimming areas. Under De Anza Natural, most of the Cove's north and west shore will face a low-cost visitor accommodations leasehold. Future technical studies shall evaluate the feasibility, water quality benefits, and potential impacts of redirecting flows as fresh water from Rose Creek into De Anza is proposed to enter the Cove to support proposed wetlands east of the Cove. Regardless of whether a redirecting measure is implemented, water quality in De Anza Cove shall be monitored and adaptively managed to protect recreational beneficial uses, including swimming and other water-contact recreation. Monitoring shall include bacterial indicators and other pollutants of concern, and management measures shall be implemented as needed to reduce bacterial loading, improve circulation and oxygenation, minimize polluted runoff from adjacent park areas and stormwater discharges, and maintain conditions suitable for public swimming and other water-contact recreation. and suitability for swimming will be monitored.

22. On Page 25 of Exhibit 1, the following modification shall be made:

Shore Treatment

Recommendations

55. Shoreline Modifications

[...]

- Rose Creek Outfall: Over 30 acres of dredge area and a similar area of fill area at the mouth of the creek for wetlands. Following this Plan's land use, recreation, and environmental objectives, the creation of a new marsh may involve the removal of 30 to 50 acres of upland area, as shown on Figure 14a and 14b. Prior to all dredging and fill activity, technical studies shall be conducted to identify existing habitat areas, to avoid adverse impacts to habitat, and to ensure the final design enhances and complements habitat. Any new channels shall be designed to demonstrably improve water quality in De Anza Cove, protect existing wetland habitats in Mission Bay, and support wetland restoration to De Anza.

23. On Page 25 of Exhibit 1, the following modification shall be made:

- De Anza Channel and Cove: A channel or other water conveyance feature connecting Rose Creek, De Anza Cove, or greater Mission Bay may be considered if technical hydrologic, hydraulic, and water quality studies indicate that the feature would improve wetland health and support wetland restoration in De Anza Cove, through measures such as increased circulation and tidal exchange, enhanced dissolved oxygen, and reduced pollutant and indicator bacteria concentrations. The final alignment and configuration shall be selected based on the water quality and habitat benefit, while avoiding adverse impacts to existing wetlands, shoreline stability, sediment dynamics, public access, and recreational uses. ~~through De Anza Point from Rose Creek to De Anza Cove should be implemented to bring fresh water to proposed wetland areas. Sections of the landform of De Anza peninsula will be modified (lowered, as uplands or wetland) and to allow high tidal flow in and out of the Cove over time. The proposed east-west channel connecting Rose Creek to De Anza Cove should be designed and evaluated to optimize wetland health and water quality. Impacts to recreational opportunities should also be considered. The proposed channel allows-~~ ultimate design shall allow for greater water circulation as well as greater availability of open water for paddlers and other watercraft to recreate out of De Anza Cove, including potential programs operated out of the Nature Center. Due to the sensitivity of the proposed wetland habitat, any proposed channels accessing the cove are not envisioned to be used by large or motorized boats. Some of the primary objectives of De Anza Natural are to restore and maintain viable wetlands and enhance water quality in conformance with the Clean Water Act and all other state and federal laws. If future hydrology analyses determine that water quality and wetland creation would be better served through means other than the channels, alternative configurations ~~could~~ shall be considered.

24. On Page 25-26 of Exhibit 1, the following modification shall be made:

- De Anza Natural: In pursuit of a balance between environmental, commercial, and public recreational interests in De Anza Cove, filling areas south of De Anza Point and along the eastern banks of Rose Creek, adjacent to De Anza Point and the southern and eastern edges of De Anza Point, are indicated on Figures 14a and 14b. This would allow for a larger marsh area at the Rose Creek Outfall and a more concentrated development area, and shall be designed to complement and enhance existing habitat areas and minimize or avoid adverse effects to the resources, consistent with the City's Environmentally Sensitive Land Regulations. Different shoreline treatments will respond to the amount of tidal action and will focus on gently sloping, nature-based design solutions to the impacts of climate change, such as "living shorelines" consisting of rock, sand, and vegetation, with oyster reef colonies where biologically appropriate, shoreline structures that protect wetland plantings, and/or terraced access steps that allow adaption as sea level rises, as opposed to armored shorelines. Additional analysis will be required at the GDP or project-level to determine optimal designs that improve overall water quality through tidal flushing and flow of water and sediment from Rose Creek to habitat areas.

25. On Page 27 of Exhibit 1, the following modification shall be made:

IMPROVING THE PARK'S WATER QUALITY

Mission Bay Park's success or failure hinges on clean water. If the public is prevented from enjoying water sports and the water setting because of water pollution, the Park's reason for being is fundamentally compromised. Improving the Bay's water quality requires a sustained multi-faceted approach at both the Park and watershed scale.

Pollution prevention and stormwater treatment shall occur as close to the source as feasible. New development and redevelopment shall not rely solely on downstream conveyance systems, regional wetlands, or receiving water dilution to address polluted runoff. Each project shall incorporate site-specific LID BMPs, source-control BMPs, and treatment-control BMPs to reduce runoff volume, reduce pollutant loading, and prevent untreated runoff from reaching Mission Bay.

26. On Page 27 of Exhibit 1, the following modification shall be made:

Water Quality

[...]

b. Development

New development or redevelopment shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following:

- Protect areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss.
- Limit increases of impervious surfaces.
- Limit land disturbance activities such as clearing and grading, and cut-and-fill to reduce erosion and sediment loss.
- Limit disturbance of natural drainage features.
- Development, including but not limited to recreation areas such as playgrounds, shall use non-toxic, eco-friendly surfacing. Uses of shredded tires or synthetic rubber shall be prohibited.
- Avoid or reduce pollutant loading from impervious surfaces and pollutant-generating areas by designing all development to direct runoff from rooftops, parking areas, roads, loading areas, outdoor use areas, landscaped areas, and other developed surfaces to LID BMPs to be treated for pollutants of concern, including bacteria, nutrients, sediment, trash, hydrocarbons, metals, pesticides, herbicides, oil and grease, and vehicle related pollutants.

27. On Page 27 of Exhibit 1, the following modification shall be made:

63. New Tidal Channels: As part of Dr. Dorman's study, opening channels through Fiesta Island and De Anza Cove was also evaluated. Tidal simulations conducted on a scaled model of the Park revealed that the Fiesta Island channel only marginally improved water circulation; the De Anza channel was more effective and shaping of landforms in new wetlands could include a low zone to allow high-tide flood-stage flushing across De Anza point. The Fiesta Island channel should be pursued only if the need to create eelgrass beds outweigh its capital cost and if proven technically feasible. Geotechnical studies should be conducted for all proposed channels to assess their feasibility. Dredging, filling, grading, shoreline modification, or placement of fill shall occur only where necessary to restore habitat, improve water quality or hydrologic function, facilitate marsh migration, or implement public access and recreation improvements consistent with habitat protection. Due to the age and limited scope of Dr. Dorman's study, tidal channels and hydrologic modifications shall be supported by further technical

studies utilizing the best available science that demonstrate measurable improvements to water quality, wetland function, or ecological resilience, in addition to avoidance of significant adverse impacts to existing habitat resources. Projects shall utilize adaptive management and monitoring to evaluate the effectiveness of restoration, water quality, and habitat improvement measures.

28. On Page 28 of Exhibit 1, the following modification shall be made:

- In the De Anza Natural plan area, per Figure 14a, over 260 acres of wetlands is indicated, along with approximately 36.7 acres of Uplands (dune/sage) and buffers. The acreage of each of the specific habitats (upper and lower salt marshes, mudflats, tidal channels and uplands (dune/sage)) within the overall wetland and upland acreage of 261.8 acres will be informed by technical analysis as part of the future GDP process and shall support a healthy wetland habitat. Eelgrass is generally found in subtidal habitats and therefore is not typically considered wetland habitat. This site requires the removal of Campland. Additionally, some further wetlands creation is indicated as part of De Anza Natural. Research suggests that as sea level rises, parts of the uplands/buffer areas will transition to wetlands. A wetland management and implementation plan shall be prepared in accordance with Recommendation 67b to assist in the ongoing management and maintenance of the newly restored wetlands to ensure their continued viability through forces such as sea level rise and climate change. Restoration projects shall include performance standards and monitoring criteria sufficient to evaluate the increase in habitat size or function and water quality objectives.

29. On Page 28 of Exhibit 1, the following modification shall be made:

67a. Mitigation Banking for Publicly Used Wetland

A mitigation bank may be established in Mission Bay for habitat in excess of immediate project needs. Habitat areas that are created, restored, or enhanced shall not be considered mitigation for impacts to sensitive habitat when fragmented, unbuffered, or primarily designated for use for recreational purposes. Conversion of existing sensitive habitat to another sensitive habitat type shall be considered restoration only if demonstrated to be consistent with an appropriate historical condition that is also compatible with current and future land use and sea level rise. Conversion of sensitive habitats shall not qualify as mitigation. ~~To aid in maximizing habitat mitigation banking credit for the proposed wetland development projects, the design will limit areas designated for public use (i.e., wildlife observation decks, boardwalks, and/or canoeing) to a small percentage of the total area. Buffer zones around specific public uses will be designated and a sliding scale for mitigation credit implemented for these zones. Prior to the allocation of any mitigation credits, consideration for City needs for essential public project mitigation~~

requirements and/or Climate Action Plan goals will be given priority. If mitigation bank credits are pursued, criteria and an estimated time frame for successful wetland habitat restoration/creation will be established. The final mitigation banking program shall be incorporated into the certified Master Plan as an amendment to the City of San Diego Local Coastal Program submitted to the Coastal Commission for approval.

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

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

30. On Page 29 of Exhibit 1, the following modification shall be made:

67b. Wetland Location:

Upon acceptance of a final wetland design by resource agencies, a wetland management and implementation plan will be developed for inclusion into the Master Plan as an implementation action of this Master Plan. The final Wetlands Management and Implementation Plan shall be incorporated into the certified Master Plan as an amendment to the City of San Diego Local Coastal Program submitted to the Coastal Commission and the State for approval.

