(R-94-1838)

RESOLUTION NUMBER R- 284398

ADOPTED ON AUG 02 1994

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report DEP No. 91-0898; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Environmental Impact Report DEP No. 91-0898, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the 1994 Mission Bay Master Plan and Local Coastal Program Land Use Plan.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council hereby adopts the findings made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council hereby adopts the Statement of Overriding Considerations, a copy of which is

attached hereto and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation, Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: JOHN W. WITT, City Attorney

By 

John K. Riess
Deputy City Attorney

JKR:pev
05/18/94
Or.Dept:Pk. & Rec.
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CANDIDATE FINDINGS
FOR THE PROPOSED MISSION BAY PARK MASTER PLAN UPDATE

The following findings are made relative to the conclusions of the Final Environmental Impact Report (Final EIR) for the proposed Mission Bay Park Master Plan Update (DEP No. 91-0898). These findings have been prepared pursuant to Sections 15091 and 15093 of Title 14 of the California Code of Regulations: Section 21081 of the California Public Resources Code, implementing the California Environmental Quality Act.

The Master Plan Update is proposed as an updated and continuing development plan for Mission Bay Park. The fundamental goal of the proposed Master Plan Update is "to identify new demands made on the Park and to chart a course for the continuing development of Mission Bay Park. This course would sustain the diversity and quality of recreation, while protecting and enhancing aquatic wildlife for future generations." The Final EIR addressed the overall direct and cumulative environmental effects of the proposed Master Plan Update. However, each specific development proposed included in the proposed Master Plan Update shall be subject to subsequent environmental review.

Under the proposed Master Plan Update, distinctive recreational areas would be implemented within a single Park, organized according to "regions" of compatible uses. This approach has been labeled the "Parks Within a Park" concept. The four (4) broad types of recreation available at Mission Bay Park include Regional, Neighborhood, Commercial, and Habitat.

The proposed Master Plan Update consists of the following elements: Land Use; Water Use; Environment; Access and Circulation; and an Implementation Element.

Land Use Element

The Land Use Element provides guidelines for the following land uses: Aquatic Orientation, Regional Parkland, "Natural" Areas, Dedicated Lease Areas, Special Study Areas (SSAs), Active Recreation, and Overnight Recreational Vehicle Areas. Under the proposed Master Plan Update, the amount of regional parkland area in the Park would be increased by approximately 50 percent to meet the City's anticipated future recreational demands.

In addition, a buffer area, within 300-feet of the water, would be established as the primary zone of water influence. Beyond the 300-foot zone, measures that would further enhance and preserve critical views of the Bay would be pursued. New commercial development areas and hotel redevelopment projects would also be required to provide convenient and secure public access to the water.

The Land Use Element also provides specific development criteria for the De Anza Cove and Dana Inn Special Study Areas (SSAs). The SSAs are "flexible" planning areas in which a number of public and/or private uses could be accommodated under varying intensities and configurations. Hotel uses on the Bay would be expanded by encouraging the redevelopment of underutilized leases and the development of new sites.

Water Use Element

The Water Use Element includes managerial and physical measures to improve the Bay's ability to meet the demands of all water users. As such, the proposed Master Plan Update would result in no new water leases beyond optional day-use slips at the South Shores embayment, and existing proposals to expand the Bahia Hotel and Mission Bay Yacht Club water lease areas. These lease expansions would bring the total water lease area to 87 acres, or 4 percent of the Park's water area.

In accordance with the *Mission Bay Park Shoreline Stabilization and Restoration Project Plan* (SSRPP), the East Island on Fiesta Bay would be eliminated by dredging. This would allow for modification of the Thunderboat race course. The proposed Master Plan Update includes several other modifications to the SSRPP. These shoreline treatments would include modifications to South Shores, Fiesta Island, Fiesta Island Channel, Rose Creek Outfall, De Anza Channel and Cove, and De Anza Special Study Area.

Environmental Element

The Environmental Element includes planning measures and guidelines targeted to improve the Bay's ecological health and improve the Park's wildlife habitats, while enhancing the Park's viability as a habitat for human recreation. The proposed Master Plan Update includes conceptual methods to improve the Bay's water quality through public education, park management, and mechanical, hydrological, and biological improvements. Wildlife habitats would be improved through the maintenance and establishment of wetland habitat, submerged (benthic) habitat, and upland habitat. Mitigation banking, a technique used to improve the resource value of wetland and benthic mitigation projects, is also included as part of the proposed Master Plan Update.

Access and Circulation Element

The Access and Circulation Element includes measures to reduce traffic congestion in the Park and to further enhance its mission as a regional recreational attraction. These measures include Regional Access, Parking, Roadway Improvements, Bicycle and Pedestrian paths, Public Tram, and Signage.