This management plan will include: provisions for appropriate agency consultation; performance standards and monitoring criteria for the various habitat types; criteria for maintenance activities, if needed; description of maintenance activities which may be required, including possible locations, equipment, personnel, methods, and means to minimize impacts to surrounding areas; and a monitoring and reporting program, including but not limited to, water quality testing (petroleum products and other toxins) at point of water entrance to wetland, within treatment marsh, and in Mission Bay; wildlife usage; presence of invertebrates; composition of vegetation; health of vegetation, particularly *Spartina*; general weather conditions; and statistics of usage in public use areas. A regular monitoring and reporting schedule will also be included in the Plan for the estimated establishment period and subsequent annual "bank accounting" statements to agencies (California Coastal Commission, California Department of Fish and Game, Regional Water Quality Control Board, U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers).

31. Suggested modification to be inserted into Mission Bay Master Plan in a location of the City's choosing:

Permitted Uses in Open Coastal Waters, Wetlands & Estuaries

Diking, filling, or dredging of open coastal waters, wetlands, and estuaries, shall be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

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

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

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

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

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities

32. Suggested modification to be inserted into Mission Bay Master Plan in a location of the City's choosing.

Conduct project-specific investigations in accordance with all applicable laws and regulations to identify potentially significant tribal cultural and archaeological resources.

a. Work with development applicants to site and design proposed development to avoid adverse impacts to archaeological, tribal cultural, and paleontological resources to the maximum extent feasible in accordance with the requirements of the San Diego Municipal Code.

b. Evaluate alternatives that would result in the fewest and least significant impacts to archeological, tribal cultural, paleontological, and coastal resources.

c. Implement the alternative with the least impacts to archeological, tribal cultural, paleontological, and coastal resources to the maximum extent feasible.

d. Provide adequate data recovery and mitigation for adverse impacts to archaeological and Native American sites as part of development where development would adversely impact archaeological, tribal cultural, or paleontological resources. Include measures to monitor, conserve in situ, or recover, as appropriate, buried deposits from the tribal cultural, archaeological and historic periods, under the supervision of a qualified archaeologist and a Native American monitor.

e. Consult with local Native American tribes to provide interpretive signage regarding tribal history, language, and context when feasible and appropriate on public land.

f. Conduct project specific Native American consultation early in the development review process to ensure culturally appropriate and adequate treatment and mitigation for significant archaeological sites with cultural or religious significance to the Native American community in accordance with all applicable local, state, and federal regulations and guidelines.

g. Conduct project-specific investigations in accordance with all applicable laws and regulations to identify potentially significant tribal cultural and archaeological resources.

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

A. AMENDMENT DESCRIPTION AND BACKGROUND

Background & Setting

Mission Bay Park is a regional park in the City of San Diego covering approximately seven square miles of aquatic and land recreation, attracting over fifteen million visitors every year. The Mission Bay Park Master Plan (MBPMP), which serves as the Land Use Plan (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 of the park to incorporate into its LCP and Mission Bay Park remains an area of deferred certification under the Coastal Commission's permitting jurisdiction.

The existing MBPMP includes multiple land uses, including areas leased to private operators for overnight accommodation and recreational uses, open beach, parkland, playfields, youth camping, wetland habitat, upland preserve, coastal landscape, and salt pannes. The subject LCPA addresses approximately 505.2 acres in the northeastern portion of Mission Bay Park known as the De Anza planning area. This area consists of approximately 314 acres of land and 191.2 acres of open water and is generally bounded by Mission Bay Drive to the east, Grand Avenue and Pacific Beach Drive to the north, Crown Point Drive to the west, and Mission Bay to the south. It is bifurcated by the north-south flowing Rose Creek located approximately in the middle of the project area [[Exhibit 3](#)]. The area contains a mix of existing recreational, visitor-serving, and habitat areas including:

- The approximately 88-acre Kendall-Frost Marsh Reserve/Northern Wildlife Preserve,
- Privately operated recreational vehicle (RV) park leaseholds Campland on the Bay and Mission Bay RV Resort,
- Pacific Beach Tennis Club,
- Pacific Beach Playing Fields;
- Mission Bay Golf Course and Practice Center,
- San Diego Boat & Ski Club
- Vacated De Anza mobile home park and remaining associated infrastructure,
- Public park land, public beach, public parking, Mission Bay multi-use path, the Rose Creek Bikeway, open water areas, and boat ramp.

Amendment Description

The current Mission Bay Park Master Plan designates the 76 acres located on the De Anza peninsula in the heart of the amendment area as the "De Anza Special Study Area" (SSA), a "flexible planning area in which a number of potential uses, both public and private, can be accommodated under varying intensities and configurations." The existing

Mission Bay Park Master Plan's recommendations for the SSA consist of developing overnight accommodations, facilitating hydrologic improvements to safeguard habitat quality, avoiding development detrimental to future or adjacent habitat areas, and enhancement of public use, especially along the waterfront. Regarding the RV facilities at Campland on the Bay and the Mission Bay RV Resort, the current master plan recommends that overnight RV facilities should remain a part of the use matrix for the area.

The proposed amendment would replace the existing De Anza Special Study Area framework with a new planning framework identified as "De Anza Natural." It amends the MBPMP's text, policies, figures, tables, land use recommendations, and development criteria applicable to reconfigure land uses, environmental restoration areas, shoreline treatments, recreation facilities, low-cost visitor accommodations, and public access corridors for the area covered by the amendment. Although the main thrust of the amendment is the De Anza area, the plan does make minor updates to other portions of the existing MBPMP, for example, updating the names of the existing hotels and resorts identified in the Plan. The amendment does not authorize specific projects but establishes land uses and policy framework for future improvements, accompanied by land use figures showing roughly where the uses may be located. However, there are numerous specific planned improvements identified in the De Anza Natural planning area.

Figure 14a of the proposed amendment shows the general land uses proposed for the De Anza area overlayed on an aerial photograph of the existing area [\[Exhibit 1\]](#). A principal component of the amendment is a large-scale habitat restoration and shoreline reconfiguration program extending throughout the De Anza planning area, designated on Figure 14a as Wetlands and Uplands. The amendment includes policies requiring future projects to protect and enhance habitat resources, improve water quality, support marsh migration, and respond to sea level rise. The proposed habitat program includes tidal marsh, salt marsh, salt panne, mudflat, eelgrass, dune, coastal sage scrub, and upland habitat areas. The Kendall Frost Marsh Reserve/Northern Wildlife Preserve would be enlarged to over 90 acres, as the area west of Rose Creek that currently houses Campland on the Bay RV facility would be fully converted to new and restored habitat area tied into the existing Reserve. At the eastern De Anza Cove and the tip of the De Anza "boot," or peninsula, approximately 20 acres of wetlands and approximately 13 acres of uplands are proposed. Thus, the amendment would result in the entirety of the area from Crown Point Drive east to Rose Creek becoming approximately 190 acres of enhanced, restored, and new habitat area.

To achieve the plan's goals of habitat restoration and water quality improvements, the amendment contemplates substantial grading, dredging, filling, and landform modifications throughout portions of the planning area. Future projects envisioned may involve dredging and filling of approximately 102 acres of shoreline and open water area to create wetland habitat, upland habitat, navigation and swimming areas, eelgrass mitigation areas, and associated shoreline features. Most significantly, the amendment continues the existing Master Plan concept of a De Anza tidal channel intended to improve tidal circulation, marsh viability, and water quality, subject to future feasibility studies, environmental review, and regulatory approvals. Mission Bay is a federally listed impacted body of water,

and water quality on the eastern side of Mission Bay Park is generally worse than the western half due to muted tidal action. The amendment includes a proposal to bifurcate De Anza peninsula with two open water channels to attempt to divert some of Rose Creek's flow through De Anza Cove and on to Mission Bay [see Figure 14a: Site Plan, [Exhibit 1](#)]. The northern channel would bifurcate what would be expanded RV and camping area identified in the plan to be spanned by roads, while the southern channel would isolate the existing peninsula tip to become additional wetlands and uplands. Future habitat restoration projects may also include additional tidal channels, habitat transition zones, shoreline reconfiguration, hydrologic improvements, and other measures designed to support long-term wetland function and resilience.

To facilitate the transition of overnight accommodation due to the eventual conversion of the existing Campland on the Bay leasehold west of Rose Creek to wetlands, the amendment would expand the designated RV area from its current approximately 30 acres to almost 50 acres. Figure 14a identifies the former Campland site and designates approximately 48.5 acres east of Rose Creek for Low-Cost Visitor Accommodations. The MBPMP maintains existing Master Plan policies providing for relocation of recreational vehicle camping facilities from the existing Campland location to the De Anza area. The amendment identifies recreational vehicle camping as the primary low-cost visitor-serving use and allows associated support facilities including internal roadways, parking areas, market and restaurant uses, laundry facilities, recreational amenities, pools, open space areas, and public-serving improvements. Development criteria requires public shoreline access, publicly accessible multi-use pathways, and public amenities throughout the low-cost visitor accommodation area. Although not specified within the MBPMP, the City's staff report for the amendment identifies tent camping as a potential use.

Figure 14a identifies approximately 23.4 acres of proposed Regional Parkland intended to accommodate public gathering areas, children's play areas, multipurpose fields, trails, passive recreation facilities, public restrooms, parking, and other park-serving recreational improvements. This area consists of a strip of existing park land located west of North Mission Bay Drive, extending to the north between the area planned for Low-Cost Visitor Accommodations and the proposed Active Recreation area. This area also includes the location of a potential Interpretive Nature Center intended to provide educational and interpretive opportunities related to wetlands, habitat restoration, wildlife resources, hydrology, water quality, climate adaptation, sea level rise, geology, cultural resources, and environmental stewardship. The amendment provides that future interpretive facilities would incorporate information regarding Kumeyaay history, culture, and traditional use of the area.

Approximately 67 acres would be designated for Active Recreation. As proposed, the existing athletic facilities – the golf course, baseball fields, and tennis courts – located in this area will be maintained substantially in their existing configuration at the north end of the amendment area. The proposed amendment envisions enhancing these facilities in the future.

The amendment designates a Boat Facility/ Clubhouse area and associated water lease area intended to support non-motorized boating activities. The amendment contemplates development of a boating facility, clubhouse, launching facilities, storage areas, parking

areas, docks, and associated support infrastructure. The boating area is intended to support activities such as rowing, kayaking, canoeing, and other non-motorized water recreation uses. The plan also includes an area designated as Open Beach next to the boat facility extending around the curve of the reconfigured De Anza peninsula.

Policies establish that all leases within De Anza shall require that all public paths, open space, and shorelines be maintained as fully accessible to the public, with signage that directs the public to the area and informs them of the right to public access. The circulation framework also contemplates roadway modifications, including potential realignment of portions of North Mission Bay Drive, expansion of bicycle and pedestrian facilities, connections to the Rose Creek pathway system, and conversion of portions of North Mission Bay Drive to maintenance, emergency, bicycle, and pedestrian access uses only.

The amendment also introduces the concept of a General Development Plan (GDP) into the MBPMP. As used by the City, a GDP is a long-range conceptual plan for City parks, graphically depicting the approximate layout and amenities of a park. While there are multiple existing City-approved GDPs for Mission Bay Park, most are not incorporated or referenced in the certified MBPMP. The proposed amendment explicitly identifies that a future GDP will determine many of the details outlined in the MBPMP, including the type, design, and location of various active recreational facilities, road realignments, the allocation and size of newly created and restored habitat areas, and shoreline protection and water quality improvements. A GDP does not replace any requirements for coastal development permits.

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 marine resources, public access, and habitat protection.

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

Relevant Coastal Act policies include the following:

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 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 30233

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

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

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

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

(6) Restoration purposes.

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

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

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Wildlife, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where the improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30236

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

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

Section 30244

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses

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.

Section 30270

The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

1. FINDINGS FOR DENIAL

The De Anza Natural Land Use Plan (LUP) includes many forward-looking goals that align with the Coastal Act's priorities, including the restoration of natural habitats, improvement of water quality, expansion of low-cost recreational opportunities, and enhancement of public access throughout Mission Bay Park. These objectives reflect the City's stated intent to develop the De Anza area into an area that serves the recreational needs of the Mission Bay community and the broader region through a range of recreational and regional parkland amenities and low-cost visitor accommodations, and increases sensitive species conservation and wetland restoration in furtherance of the City's climate action and conservation goals, making Mission Bay and its recreational uses more resilient to the impending impacts of climate change.

However, while the goals of the plan are generally consistent with the Coastal Act, at this stage, the City has not undertaken the level of technical analysis and site-specific evaluations necessary to demonstrate that the envisioned outcomes can be achieved. As submitted, the LUP remains conceptual in nature and lacks sufficient detail regarding the hydrologic feasibility and habitat functionality associated with the extensive land and water reconfiguration proposed in the plan. Given this level of uncertainty, any future implementation-level proposals will need to include a robust evaluation of a full range of feasible alternatives to ensure that resource-protective options are adequately considered and implemented at the time of project review. In addition, the plan does not include adequate, enforceable policy standards regarding the protection of existing sensitive habitats, adaptation to sea level rise, public access protection, water quality requirements and cultural resource protection.

Current Use

The De Anza SSA currently contains the approximately 30-acre Mission Bay RV Resort leasehold, public sandy beach along De Anza Cove, a waterfront public pedestrian and bicycle path, and unimproved public open space where empty lots that previously contained dozens of now-demolished mobile homes and their supporting infrastructure (e.g., roads, utilities, parking lots, driveways) were located. The Campland on the Bay

leasehold across Rose Creek to the west contains RV camping with a marina with a surface parking lot. Further west of Campland is the Kendall Frost Marine Reserve/Northern Wildlife Preserve open space habitat. To the north is the Mission Bay Park Municipal Golf Course and adjacent baseball and tennis athletic facilities. Between the golf course and Rose Creek is the member-only San Diego Mission Bay Boat and Ski Club leasehold. [\[Exhibit 3\]](#)

The City of San Diego has the most ownership of the land within the project area, including the golf course, athletic fields, boat club leasehold, Campland leasehold, De Anza peninsula (including the Mission Bay RV Resort leasehold), Rose Creek, and the southern portion of the Kendall Frost Marsh Reserve/Northern Wildlife Preserve. The northern part of Kendall Frost Marsh Reserve/Northern Wildlife Preserve, excluding the City-owned Frost Parcel, is owned by the State of California. The land ownership of the neighboring land outside the project study boundary is held by various private and public entities. To the east of the project boundary is the I-5 Freeway, which is owned by the California Department of Transportation (Caltrans). To the north of Campland, there is the Mission Bay High School under the ownership of the San Diego Unified School District. To the north of Campland, military housing managed by the federal government is found west of Mission Bay High School. Private interests own most of the rest of the neighboring properties.

Sensitive Habitat

Mission Bay, historically called False Bay until 1915, is an estuary that has been highly modified from its natural condition. In the 19th century, Rose Creek emptied into mudflats and salt marsh, while the San Diego River flowed into False Bay until flooding in 1825 caused the river to shift south into San Diego Bay, but was then diverted back to False Bay in 1876. Floods in 1916 redirected Rose Creek to its present-day alignment, where it was subsequently channelized with levees and armored with rock and concrete. Gradual improvements to the Rose Creek channel were accelerated in the 1930's-1940's to accommodate World War II military needs and post war land development. The heavy 1940-41 wet season prompted the channelization of portions of lower Rose Creek. By 1949, the start of the post-war building boom, heavy machinery was being used to modify the last vestiges of Rose Creek's natural course. Armoring of the Rose Creek channel allowed development in the historical floodplain and delta area location at the mouth where it enters Mission Bay. By the mid 1960's, the upper portions of Rose Creek were developed with greater than 80% of the urbanization lying between Interstate 5 (I-5) and I-805. By 1966, the expansion of development within the communities surrounding the project area (e.g., Pacific Beach, Clairemont, and University City) essentially established the hydrologic and land development conditions present today. From 1997 to 2007, sedimentation of particles from the Rose Creek Watershed at the mouth of Rose Creek decreased water depths by one to two feet in and around the already shallow marina at Campland on the Bay, thereby contributing to reductions in navigable water depths.

A total of approximately 275.36 acres of wetlands and non-wetland waters potentially under the jurisdiction of U.S. Army Corps of Engineers (USACE) the Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife (CDFW), and the City of San Diego occur in the project area. These potentially jurisdictional aquatic

resources in the project area include approximately 165.67 acres of wetlands and riparian areas (southern coastal salt marsh, salt panne, mudflats disturbed wetland (*Arundo*), and disturbed freshwater marsh) and 109.69 acres of non-wetland waters (open water and tidal channels). An analysis of the exact acreage of impacts that would occur to wetlands in the project area resulting from implementation of the De Anza Natural plan was not provided at the programmatic level; such analysis would be speculative in nature since future site-specific projects are not known at this time. As future site-specific projects come forward, project-specific analysis will need to be conducted in the review phase of the project, and the City's LCP, including the subject amendment, would determine how any impacts to wetlands would be avoided, minimized, or mitigated as conditions of project approval prior to the implementation of the future site-specific projects.

Habitat Restoration and Expansion

The LUP amendment aims, in part, to expand the project area's natural habitat and improve water quality through the creation of additional wetlands. The project includes enhancement and restoration within the existing Kendall Frost Marsh Reserve/Northern Wildlife Preserve and expansion of wetlands into space currently occupied by Campland on the Bay. The proposed amendment would follow the current LUP recommendation of replacing the existing approximately 138-acre Campland area with expanded marshland and upland area, which would include a combination of mudflats, wetlands, and upland habitats. The project would also maintain the existing University of California, San Diego, Biological Research Field Station facility located at the northwestern corner of the Kendall Frost Marsh Reserve/Northern Wildlife Preserve, which allows for study and interpretation of the local environment, focusing on the estuarine and bay habitats of Mission Bay.

The amendment proposed reconfiguring the eastern bank of Rose Creek and revegetating the banks with wetland vegetation. The open water and eel grass habitat at the southwestern tip of De Anza would be filled to create additional salt marsh habitat, with the goal of lengthening and realigning Rose Creek by flanking it with restored salt marsh habitat to improve the water quality of inflows entering Mission Bay. At the eastern tip of De Anza peninsula, the proposed amendment envisions creating recreational salt marsh wetlands that the public could enter by kayak or similar unmotorized watercraft. De Anza peninsula itself would be divided by two channels to partially redirect Rose Creek's flow through De Anza Cove to increase flushing and water quality. [\[Exhibit 1\]](#)

The expanded marshland/habitat area would be composed of high-, mid-, and low-salt marsh areas, mudflats, and subtidal areas, creating a natural interface with De Anza Cove and enhancing water quality in the bay. A key strategy of the proposed amendment is to locate wetlands as water quality improvement features along Rose Creek or by storm drain outfalls. The intent of the expanded wetlands is to provide a natural environment for recreation, mitigate for other disturbed environments, and benefit wildlife.

The proposed upland area largely serve as buffers and refugia for the wetland habitats and would accommodate the proposed multi-use path with educational signage and, in some instances, mounded landforms. The mounded landforms would feature native coastal sage, dune, and other native plants that would be seen and experienced from the waterfront multi-use path. Within this area, passive recreation amenities such as

overlooks, pathways, picnic areas, and interpretive signs could be accommodated. These areas would serve as a complement to the natural setting of the low-cost visitor guest accommodations and the beach areas on the cove, and the upland plantings would serve as a buffer to the wetland habitats.

Wetland restoration provides the opportunity to increase the area available for habitats that support sensitive species, other wildlife and plant species, and wildlife breeding and nesting. These ecological functions are likely to be established readily since the existing wetlands (e.g., at Kendall Frost Marsh Reserve/Northern Wildlife Preserve) already contain sensitive species and other wetland wildlife and plant species. Restoration of intertidal mudflat, intertidal salt marsh, and other regionally sensitive habitat types would result in an increase in habitat types that support a variety of plants and wildlife, potentially including the expansion of threatened and endangered species populations and the recovery of diminished plant diversity. Restoration of coastal salt marsh and mudflat habitats at Campland and De Anza would also provide an opportunity to eliminate the non-native landscaping that is currently present in these areas.