Implementation Element

The Implementation Element incorporates guidelines for the land uses within the Park, recognizing that the Master Plan Update will likely be implemented over the next 20 years. Therefore, the Implementation Element identifies that it may be necessary to make adjustments to the Master Plan Updates' proposals and recommendations. The following long-term leases at Mission Bay Park may have an effect on implementation of the proposed Master Plan Update.

- Sludge Drying Beds: 1997 Estimated Abandonment.
- De Anza Trailer Resort: 2003 Lease Termination Date.
- Campland on the Bay: 2017 Lease Termination Date.

The proposed Implementation Element identifies development priorities based on what can be accomplished to the immediate benefit of the public, without incurring excessive "up-front" costs, or causing undue environmental impacts. These priorities include: South Shores Development; De Anza Ramp; Overflow Parking; Mitigation Areas; Bicycle and Pedestrian Paths; and Commercial Developments.

The City Council after considering the Draft EIR (DEP No. 91-0898), comments received on the Draft EIR, and the public record for property acquisition for the proposed Mission Bay Park Master Plan Update, makes the following findings pursuant to Section 21081 of the California Public Resources Code and Sections 15091 and 15093 of the California Administrative Code.

A. The City Council, having reviewed and considered the information contained in the Final Environmental Impact Report (Final EIR) prepared for the proposed Mission Bay Park Master Plan Update (DEP No. 91-0898), finds that changes or alterations have been incorporated into the project, which avoid or substantially lessen the significant or potentially environmental effects as identified in the Final EIR with respect to 1) Biological Resources; 2) Water Quality; and 3) Public Services. Specifically:

1. Biological Resources

a) Dredging Activities

Impacts: The dredging activities included in the proposed Master Plan Update would result in the loss of eelgrass, benthic invertebrates, and burrowing fish.

Impacts to marine water quality from dredging activities would be potentially significant. Lowered water quality could indirectly adversely affect eelgrass, benthic invertebrates, and burrowing fish inhabiting areas adjacent to the dredge footprints. Significant temporary indirect impacts could result from the short-

term sedimentation and turbidity generated by dredging operations, and by the shading of eelgrass beds by dredge equipment.

Findings: The "Southern California Eelgrass Mitigation Policy" requires a replacement ratio of 1.2 to 1 as a result of damage or loss to existing eelgrass resources. Prior to project level dredging, an assessment of existing eelgrass beds shall be undertaken to be used as a baseline for determining habitat loss after construction. A mitigation plan, including a five-year eelgrass monitoring and maintenance program shall be implemented.

In addition, the following requirements and guidelines shall be incorporated into the impact analysis and mitigation planning for any development proposal in Mission Bay Park, including City and private developer-sponsored projects.

- No in-water construction or dredging shall be permitted in Mission Bay or the Flood Control Channel from April 1 through September 15, the California least tern breeding season. If in-water construction is required during this time, exceptions are possible upon approval by the City, California Department of Fish and Game (CDFG), and the United States Fish and Wildlife Service (USFWS). Any exception would have to meet the following criteria to preserve least tern nesting and foraging: use of silt curtains or similar devices around in-water construction activity; use of noise reduction or low noise equipment; and use of timing and location restrictions on activity to avoid interfering with breeding sites or major least tern foraging areas.

- No net loss of eelgrass meadows is acceptable. A replacement ratio of 1.2 to 1 is required for impacts to eelgrass habitat as delineated in the recent "Southern California Eelgrass Mitigation Policy."

- New sand beaches below MLLW shall be replanted with eelgrass whenever the slope is changed by maintenance activities and eelgrass beds are impacted.

- Replanting shall occur during low energy tides (late summer to early fall).

- Any construction or dredging project in the Bay or the Flood Control Channel shall require that adjacent restricted areas be buoyed off prior to the start of activity. This is to limit the extent of direct impacts to existing eelgrass.

- Any construction or dredging project disturbing the substrate in the Bay or the Flood Control Channel shall use silt curtains or similar devices around disturbance areas. This would limit any adverse water quality impacts to the immediate construction area, thereby reducing impacts to eelgrass and foraging birds.

- All dredging impacts to marine habitat shall require a replacement ratio of 1 to 1. Loss of eelgrass habitat shall require a replacement ratio of 1.2 to 1. Impacts from maintenance dredging shall require a one-time mitigation for lost resources. Subsequent maintenance dredging for the original location, which has already mitigated the impact, would not require additional mitigation each time it is dredged.