The presence of the Kendall Frost Marsh Reserve/Northern Wildlife Preserve provides an opportunity to restore coastal salt marsh in proximity to existing, functional coastal salt marsh. Creating additional salt marsh habitat adjacent to the existing Kendall Frost Marsh Reserve/Northern Wildlife Preserve would result in a larger, continuous habitat area, thus reducing the proportion of the area exposed to detrimental edge effects and increasing ecological functions. Connected habitats facilitate wildlife movement and range, support species stability and potential population growth, benefit foraging bird species, and provide refuge for wetland-associated birds during high tides and storm events. Transitional and upland habitats may also be used to provide such connectivity between wetland habitats.

The large size of the restoration areas could include transitional and upland habitats that support a greater variety of species (including regionally rare species), provide adaptation to sea level rise, and provide additional appropriate salt marsh zonation with adjacent higher habitats. Coastal wetlands provide a nursery habitat for the commercially important California halibut, and the dense marsh vegetation provides a habitat for federally endangered light-footed Ridgeway's rail, state endangered Belding's savannah sparrow, and other important species. Realignment of Rose Creek is proposed to potentially nourish the wetland habitats with sediment, though more study is required.

Unaddressed Issues

A central component of the proposed amendment is the dredging and creation of two channels through De Anza peninsula to partially redirect the flows of Rose Creek through De Anza Cove in the hopes of improving water quality and the recreational wetlands proposed at the tip of the peninsula. However, while the proposed amendment shows these channels in future development figures, to date there have been no technical studies showing the feasibility of these channels to achieve their stated goals. Without such studies, it is possible that the channels would have no discernible habitat benefit or preclude the success of wetland restoration and would instead result in a suboptimal use of the already limited developable footprint within the project area. The amendment should

be clear as to what steps will be necessary to provide the necessary data supporting future approval of a permit for any development anticipated in the plan.

The proposed amendment includes substantial infill of open bay waters which currently house several acres of functioning eelgrass habitat for the purposes of conversion to mudflat and salt marsh. The proposed amendment categorizes eel grass as a type of wetland habitat; however, the Commission evaluates eelgrass pursuant to Coastal Act Section 30230, which addresses the protection of marine resources. Furthermore, the conversion of functional habitat is not typically supported under the Coastal Act due to the existing habitat performing important habitat functions in the current biome. As a non-exhaustive comparison, eelgrass provides essential fish nursery habitat, sediment retention, and water quality filtration. Salt marshes similarly retain sediment and capture pollutants that impair water quality but can also provide vegetated buffers to sea level rise. There is no guarantee that the replacement habitat will be successful, creating the risk of net loss of habitat value. Further, the amendment does not clearly estimate how much eelgrass habitat is planned for conversion to salt marsh habitat. While recognizing the historic nature of Mission Bay as a river estuary containing hundreds of acres of tidal wetlands prior to the dredging that created Mission Bay Park, the proposed amendment's policies and habitat plans are not adequately protective of the existing habitat that is present in the project area. Additionally, while the restoration of wetland habitat in areas of artificial degradation, such as placement of agricultural fill, typically grants mitigation credits, the proposed amendment would grant mitigation credit for the conversion of functional eelgrass habitat, which has not been supported by the Coastal Act, as in that situation there is not necessarily a gain in overall habitat value.

At the Kendall Frost Marine Reserve/Northern Wildlife Preserve, there is potential for restoration-related impact to existing habitat and species from wetland restoration activities at Campland and the fill of adjacent waters for salt marsh habitat. Existing habitat and species there are not currently subject to substantial disturbance from human activities and must be protected during and after restoration using methods and schedules that minimize disturbance to the existing habitat and species. While the proposed amendment does contain general policies regarding how development under De Anza Natural should enhance existing habitat and not impede future restoration efforts, the proposed language is vague and does not adequately address the need to conduct technical studies utilizing the best available science to determine the least impactful methods.

The amendment expands salt marsh habitat north and east of the Kendall Frost Marsh Reserve, along the outfall of Rose Creek, and in easter De Anza Cove along existing parkland. This configuration, particularly the planned recreational wetland in easter De Anza Cove, may limit the salt marsh restoration potential especially regarding habitat connectivity and wildlife support functions. Furthermore, parts of the project area that are included on the Section 303(d) list of impaired waters may be subject to water quality contaminant levels that could affect beneficial habitat uses (e.g., estuarine habitat; wildlife habitat; rare, threatened, or endangered species habitats). Such areas require special consideration. Due to the existing impediments presented by the presence of substantial amount of artificial fill, abandoned development, and likely need for substantial landform alteration to achieve many of the proposed amendment's goals, it is important that the LUP is clear on the design and monitoring measures required of any habitat project so as to

ensure it is meeting success criteria. The proposed amendment lacks such specificity in its policies addressing new habitat, making little reference to establishing a monitoring program with appropriate success criteria. Further, the proposed amendment's policies contain insufficient direction regarding the type of monitoring that should accompany the amendment's proposed improvements, such as new channels intended to improve water quality. This increases the chance that a future proposal be implemented with inadequate vetting and fail to achieve the improved water quality or wetland habitats when constructed.

The project area currently experiences high levels of use by the pedestrians and bicyclists travelling along the shoreline, and the proposed amendment will retain and expand on several active recreational uses in the project area. The proposed amendment includes a policy to realign wetlands if necessary to allow for pedestrian and bike paths to be separated from vehicular lanes. While public safety is important in encouraging greater use of the coast, the realignment of wetlands for a pedestrian path is not one of the allowed purposes under Section 30233 of the Coastal Act.

While the City will be undertaking a substantial expansion of habitat in the project area, the proposed amendment also includes several new or reconfigured public facilities, such as the lower-cost overnight accommodations on De Anza peninsula. Much like Campland, this facility will be near wetland and upland habitat. Due to the long-range nature of this amendment, it is unclear as to the timeline or order in which these improvements will be constructed. The City has indicated that it is likely that the new overnight accommodation will be built first, prior to the conversion of Campland, to preserve as much of the camping inventory as possible during the transition from one leasehold to the other. If the lower-cost overnight accommodations are active prior to the restoration elements immediately adjacent to the proposed accommodations, the risk that the salt marsh wetlands will be unsuccessful increases. The United States Fish and Wildlife Service submitted a comment letter to the San Diego City Council on May 14, 2024, that supported a timeline of habitat restoration similar to the provided timeline for other improvements in the amendment. Given the scope, time, and cost that will be required of the envisioned habitat restoration, it is likely that several other developments will be completed and operational in the interim, such as the boat facility or interpretive center. As such, it is important that the new development is sited and designed to avoid conflict with the planned restoration and not delay their implementation, either directly or indirectly through noise and light. However, the LUP, which serves as the standard for the development regulations that will govern future development, fails to address this consideration in its policy language, increasing the possibility that a new facilities could be designed, inadvertently or not, in a manner whereby their operation impacts the chances for success of the nearby habitat restoration.

It is expected that the new facilities will have related improvements, such as landscaping, and while the proposed amendment contains policies giving preference to native plants, it is silent on the minimization of the use of fertilizers and herbicides. This omission gives rise to the use of these chemicals in the maintenance of the facilities and leaseholds, which would pose a high likelihood of adversely impacting the nearby coastal waters.

The proposed amendment addresses the use of different shoreline treatments to respond to future changes in tidal action, with a focus on gently sloping, nature-based designs.

However, among the options listed are oyster reefs, which require additional analysis for appropriate siting and design. While the San Diego Bay Native Oyster Living Shoreline pilot project is currently occurring at the southern end of San Diego Bay and such efforts may realize multiple benefits, oyster reefs are not always ecologically appropriate where proposed, and there may be inherent tensions between design goals and unintended consequences to consider. For example, some reef configurations may facilitate the proliferation of non-native species populations, or design criteria aimed at attenuating erosional shoreline processes may vary considerably from what would reflect a natural reef condition. Thus, oyster reefs need to be considered according to their proposed purpose (e.g., restoration or shoreline stabilization). In any case, oyster reefs should be designed to be the least environmentally damaging feasible alternative, carry monitoring requirements to ensure the reef is delivering on its proposed benefits while managing non-native species establishment and any other potential adverse effects, and will need to consider the hydrologic studies yet to be developed for this amendment. Thus, the proposed amendment's inclusion of oyster reefs as an option equal to the other measures increases the likelihood that they may be used when they may not ecologically benefit the site nor provide shoreline protection.

The above omissions prevent the proposed amendment from adequately ensuring that proposed measures to enhance habitat will be adequately studied and designed to avoid impacting existing habitat and not erroneously granting mitigation when circumstances do not warrant it. Furthermore, the lack of clear policies addressing spillover effects from fertilizer, herbicides, and leasehold operation on adjacent habitat increases the likelihood that habitat restoration efforts will fail to achieve success thresholds. Thus, the proposed amendment fails to conform to the habitat protection policies of Chapter 3 of the Coastal Act and must be denied.

Water Quality

The Mission Bay Park Master Plan appropriately identifies improvement to water quality as a central goal, and the proposed amendment approves in concept dredging and filling major portions of the De Anza cover area for the purpose of enhancing circulation and creating wetlands that could help address existing impairments in Mission Bay. The amendment proposes modifying the mouth of Rose Creek, redirecting its flow through new wetland habitat and partially diverting it into De Anza Cove to improve the cove's tidal flushing. [\[Exhibit 1\]](#) These broad intentions align with the Coastal Act's emphasis on protecting coastal water quality.

However, the proposed amendment does not include the hydrologic, hydraulic, or water quality studies necessary to determine whether its proposed physical changes, including dredging, filling, channelization, and reconfigured wetlands, would improve water quality or circulation, and if so by how much. The proposed amendment provides limited modeling, technical evaluation, or analysis showing how proposed tidal or watershed modifications would affect a wide range of pollutants. Specifically, it fails to assess impacts on biological contaminants (e.g., bacteria, pathogens), chemical contaminants (e.g. pesticides, heavy metals), and key physical parameters (e.g. dissolved oxygen, sediment, nutrients). In the absence of the technical studies necessary to evaluate the feasibility and potential impacts

of the proposed habitat changes, the proposed amendment must include clear, enforceable policy constraints that will function as resource-protective guardrails, ensuring that future project-level proposals cannot result in adverse impacts to sensitive habitats.

The hydrology of the project area is influenced primarily by three sources of water. The first source is tidally driven saltwater coming from the Pacific Ocean through Mission Bay. The tidal influence in the project area extends upstream in Rose Creek approximately to the Garnet Avenue Bridge, which is located about 0.7 miles upstream from the mouth of Rose Creek, based on observed differences in habitat. The second source is associated with freshwater and urban runoff inputs from the watershed, which covers 36 square miles and drains into the northeast corner of Mission Bay, where the project area is located. To the south of the watershed lies the smaller Tecolote Creek Watershed, which comprises the third source of water. Tecolote Creek empties into Mission Bay south of where Rose Creek empties into Mission Bay. Near the mouth of Tecolote Creek there is a causeway that links the mainland to Fiesta Island. This causeway effectively directs Tecolote Creek flows to the north where those flows mix with Rose Creek flows before continuing to the southwest and finally out to the Pacific Ocean via the Mission Bay entrance channel.

Residential areas and commercial development dominate the Rose Creek watershed land use, which is almost entirely located outside of the Coastal Zone, and most of the watershed, excluding Marine Corps Air Station (MCAS) Miramar, is in a full build-out condition, denoting that the majority of the watershed has been developed for residential or commercial uses. This development has led to a significant increase in the impervious surfaces within the watershed and has significantly altered its hydrologic regime.

Rose Creek is the primary source of fresh water to the project area, with most freshwater inflow occurring during the winter and spring months, when the San Diego region usually receives most of its precipitation. Storm drains also contribute to the project area, primarily during wet weather but also during dry weather in the form of urban runoff. Rose Creek flows through various land use areas and developments, drainage areas, ground cover types, slopes and elevations, and soil types before flowing through the project area.

Water quality has been found to vary throughout Mission Bay, with contamination decreasing with increasing distance from major sources of freshwater and stormwater input. The portion of Mission Bay that includes the project area is located farthest away from the ocean (i.e., the “back bay”) and is impacted to a greater extent by eutrophication than better-flushed regions of the bay, which are located closer to the ocean and main waterways within the bay. Likely sources of bacteria and metals include urban runoff and storm sewers. Elevated nutrient levels often seem to result from runoff or overflow or breakage of sewer lines that feed into the bay. Historically, Rose Creek has been a major source of nutrients to the back bay, while the western portion of the bay has received nutrients from street runoff. Tecolote Creek is also known to contribute pollutants to Mission Bay and is Section 303(d) listed for enterococcus and total coliform (indicator bacteria) at the Tecolote Shores/Mission Bay shoreline, and eutrophication and lead at its mouth where the creek meets Mission Bay.

Mission Bay is listed on the Clean Water Act Section 303(d) list as impaired for mercury and polychlorinated biphenyls (PCBs). Shoreline areas within Mission Bay, including De

Anza Cove and Campland, are listed as impaired for indicator bacteria. The Rose Creek mouth area of Mission Bay is listed for eutrophication and lead, while Rose Creek is listed as impaired for benthic community effects, selenium, toxicity, bifenthrin, cyfluthrin, indicator bacteria, nitrogen, phosphorous, pyrethroids, and total dissolved solids.

These water quality impairments adversely affect a range of designated beneficial uses for Mission Bay, Rose Creek, De Anza Cove, and Campland. Affected uses include water contact and non-contact recreation, commercial and sport fishing, shellfish harvesting, and industrial service supply, as well as aquatic and terrestrial habitat functions, including estuarine habitat, marine habitat, warm freshwater habitat, wildlife habitat, habitat for rare, threatened, or endangered species, migration or aquatic organisms, and fish spawning.

Under existing conditions, the project area drains toward Rose Creek and De Anza Cove through a combination of sheet flow, catch basin inlets, storm drains, and outlets. Because of the proximity to coastal waters, the Commission's water quality staff consider this project to be of concern if the appropriate policies are not in place to clearly require the most effective water quality protection design measures. As the proposed project will likely substantially increase the active use of the area through the introduction of a mix of uses that may introduce pollutants such as vehicle fluids and trash, it is recommended that the amendment contain clear policies prioritizing Low Impact Design (LID) Best Management Practices (BMPs) to retain on-site the stormwater runoff to the greatest extent technically feasible and to treat any of the design storm runoff that cannot be feasibly retained onsite. Implementation of runoff Control BMPs that are sized and designed to retain on-site by means of infiltration, evaporation, uptake by plants, or harvesting runoff for later on-site use to the extent appropriate and feasible is important. Examples of low impact development (LID) best management practices (BMPs) include bioretention facilities (such as bioretention basins and rain gardens), permeable pavement systems, vegetated infiltration or dispersion areas, rainwater harvesting systems (e.g., cisterns), and other landscape-based measures designed to capture, infiltrate, evapotranspire, and treat stormwater runoff.

However, as discussed above, the proposed amendment lacks enforceable water quality standards for future development or redevelopment in the area. The policies do not adequately assure that new development would be required to incorporate on-site stormwater treatment, low impact development practices, or pollution-prevention measures that are necessary to ensure that new or expanded recreational and visitor-serving facilities do not contribute to degraded water conditions.

Because the LUP's water quality goals are not supported by technical studies, measurable performance requirements, or binding development standards, the plan cannot demonstrate that its proposals will protect or enhance coastal water quality as required by Sections 30230, 30231, and 30233 of the Coastal Act.

Public Access, Public Recreation, and Low-Cost Visitor Accommodations

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 beaches with eight officially designated swimming areas. De Anza peninsula alone contains approximately 6,759 feet of shoreline, with the majority consisting of a rip rap revetment along its outer shore and sandy beach and swimming area along the inner shoreline bordering De Anza Cove [[Exhibit 2](#)].

Mission Bay Park, including the project area, currently supports a wide range of regional and shoreline-oriented recreational uses, such as athletic fields, tennis and pickleball courts, golf facilities, playgrounds, multi-use paths, beaches, boating and paddling areas, and existing low-cost overnight accommodations. The City's existing Mission Bay Park Master Plan generally preserves these uses and envisions continued public access to diverse recreation opportunities, identifying De Anza as an area that accommodates both active and passive recreation and plays an important role in the park's overall network of public recreational amenities. Within the project area, the following public access and recreational amenities currently exist:

- Mission Bay Golf Course
- Pacific Beach Tennis Club
- Bob McEvoy Youth Fields (baseball)
- Open lawn space and sandy beach for passive recreation
- Open water for non-motorized boating and swimming
- Pedestrian and bicycle paths
- Public parking lots
- Campland on the Bay and the Mission Bay RV Resort for overnight RV camping

In the late 1940s, dredging and filling operations began converting the tidal marsh of what was historically known as False Bay into Mission Bay Park. Twenty-five million cubic yards of sand and silt were dredged to create the landforms of the park, which now is almost entirely artificial. The state leased the historic tidelands property that is now De Anza peninsula to the City as a part of Mission Bay Park.

In the 1950s, the City leased the land on De Anza peninsula to be used by visitors for travel trailer purposes, and the Mission Bay RV Resort and now vacant De Anza Mobile Home Park were constructed. In the late 1970's, the City began to question whether it was legal to have permanent residents in Mission Bay Park. At that time, the state passed a law ensuring that people could live in the mobile homes until a 50-year state tidelands lease expired in 2003. When the City moved to cease residential use in 2003 to eventually redevelop the peninsula into more open park space, the residents filed a class action lawsuit and obtained a court injunction to remain in their residences during litigation, which was not concluded until 2014.¹

After settling the suit, the mobile home residents moved out and the property and structures therein remained vacant and fenced off, with the Mission Bay RV Resort, an adjacent public parking lot, and part of the waterfront public pedestrian path remaining open on De Anza peninsula. In July 2022, the Coastal Commission approved CDP No. 6-21-0353 granting authorization for the operator of the Mission Bay RV Resort on the

¹ *Aglio v. City of San Diego*, Case No. 37-2007-00081994-CU-EI-CTL.

peninsula to demolish and remove the vacant mobile homes and convert 150 of the former mobile home spaces into additional RV camping spaces, while leaving the majority of the cleared spaces and internal roads open for public pedestrian and bicycle access. That development has been completed and is operation. Currently, the RV camping expansion under CDP No. 6-21-0353 is set to expire on June 30, 2027, in line with the underlying City lease at the time, though the operator has recently informed Commission staff that he has obtained a ten-year lease extension with an additional City-option for five more years following that. The operator plans to submit a CDP amendment application to the Coastal Commission in the coming months to adjust the permit expiration date accordingly.

Athletic Facilities

According to the City, public surveys demonstrated strong support and high use of the athletic facilities at the north end of the project area – the Mission Bay Golf Course, tennis courts, and baseball fields – with a strong desire to retain those facilities in their general location and configuration in any future redevelopment of the project area. Thus, the proposed amendment will retain the northmost approximately 67 acres for active recreation such as the golf course and playing fields.

Visitor Accommodations

The Mission Bay Park Master Plan has a section entitled “Recreational Vehicles,” identifying Campland on the Bay to the west of Rose Creek and the Mission Bay RV Resort (called “De Anza Trailer Resort” in the Master Plan) on the peninsula as the two overnight recreational vehicle facilities within the park. The master plan recognizes the RV facilities as essential to Mission Bay Park for providing access to the water to a sector of the population that cannot afford hotel accommodations or prefers the flexibility of a motor home. RV’s are therefore integral to the park’s recreational matrix.

Because RV parks tend to offer overnight accommodations that are lower in cost than other accommodations such as hotels and resorts and offer a unique manner of staying overnight along the coast, they are important recreational amenities that allow a greater range of the public to visit the coast for an extended period. When reviewing CDP 6-21-0353 in 2022, the applicant undertook a survey of accommodations to determine the range of nearby accommodation pricing. A survey of some of the hotels in Mission Bay Park and Pacific Beach found prices ranging from \$83 per night at the some of the motels to \$200 per night at the resorts. At Campland on the Bay, prices range from \$55 - \$364 per day in the winter and \$60 - \$473 per day in the summer, depending on location and vehicle size. In comparison, the Mission Bay RV Resort charges \$75 – \$105 per day in the winter and \$105 - \$140 per day in the summer, depending on location and vehicle size.