- All dredging activities shall comply with permit conditions of the U.S. Army Corps of Engineers, Regional Water Quality Control Board, State Lands Commission, and California Coastal Commission. Permits issued by these agencies may specify additional requirements for timing of in-water construction, spoil disposal methods, and dredge sediment material testing.

- Barges shall not be permitted to shade an eelgrass bed for more than five (5) days. In addition, construction contractors shall avoid anchoring barges in eelgrass beds to the maximum extent feasible.

- Sand of good quality retrieved in dredging operations shall be stockpiled on a non-sensitive, designated site on Fiesta Island upon approval of the City and Coastal Commission. This sand shall be used subsequently for beach replenishment, if it is of the proper grain size for beach stabilization. If room is not available on Fiesta Island, other arrangements for dredge spoil disposal will need to be made and approved by the City and other appropriate resource agencies.

- If sand/sediment is determined through testing by a qualified expert to be unclean, to contain toxic material, or to be of poor quality, it shall be transported to a permitted landfill or otherwise used appropriately, rather than stockpiled for future beach replenishment. Sand containing toxic material shall be taken only to a landfill qualified to handle toxic material.

- Estimated impacts to eelgrass beds created by turbidity and anchor placement resulting from dredging shall be validated by a dive before dredging and a dive after dredging is complete. Impacts shall be mitigated per the requirements of the Southern California Eelgrass Mitigation Policy.

- Monitoring the success of eelgrass mitigation projects shall be required for a period of five years. Monitoring activities shall determine the percent coverage and density of plants at the transplant site and shall be conducted at 3, 6, 12, 24, 36, 48, and 60 months after completion of the transplant.

- Criteria for determination of transplant success shall be based upon a comparison of vegetation coverage (area) and density (turions per square meter) between the project and mitigation sites .

b) Beach Construction and Maintenance

Impacts: Potential significant adverse impacts to eelgrass may also occur from sand migration associated with beach replenishment/construction efforts in the Park. These indirect impacts would occur adjacent to beaches where shoreline grading and sand replenishment activities occur.

Findings: Implementation of the following mitigation measures would reduce biological resource impacts associated with beach construction and maintenance to below a level of significance.

- Any sand reclamation, beach grooming, or recontouring activities in areas adjacent to eelgrass beds shall require that silt curtains or similar devices are utilized to avoid indirect impacts of drifting material and reduced water quality. The use of silt curtains would reduce the significant impacts to below a level of significance.

- Implementation of the recent "Southern California Eelgrass Mitigation Policy," shall be required to protect offshore eelgrass resources.

- New sand beaches below MLLW shall be replanted with eelgrass whenever the slope is changed by maintenance activities and eelgrass beds are impacted.

c) California Least Tern Breeding Areas

Impact: Loss of the historic Stony Point and Cloverleaf least tern breeding areas would be a significant impact. However, successful use of alternate nesting sites would reduce this impact to below a level of significance. It would have to be documented that least terns are breeding at the replacement sites prior to the closure of existing sites, as per USFW agreement. Increased eelgrass beds and salt marsh areas may increase foraging and resting (including juvenile feeding stations) areas for this species.

Finding: The following mitigation measures shall be implemented to reduce significant impacts to the California least tern breeding areas:

- Mitigation for the loss of Stony Point and the Cloverleaf least tern breeding areas would include the creation of new breeding areas in Mission Bay Park. This could occur at De Anza Point or South Shores. Prior to the closure of Stony Point and the Cloverleaf locations, it shall be documented that least terns are breeding at the replacement sites, as per USFW agreement. Until documented breeding occurs, both Stony Point and the Cloverleaf sites shall remain.

- The following guidelines and requirements shall be considered for incorporation into impact analysis and mitigation planning for any proposed project in the Park, including City and private developer sponsored projects.

  - No in-water construction or dredging will be permitted in Mission Bay or the Flood Control Channel from April 1 through September 15, the least tern breeding season. If in-water construction is required during this time, exceptions are possible, upon approval of the City, CDFG, and USFWS. Any exception would have to meet the following criteria to preserve least tern nesting and foraging: use of silt curtains or similar devices around in-water construction activity; use of noise reduction or low noise equipment; and use of timing and location restrictions on activity to avoid interfering with breeding sites or major least tern foraging areas.

  - No direct impacts to permanently designated least tern nesting sites are permitted.

  - A buffer zone of 150 feet shall be required for all existing and temporarily designated least tern breeding sites, including those proposed to replace Stony Point. However, it should be noted that a 100 foot buffer areas shall be provided for the Cloverleaf site.

- The abandonment of the Stony Point California least tern breeding area shall only be permitted by USFW after least terns are confirmed to be breeding at a suitable site.