As envisioned by the proposed amendment, the project area west of Rose Creek will be converted to wetland and upland habitat, with the existing Campland on the Bay leasehold ceasing to exist. To recapture some of this overnight accommodation supply, the proposed amendment envisions enlarging the area on De Anza peninsula dedicated to “Lower-Cost Visitor Accommodations” to approximately 48.5 acres [\[Exhibit 1\]](#). However, because Campland on the Bay is approximately 44 acres (not including its water lease area) and

Mission Bay RV Resort is, with the Commission-approved expansion, 30 acres, there are currently approximately 74 acres of RV leasehold area serving coastal visitors, and thus the proposed replacement overnight accommodation area will still represent a decrease in overnight accommodation acreage.

While such a reduction could potentially adversely affect public recreation, it is noted that the proposed amendment's design for overnight accommodations is the result of the balancing the City is attempting to achieve among the various existing and desired public recreational uses within the smaller development footprint arising due to the increased volume of habitat that will be created in the project area. While the specific design, boundaries, and configuration of the overnight accommodation will not be determined until a specific project proposal is put forward in the future, it is anticipated that the smaller leasehold acreage will place a greater demand premium on available spaces from the visiting public. As such, it is important to ensure that any future overnight accommodation caters to the broadest range of visitors and lower price points.

However, while the proposed amendment references "RV facilities," "overnight camping," and "RV park," it does not specifically reference other popular forms of lower-cost accommodation, such as tent camping. While Campland on the Bay and Mission Bay RV Resort have allowed tent camping at times, that has not always been the case, and policies to ensure the provision for tent camping in future overnight accommodation leaseholds are important to ensure that they operate in a manner that maximizes public access for lower-cost visitors to the greatest extent feasible. The absence of specific reference to "tent camping" gives rise to the possibility that alternative interpretations could approve overnight accommodations that do not provide adequate lower overnight accommodations.

Pedestrian and Bicycle Access

A central policy goal of the Coastal Act and Mission Bay Park Master Plan is to provide the public with unfettered pedestrian and bicycle access to and along its shoreline to the greatest extent feasible; that is, to maximize access for all people. Vertical access is readily available between the shore and the numerous public parking lots and sidewalks of Mission Bay Park. The Bayshore Bikeway and boardwalks provide lateral access along the majority of the park's shoreline, with the notable gaps being a few commercial boatyards on the west end of Quivira Basin, the west side of the Bahia Resort, and the north shore of SeaWorld San Diego. Within the project area, lateral access along the shoreline is readily available along De Anza Cove, De Anza peninsula, and the eastern bank of Rose Creek up to the Mike Gotch Memorial pedestrian bridge. When CDP 6-21-0353 authorized the demolition of the abandoned trailers and expansion of the Mission Bay RV Resort on De Anza peninsula, it greatly increased the acreage open to public access and required the RV Resort to allow the public to pass through their leasehold for uninterrupted lateral access. West of Rose Creek, pedestrians can walk along the sidewalk bordering the Kendall Frost Reserve, though to access the sandy beach west of the Rose Creek mouth, they must pass through the Campland on the Bay leasehold.

However, the Campland and Mission Bay RV Resort leaseholds have in the past engaged in actions that adversely impact public access, resulting in the need for enforcement action

by the Coastal Commission. All of Mission Bay Park, including the commercial leaseholds, is public land overseen by the City and thus grants the public access rights to the shoreline. However, for years, both facilities placed signs limiting public access by stating that public land was private property, placed objects such as dumpsters and vehicles that blocked public access, allowed their guests to park in public parking spaces, labeled the public beach as “private beach” on their website, and failed to provide requisite public parking or access (see [Consent Cease and Desist Order No. CCC-21-CD-01](#) and [Consent Administrative Penalty No. CCC-21-AP-01](#)). Although these actions were inconsistent with the terms of the City leases, action by the Coastal Commission’s Enforcement staff, as approved by the Commission, was ultimately needed to achieve resolution.

The proposed amendment would allow the new leaseholds such as the new overnight visitor accommodation and the non-motorized boat facility to encompass portions of the shoreline and adjacent water as part of their leaseholds. The City has stated that such a leasehold configuration is important because some of the uses, such as the boat facility, will have water-dependent uses. The City further indicates that such a configuration allows them to transfer maintenance responsibility for that portion to the leaseholder, thus reducing fiscal burdens on the City and allowing it to focus on other parts of Mission Bay Park. While the City’s reasoning has some merit, the approach raises similar concerns to those previously identified, where portions of the shoreline within leasehold boundaries may effectively become privatives or where guest use may not be adequately managed to ensure continued public access.

As submitted, the amendment does not clearly establish requirements that guarantee continuous unobstructed lateral and vertical public access along the shoreline. The plan allows for new leasehold boundaries and shoreline-adjacent facilities, but does not include clear limits to ensure that such development will not encroach onto sandy beach areas or impede public movement between upland park areas and the water’s edge. Nor does the plan require that public accessways be constructed and opened concurrently with new or redeveloped facilities, potentially allowing public access improvements to not occur in step with new development or be delayed indefinitely. Other operational policies, such as prohibitions on private equipment storage on parkland, are necessary to ensure that such encroachments that have occurred in the past are clearly prohibited.

Because the proposed amendment’s public access policies do not adequately address the wider range of lower-cost overnight accommodations or the potential for privatization of park area by commercial leaseholds, the plan cannot demonstrate that its proposals will protect or enhance public access as required by Sections 30210, 30211, 30212, 30213, 30220, 30221, and 30223 of the Coastal Act.

Coastal Hazards

Mission Bay and De Anza Cove are among the shoreline areas in the region most vulnerable to coastal hazards associated with sea level rise. Much of the existing shoreline is low lying and already subject to periodic flooding, storm driven wave runup, and erosion. Because many of Mission Bay Park’s features, such as De Anza Peninsula, were created by spoils arising from the dredging of False Bay, they consist of high levels of fill that are

not very robust against coastal erosion. Although portions of the De Anza shoreline are currently protected by riprap, the pedestrian path along the coast still experiences undermining in multiple segments. Thus, these armoring features do not eliminate future risk and are not designed to accommodate the magnitude of flooding, overtopping, or erosion anticipated under mid- to long-term sea-level-rise scenarios. As water levels rise, these areas will experience increased exposure to inundation, reduced effectiveness of existing armoring, and greater geomorphic instability. Consequently, any new structures or public facilities sited in these locations, including habitat, public access, recreation and visitor-serving amenities, are expected to face significant and increasing hazard risks over time.

The project area generally consists of flat to mild slopes. The land elevation varies from approximately 0 ft NAVD88 along the shore to approximately 16 ft, NAVD88 (0.2 to 16.2 ft, MLLW) farther inland. Water levels at the project area are affected by a combination of tidal and non-tidal processes. Wind waves within various locations of Mission Bay can reach heights of 2.0 feet for a 10-year windstorm and 2.5 feet for a 100-year windstorm. Wave heights at the project location are expected to be smaller than wave heights at the entrance to Mission Bay. In addition to wind winds and ocean waves, there are several recreational activities in Mission Bay, including water-skiing, jet skiing, and other activities with boats involved that generate waves that affect the project site, such as boat wakes that hasten shoreline erosion along the shore of De Anza Peninsula.

De Anza peninsula contains approximately 6,759 linear feet of shoreline, with site elevations up to 13 feet above mean sea level (MSL). The western and southern bay facing sides of De Anza peninsula are protected by a rip rap revetment, while the eastern cove facing side is protected by rip rap along its southern half and has a sandy beach on the northern half adjacent to the public parking lot. West of Rose Creek, Campland on the Bay is bounded to the west and southwest by the Kendall Frost Marsh Reserve/Northern Wildlife Preserve, to the south by sandy beach, and along the east by a rip rap revetment lining Rose Creek.

De Anza peninsula and the adjacent parkland to the north are mapped by the Federal Emergency Management Agency's Flood Maps Service Center's maps as being in the "0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X)." This is considered to be the 500-year floodplain, and thus, the project site is not located in the base 100-year flood zone defined by FEMA.

Due to being in the northeast corner of Mission Bay Park, opposite the park's entrance channel to the ocean at the southwest corner of the park, the project area and eastern Mission Bay Park receive muted tidal action compared to the western portions of the park. Much of the erosion along the Kendall Frost Marsh Reserve and southern shore of De Anza peninsula is attributed to boat wakes arising from activity in adjacent Fiesta Bay, the largest water segment of Mission Bay Park and the primary site for higher speed motorized recreational boating.

Utilizing records from the nearest National Oceanographic and Atmospheric (NOAA) National Ocean Survey tidal data station at La Jolla approximately five miles to the north,

the highest historical water elevation, including El Niño effects, is approximately 4.9 feet MSL, while the top of slope adjacent to the shoreline on De Anza peninsula is above 7 feet MSL. As such, the proposed development is at an elevation that would not be exposed to coastal flooding under current conditions.

Due to the location of De Anza peninsula relative to the ocean and the consequent muted wave action, the largest risk of overtopping in future conditions is from boat wakes. Utilizing the US Army Corps of Engineer's Automated Coastal Engineering System, the coastal hazard analysis anticipated that the maximum wave runup under current extreme bay water level conditions is approximately 0.7 feet above historical high water. Assuming boating activity remains consistent in the future, this will still be below the project site's elevation, though if overtopping did occur, it would be occasional and limited due to the short duration of passing boat activity as opposed to consistent overtopping during a storm event.

However, the proposed amendment envisions substantial reconfiguration of land and water areas within De Anza Cove, including new shoreline improvements, docks, low-cost visitor accommodations, multi-use paths, an interpretive center, and recreational features located within areas that are subject to flooding, erosion, and long-term sea level rise exposure. Although the proposed amendment acknowledges the presence of coastal hazards and references the need for future planning in response to sea level rise projections, the plan does not provide specific policies necessary to ensure that future development is sited to minimize risks to life and property consistent with Sections 30253 and 30270 of the Coastal Act, and to ensure that development is designed with the understanding relocation, or removal of structures may be necessary due to sea level rise impacts, rather than simply placing coastal armoring. The amendment also proposes several living shoreline methods but includes specific elements—such as oyster reef colonies—that have not been evaluated for ecological suitability or feasibility at this location and may not perform as intended.

Thus, because the proposed amendment's plan for multi-decade improvements to the project area do not adequately contain coastal hazard policies in conformance with Coastal Act Sections 30253 and 30270, it must be denied.

Cultural Resource Protection

The De Anza area lies within the traditional territory of the Yuman Ipai Kumeyaay, and much of Mission Bay, including De Anza Point and surrounding features, was extensively engineered between the 1940s and 1960s. Cultural resource investigations documented in the Programmatic EIR identified two previously recorded sites intersecting the project area, but extensive subsurface testing in the golf course and surrounding portions of Mission Bay found only artificial fill and no intact cultural materials. Additional investigations near Crown Point revealed only minor lithic scatters with no significant cultural deposits.

Although a Sacred Lands File search returned no recorded Native American sites, through the PIER, the Native American Heritage Commission commented that absence of records does not indicate absence of cultural resources. The City undertook tribal consultation in

accordance with Assembly Bill 52 (Gatto) in February and March 2019 with the Jamul Indian Village and Lipai Nation of Santa Ysabel. Additional consultation with Jamul Indian Village in November 2022 and concluded April 2023. The consultation resulted in Tribal support for incorporating traditional native plant species into future project designs and maintaining accessibility to the coast and coastal camping, especially for members of Tribal youths.

The proposed amendment includes an Interpretive Nature Center intended to serve as a focal point for nature-based and cultural education within the project area. As described, the Interpretive Nature Center would highlight topics such as flora and fauna, hydrology, coastal wetlands, sea level rise, and cultural resources, and would incorporate the history and cultural traditions of the Kumeyaay/Tapai-Ipai in consultation with the Kumeyaay Nation. The inclusion of an educational facility acknowledging and honoring Kumeyaay cultural heritage represents a positive component of the plan and aligns with Coastal Act policies that encourage public understanding of coastal resources. However, the proposed amendment does not include enforceable measures necessary to ensure that cultural resources within the project area will be adequately identified, protected, and interpreted at the project level. The proposed amendment anticipates substantial ground disturbing activities and land-form alteration throughout the De Anza area, but does not include policies requiring tribal consultation, nor does it establish mandatory procedures for cultural resource surveys, avoidance strategies, or mitigation protocols in areas of high sensitivity. To ensure adequate protection, the plan must include enforceable policies requiring consultation with Native American Tribes, resource identification prior to project-level approvals, avoidance of significant cultural sites where feasible, and clearly defined mitigation and monitoring procedures.

Thus, despite the City's efforts to investigate historical resources regarding cultural resources within or near the project area and subsequent consultation with Tribal authorities, the proposed amendment lacks policy language addressing the need for projects to conduct an alternative analysis to site and design development in the manner least impactful to cultural resources while conducting Tribal consultation. As this LUP will serve as the standard for subsequent requirements in the City's IP, its omission does not conform to the requirements of Section 30244 of the Coastal Act and must be denied.

Use of Mandatory Policy Language in a Land Use Plan

The City of San Diego has asserted that the Mission Bay Park Master Plan, a certified Land Use Plan (LUP) under the Coastal Act, should avoid directive terms such as "shall" and instead rely on advisory terms such as "should." The City characterizes LUPs as "long range planning documents" intended to provide general vision statements rather than establishing binding policy direction, and states that regulatory requirements are properly located in its zoning ordinance/Land Development Code rather than in the LUP itself. As described below, this interpretation is inconsistent with the structure of the California Coastal Act and longstanding Commission practice.

A certified Local Coastal Program (LCP) is comprised of two components: a Land Use Plan and an Implementation Plan (IP). For the City of San Diego, the IP consists of the Land Development Code and zoning maps. Under Public Resources Code Sections 30512

and 30512.2, the Commission may certify a Land Use Plan only if it meets the requirements of, and is in conformance with, Chapter 3 of the Coastal Act. The statutory structure is that the LUP contains the policies that implement the Coastal Act, while the IP contains the regulations that implement and carry out the LUP policies (Section 30513). A certified LCP is therefore not simply a conceptual “vision document”; it is a regulatory program whose policies and implementing ordinances become the legal standard for future coastal development permitting.

This statutory framework requires clear policy direction, enforceable outcomes, and sufficient specificity to guide subsequent decision making. Policies written in discretionary or advisory language (e.g., “should,” “encourage,” “may,” “will”) cannot satisfy this requirement where the Coastal Act mandates certain outcomes. For example, a public access policy stating that access “should be provided” cannot meet Section 30210’s requirement that access “shall be provided.” A habitat protection policy stating that impacts “should be avoided” cannot implement Section 30240’s requirement that ESHA “shall be protected against significant disruption.” Where the Coastal Act uses mandatory language, the corresponding LUP policy must also be mandatory.

The City argues that LUPs are not zoning ordinances and therefore should avoid mandatory language, suggesting that such direction should be placed solely in the IP. While it is correct that LUPs are not municipal code, this does not mean LUPs are merely advisory. After certification, LUP policies are binding standards for Coastal Development Permit (CDP) approval, and all CDPs must be found consistent with the certified LCP. A policy that uses advisory language such as “should” allows deviation. An applicant could argue, as applicants routinely do, that such phrasing expresses a preference rather than a requirement. As a result, development inconsistent with LUP policies could be approved because the policies do not establish mandatory standards. Therefore, LUPs must contain mandatory language wherever the Coastal Act requires enforceable protection of sensitive resources, access, recreation, or other coastal resources.

Furthermore, LUPs are the standard by which zoning regulations are measured against. The IP must implement the LUP, not the other way around. If the LUP expresses only optional or advisory standards, the IP could adopt limited or permissive regulations and still be considered consistent with the LUP. This would prevent the LCP from providing the level of protection required under Chapter 3 of the Coastal Act, because neither the IP nor future CDP findings could rely on discretionary LUP policies as enforceable standards. Commission guidance—including the Coastal Act LCP Manual, the Commission’s Sea Level Rise Guidance, periodic LCP review reports, staff guidance provided to local governments during LCP updates, and Commission-adopted suggested modifications—consistently emphasizes that LUP policies must be clear, enforceable, and capable of implementing Chapter 3 of the Coastal Act. Mandatory terms such as “shall” are used where policies are intended to establish enforceable standards, while advisory terms such as “should” are reserved for non-binding preferences. As a result, the Commission routinely adopts suggested modifications that require terms such as “should” be revised to “shall” (see San Diego LPCA 2-95B/La Jolla Land Use Plan, San Diego LPCA No. 1-02(A)/La Jolla Land Use Plan Update), San Diego LPCA 2-95A/Torrey Pines Community Plan); “encourage” be revised to “provide” (see San Diego LCP-6-SAN-19-0165-3/Balboa Avenue Specific Plan); “promote” to “require”; “discourage” to “prohibit” (See San Diego

LCP-6-BRL-22-1/Barrio Logan Community Plan Update); and “minimize” to “avoid” (San Diego LCPA 2-95A/Torrey Pines Community Plan).

In summary, the amendment fails to provide mandatory, enforceable policies necessary for the LUP and for CDPs to be issued consistent with the Coastal Act. As a result, coastal resources would not be adequately protected, and the Commission must deny the LCPA as submitted.

2. FINDINGS FOR APPROVAL IF MODIFIED

Sensitive Habitat

Because the Mission Bay Master Plan, and by extension the proposed amendment, is a long-term document over which the development within will be constructed over an indeterminate number of years, if ever, many requisite studies and plans for the specific development contained therein have not been done, left to whenever each development comes forward for a project-specific permit. As such, many of the development boundaries, locations, acreages, and configurations are estimates. To that end, **Suggest Modification # 1** inserts the qualifier “approximately” in regard to the amendment’s plan for 135 acres of new wetland area around Rose Creek, given the unknown state of the area and applicable laws at the time it does come forward for a permit. Due to the presence of existing habitat in the project area, specifically the wetlands within the Kendall Frost Marsh Reserve/Northern Wildlife Preserve and the eel grass within the open bay waters, **Suggested Modification # 2** clearly requires that any new habitat must complement that existing habitat. Typically, the conversion of sensitive habitat to another sensitive habitat type is not supportable, as the existing habitat is already providing important ecological functions and there is no guarantee that the replacement habitat, even if a desirable type, will be successful or for how long. This creates the possibility that there will be a net loss in habitat value, which contravenes the goal of habitat restoration programs. However, recognizing that prior to its dredging to create Mission Bay Park, the area served as the river estuary for Rose Creek, Tecolote Creek, and the San Diego River, hosting hundreds of acres of marsh and tidal wetlands, **Suggested Modification # 8** allows the possibility of habitat conversion, but only in the circumstance that it is consistent with the historical condition of the conversion site and compatible with future sea level rise. However, because this scenario would result in the removal of a functioning habitat type and would not necessarily result in an increase in habitat value but rather value of different habitat type, the suggested modification also makes clear that the activity does not qualify as mitigation.

Suggested Modification # 10 clarifies that dredging for wetland habitat or public recreation shall occur so long as the appropriate habitat protection measures are implemented to minimize adverse impacts. Knowing that Mission Bay Park will experience sea level rise and that the salt marsh restoration in the proposed amendment is intended to serve a role as nature-based protection from tidal action, **Suggested Modification # 11** addresses the anticipated migration of the wetlands over time, which may require subsequent changes in related land uses. In line with Section 30233’s limited list of allowable uses in wetlands, **Suggested Modification # 13** states that pedestrian and bike paths may be realigned for safety reasons, but not if the realignment requires the

realignment of wetlands, as that is not an allowable reason for filling or dredging wetlands. **Suggested Modification # 14** addresses the planned construction of a sizeable new overnight accommodation facility in proximity to new habitat areas by requiring that the new facility not conflict with habitat restoration. This would address impacts that are direct, such as through physical footprint, or indirect, such as spillover of noise, lighting, or runoff. **Suggested Modification # 18** reiterates this requirement for all other development, as well.

Due to existing and planned presence of habitat in proximity to development, **Suggested Modification # 19** requires preference for native plants to avoid adverse impacts from the introduction of invasive species. The use of fertilizers and herbicides, which can spill over into adjacent habitat areas, shall also be minimized. In line with minimizing spillover effects from development, **Suggested Modification # 20** requires that lighting be shielded, downward facing, and a color temperature of 3000K or less. This is in line with Coastal Commission action on park improvements elsewhere in Mission Bay Park and the city (see CDP No. 6-23-0627).