- Special Use Permits for activities on Mariner's Point will require that the 150-foot buffer zone north of the least tern nesting site be free of all formal activities and activity structures (e.g., tents, stages, bands).

d) Wetland Construction

Impact: Construction of the additional wetland area adjacent to the existing Northern Wildlife Preserve (NWP) could create potentially significant short-term impacts (e.g., noise, construction equipment intrusion, and siltation) to the existing marsh. Loss of low quality, non-functional salt pan habitat would not be considered significant, unless it is being utilized by terns or shorebirds for breeding.

Finding: Because success of the "contained" salt marsh proposed to be constructed adjacent to the existing NWP is uncertain, additional studies shall be necessary during the design phase. These studies shall focus on the effects of siltation, prolonged fresh water inundation, and the function and values of the newly created habitat. In addition, the following measures shall be required for the protection of sensitive coastal salt marsh habitat during construction activities.

- The project biologist shall ensure that prior to any activity at the site, all equipment operators working within the wetland areas are aware of the limits of construction and the environmental sensitivity of the area. The biologist shall prepare an instruction sheet for all equipment operators and drivers on the site, outlining what could and could not be done in the sensitive habitat in which they would be working. In addition, regular field checks by the project biologist shall be made, and the results of those checks shall be reported to the City of San Diego.

- The project biologist, working with construction survey crews, shall direct and witness the staking or flagging of the limits of construction. The limits of the construction corridor shall then be fenced by the construction contractor prior to disturbance. The fencing shall be a minimum of three feet high and made of brightly colored, highly visible material, with supports as needed to maintain in an upright position. The purpose of this fencing would be to reduce the potential for construction-related impacts outside the allowed corridor.

- In addition to fencing of construction limits, certain areas shall require the use of silt fencing to reduce construction-related sedimentation in the Bay. Prior to the start of construction, silt fences or similar devices shall be placed in required areas by the construction contractor, under supervision of the project biologist.

- No wetland construction shall be permitted in Mission Bay Park from April 1 through September 15.

2. Water Quality

Impact: Water quality impacts associated with proposed dredging would be short-term and significant. No long-term adverse impacts would be expected.

Findings: The mitigation measures described for dredging-related impacts to biological resources shall also reduce dredging-related water quality impacts to below a level of significance.

3. Public Services

Mission Bay Boating Safety Unit

Mission Bay Boating S ty Unit staffing on beaches and on the water is based on the current water, we- er, and crowd conditions at Mission Bay Park. Based on the anticipated dem d for Boating Safety Unit services associated with implementation of the Master Plan Update, the Boating Safety Unit would be

able to maintain adequate provision of water safety, medical, and marine fire-fighting services within the Project area for the following reasons (pers. comm., Lerum, A., July 1993):

- boat traffic would be limited to the carrying capacity of the Bay by limiting boat trailer parking spaces, and

- incompatible boating uses would be provided separate water areas within the Bay.

Police Protection

The number of officers assigned to the Park for Police Harbor Patrol and Land Patrol duties is a function of Park use, identified problems, and personnel availability. Adoption and implementation of the proposed Master Plan Update would result in a separation of incompatible water and land uses, closure of certain Park areas at night, and implementation of functional lighting to deter crime. All of these measures are proposed to reduce problems in the Park (for a given number of Park users) and therefore, reduce the need for police officers.

The City of San Diego Police Department has expressed a concern that the additional 350 to 950 hotel rooms and 7,500 parking spaces would result in an increase in average daily trips on Park roads and daily visitors to the Park. This could result in an increased need for police officers to patrol parking lots for gang-related activities, unlawful lodgers, vehicle thefts, and transient-related crimes.

It would be speculative to address impacts to police services at this time because police staffing is determined based on needs throughout the City of San Diego, future police department staffing levels cannot be predicted, and the allocation of police officers to the Park cannot be predicted. Therefore, the significance of impacts to police services cannot be determined at this time.

Fire Protection

In the event of an emergency at Mission Bay Park, the City of San Diego Fire Department would dispatch firefighters from area fire stations (Station Nos. 20, 21, and 25). The City of San Diego Fire Department would be able to maintain adequate response times within the Project area, considering the new structures proposed by the Master Plan Update. Existing capital facilities and manpower (fire stations, fire trucks, and personnel) would be adequate to meet the anticipated demand for fire protection associated with implementation of the proposed Master Plan Update (pers. comm., Medan, B., January 1994). However, the methods of providing fire protection services to special events and fire truck access have not been fully defined by the Master Plan Update. The proposed Master Plan Update does provide that "the ultimate design of the Park roads

must recognize emergency vehicle access needs" and the Fire Department would like to review all future roadway improvements to assure that emergency services could be provided. Because the methods of providing fire protection services to special events and fire truck access have not been fully defined, it would be speculative to address impacts to fire services at this time. Therefore, the significance of impacts to fire services cannot be determined at this time.