Similar to the rationale in the Water Quality section below, **Suggested Modification # 22** requires that all dredging and fill activity first be supported by technical studies demonstrating that fill and dredging will have the intended beneficial effect to habitat and water quality and support the restoration efforts of the amendment before authorization is granted. Because the proposed amendment envisions filling several acres of open water and stream channel to create new wetland habitat despite habitat already being present is some of that area, **Suggested Modification # 24** requires that any resulting habitat restoration be designed to complement the existing habitat and avoid adverse impacts to the greatest extent feasible. Related to the goal of ensuring new habitat measures are appropriately suited to the project area, the suggested modification limits oyster reef colonies to where they are “biologically appropriate,” because even though they are a nature-based measure to address water quality and erosion, they require proper siting to ensure environmental suitability and functional effectiveness.

As explained above in the Findings for Denial, eelgrass is examined as a marine resource under Section 30230 of the Coastal Act. **Suggested Modification # 28** adds language making this distinction clear, as well as the requirement for performance standards in restoration projects, in anticipation of future projects that may impact eelgrass and need to provide mitigation. **Suggested Modification # 29** also provides clarification with regards to the treatment of habitat and mitigation, clearly stating that habitat areas that are fragmented, unbuffered, or recreational in nature shall not be considered for mitigation, as they do not provide sufficient habitat value. This will allow project planning to appropriately determine the costs and benefits of undertaking such restoration in the project area and help ensure success. Most importantly, the suggested modification makes clear, in line with earlier modifications, that conversion of sensitive habitat shall not qualify as mitigation, as such conversion is not typically supported by the Coastal Commission as it does necessarily result in an increase in habitat value. **Suggested Modification # 30** reiterates the requirement for inclusion of performance standards and monitoring criteria into habitat management plans.

Finally, **Suggested Modification # 31** inserts the language of Coastal Act Section 30233 into the Mission Bay Park Master Plan. The Coastal Act is the standard for LUPs, and LUPs in turn are the instrument to introduce the requirements and prohibitions of the Coastal Act into the LCP. Thus, it is important that the LUP, while being more general in its language and policies than an IP, still contain sufficient detailed requirements and standards to adequately inform subsequent IPs and development permits. Mission Bay Park contains dozens of acres in wetlands, most near development, and the proposed amendment anticipates the creation of dozens of additional acres of wetlands. Thus, it is important that the Mission Bay Park Master Plan contain one of the Coastal Act's most protective measures regarding wetlands, open waters, and estuaries considering the new development proposed not just for this project area, but elsewhere in the park such as under the Fiesta Island (LCP-6-SAN-19-0142-2). Thus, as modified, the amendment can be found consistent with the habitat protection policies of Chapter 3 of the Coastal Act.

Water Quality

Suggested Modification # 2 better protects the already impacted water quality of Mission Bay and Rose Creek by replacing language addressing Low Impact Development (LID) practices with stronger language clearly requiring development to minimize impervious surfaces and to infiltrate runoff wherever feasible and treat prior to discharge when not. **Suggested Modifications # 7 and 25** recognize the role that expanded wetlands will play in improving the water quality of Rose Creek but makes it clear that the wetlands shall not be in lieu of any LID measures required of development in the project area to capture and infiltrate or treat runoff.

The proposed amendment envisions several sizeable changes to the project area, from substantial expansion of habitat to construction of several new public amenities. One of the core features of the amendment is the construction of two channels redirecting a portion of Rose Creek through De Anza Cove with the aim to improve flushing and nourish new wetlands. However, given the substantial landform and hydrological alterations involved and lack of studies done to date, **Suggested Modification # 12** makes clear the type of studies that must be done to determine the effects and likelihood of success of such a measure before approval is granted to minimize and avoid unintended adverse impacts. **Suggested Modification # 17** reiterates the requirement inserted elsewhere in the amendment to incorporate LID measures in regional parkland facilities to protect the already impacted water quality of Mission Bay. Given its role as a public park and sizeable presence of vegetation, **Suggested Modification # 19** addresses the lack of policy language in the proposed amendment regarding the use of fertilizers and herbicides, requiring their use to be minimized to avoid adverse impacts to the bay's already impacted waters. **Suggested Modifications # 21 and 23** reiterate the requirement for technical studies demonstrating the effectiveness of any proposed channels redirecting creek flows, as well as requiring monitoring of water quality to ensure that target thresholds are being met. **Suggested Modification # 26** formalizes actions the Coastal Commission has required in past CDPs for new playgrounds in Mission Bay Park (see CDP # 6-23-0627) to avoid the use of certain surface materials, such as synthetic rubbers, that impact water quality through the leeching of chemicals and metals, as well as again reiterating the requirement for development to utilize LID measures to prioritize infiltration of runoff. **Suggested Modification # 27** builds upon the study by Dr. Dorman, regarding tidal

channels conducted and incorporated into the Mission Bay Park Master Plan when it was first certified, by clearly stating that further technical studies are required before dredging, filling, grading, or shoreline modification occurs to demonstrate that those activities will have a beneficial effect on habitat and water quality in the project area.

Public Access, Public Recreation, and Low-Cost Visitor Accommodations

Under the City's stewardship, Mission Bay Park has become a famous, highly visited coastal resource, with a range of uses and roles envisioned in the Mission Bay Park Master Plan. To strengthen the proposed amendment's policies in furtherance of that goal, **Suggested Modifications # 3 and 6** specifically reference "tent camping" as an overnight accommodation option to more clearly expand the range of lower-cost options to be made available to the public. Because the proposed non-motorized boat facility will be a beachfront, water dependent use, **Suggested Modifications # 4 and 15** makes clear that its siting and design shall maintain continuous public lateral access along the water so as to serve as part of, and not an impediment to, the existing coastal walkway system currently in Mission Bay Park. **Suggested Modifications # 5 and 9** strengthen the requirement that all future development in the forthcoming leases shall be designed with public paths, open spaces, and shorelines by clearly referencing the existing Design Guidelines in Appendix G of the Mission Bay Park Master Plan, which details the manner in which such public access is to be provided. **Suggested Modification # 17** explicitly states that regional parkland facilities, including but not limited to, playgrounds, amphitheaters, small stages, public restrooms, and public accessways shall be provided at no or low cost to the public in order to continue Mission Bay Park's role as a regional coastal destination for people of all socio-economic backgrounds. Only with these revisions can the amendment be found consistent with the public access and recreation policies of Chapter 3 of the Coastal Act.

Coastal Hazards

Recognizing that the proposed amendment calls for substantial development in a concentrated development envelope within a park area vulnerable to sea level rise, **Suggested Modification # 14** clearly requires that the forthcoming development shall be sited and designed to be relocated, removed, or adaptable to sea level rise to avoid future risk to public safety and avoid the need for shoreline protection. **Suggested Modification # 15** requires that the planned boat facility, while being a water dependent use, must still be sited and designed to take future sea level rise into account. The proposed amendment plans for an interpretive nature center that will serve multiple roles, educating the public about both the natural history of Mission Bay Park, its flora, fauna, and coastal systems, as well as its cultural history through coordination with the Kumeyaay and Tipai-lipai nations. **Suggested Modification # 16** requires that the siting of the interpretive center shall be determined by a thorough analysis of sea level rise so as to avoid the need for future shoreline protection. **Suggested Modification # 17** requires that regional parkland amenities such as playgrounds, courts, stages, pathways, bathrooms, etc. take future sea level rise into account in their design. Only with these revisions can the amendment be found consistent with the coastal hazard policies of the Coastal Act.

Cultural Resource Protection

To address the amendment's inconsistencies described above, **Suggested Modification #32** establishes the necessary policy framework to ensure cultural resource protection and Coastal Act consistency. This modification requires project-specific investigations, conducted in accordance with all applicable laws and regulations, to identify potentially significant tribal cultural and archaeological resources prior to project approval. It further requires early and formal consultation with Native American Tribes during the development review process to ensure culturally appropriate treatment and mitigation for significant archaeological or tribal cultural sites. **Suggested Modification #33** also requires applicants to site and design development to avoid impacts to archaeological, tribal cultural, paleontological, and coastal resources to the maximum extent feasible, evaluate alternatives that would result in the fewest impacts, and implement the least impact alternative. Where avoidance is not possible, it requires adequate data recovery and mitigation under the supervision of qualified archaeologists and Native American monitors, including in situ conservation or recovery of buried deposits as appropriate. Finally, the modification requires consultation with local Tribes to provide interpretive signage regarding tribal history, language, and cultural context when feasible and appropriate on public land. The policy is consistent with the approach approved by the Commission in Otay Mesa Nestor LCPA LCP-6-OMN-23-0053-4, Barrio Logan LCPA LCP-6-BRL-22-022-1, and Mira Mesa LCPA LCP-6-NOC-23-0015-1. Only with this revision can the amendment be found consistent with the cultural resource and Tribal coordination policies of the Coastal Act.

Use of Mandatory Policy Language in a Land Use Plan

As described above, the LUP as submitted does not contain mandatory policy language necessary to implement the Coastal Act, relying instead on discretionary standards that could permit the adoption of inadequate implementing regulations. **Suggested Modifications # 2, 4, 5, 7, 8, 9, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29** revise these policies to replace advisory terms with mandatory ones, ensuring enforceability and providing the necessary basis for coastal development permits that are consistent with the LUP's resource protection requirements. Only with these revisions can the amendment be found consistent with Chapter 3 of the Coastal Act.

V. 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 Program Environmental Impact Report (PEIR) for the proposed De Anza Natural Amendment to the Mission Bay Park Master Plan (SCH No. 2018061024) has been prepared by the City in accordance

with the CEQA Statute and Guidelines (California Public Resources Code, Section 21000 et seq.; 14 CCR 15000 et seq.) and in accordance with the City's EIR Guidelines (City of San Diego 2005) and the City's CEQA Significance Determination Thresholds (City of San Diego 2022a).

The PEIR identified impacts to historical, archaeological, and Tribal Cultural Resources that would remain significant and unavoidable, and while the proposed amendment will implement procedures for the unanticipated discovery of cultural resources during construction activities, the feasibility and efficacy of mitigation measures cannot be determined at the programmatic level of analysis.

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 addressing statutory requirements, overnight accommodation, habitat protection and enhancement, water quality protection and monitoring, public access, landform and marine alteration, and cultural resource protection, 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.