Finding: No significant impacts are identified for Harbor Patrol. Therefore, no mitigation, monitoring, or reporting would be required for this service. The Fire Department shall be provided an adequate review of all future Master Plan Update roadway improvements to ensure that emergency access is provided. Evidence of the Fire Department's approval of the roadway improvement plans shall be provided to the City of San Diego Planning Department prior to funding authorization for the roadway improvement. It is not possible to predict Master Plan Update impacts to police and fire services at this time. Prior to implementation of any project that significantly increases the number of guest residences or parking spaces in the Park, that project's effect on police and fire services in the Park shall be considered to determine if additional police officers, fire personnel, or equipment (e.g., squad cars) would be necessary to maintain adequate levels of service. The number of police officers/fire personnel needed, any equipment needed, and a mechanism to provide the needed police officers/fire personnel and equipment will be identified. This analysis shall be part of the subsequent environmental review that will be required for each Master Plan Update implementing activity and shall be subject to all applicable public and City departmental review.

B. The City Council, having reviewed and considered the information contained in the Final EIR for the project and the public record, finds that there are no changes or alterations to the project which would avoid or lessen significant environmental impacts that are within the responsibility and jurisdiction of another public agency.

C. The City Council, having reviewed and considered the information contained in the Final EIR for the project and the public record, finds that there are specific economic, social or other considerations (i.e., technical considerations) which make infeasible the mitigation measures or project alternatives identified in the Final EIR.

1. Freeway Improvements

The Master Plan Update proposes to improve the roadway in the southeastern portion of the Park to improve circulation. While implementation of these improvements would improve the operation of the East Mission Bay/Sea World Drive intersection from LOS F to LOS E during peak traffic periods (i.e., summer weekend afternoons), this would still be a significant traffic impact.

Expansion of the Interstate 5 (I-5)/Sea World Drive freeway ramps would mitigate off-site significant impacts at I-5. However, this improvement would not mitigate significant impacts within the Park. The provision of the missing southbound I-5 to westbound Interstate 8 (I-8) and westbound I-8 to northbound I-5 freeway connectors would be required to mitigate both on-site impacts (East Mission Bay Drive/Sea World Drive intersection) and off-site impacts during peak traffic periods.

Provision of the freeway improvements described above is not included in the proposed Master Plan Update. Construction of the freeway ramp improvements is estimated to cost approximately $100 million and thus are not feasible mitigation measures. The cost of providing the freeway ramps exceeds the net present value of the projected net lease revenue (revenue-operating costs) of approximately $86 million for the Park through the year 2012 (Master Plan Update, Chapter 10, Table 9). This does not include the cost to construct the proposed improvements to the Park ($172 million). The City of San Diego will already be required to find other sources to pay for the proposed improvements. Because non-peak-related traffic contributes substantially to the significant traffic impact at the intersection of East Mission Bay Drive and Sea World Drive, and because the Park will not generate sufficient revenue to cover proposed improvements, it is not feasible for the Master Plan Update to mitigate this significant traffic impact. Therefore, peak traffic impacts at the intersection of East Mission Bay Drive and Sea World Drive would be significant and would not be mitigated to below a level of significance.

2. Project Alternatives

The Final EIR assessed the effect of alternatives which would provide for implementation of the No Project Alternative, the Northern Habitat Restoration Project Alternative, and the Active Recreational Park Project Alternative." As described below, there are economic, and other considerations (i.e., environmental considerations), which make the No Project Alternative, the Northern Habitat Restoration Project Alternative, and the Active Recreational Park Project Alternative infeasible. According to Section 15364 of the State CEQA Guidelines, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Hence, "infeasible," as it is used in these findings, means incapable of being accomplished in a successful manner, taking into account the considerations previously referenced.

a) No Project Alternative

The No Project alternative is defined as the development of the Park as described in existing planning documents, and the continued management of Mission Bay Park under the existing land use plans (e.g., existing *Master Plan* (1978) and

Natural Resources Man *tent Plan* (1990)). Without implementation of the proposed Master Plan U *tate*, the Park would continue to be a fragmented, inefficiently used recrea *onal* resource. A 50 percent increase in regional parkland would not be provided, existing land and water use patterns and conflicts within the Park would be maintained, and conflicts associated with the use of Crown Point Shores for regional-oriented recreational uses would remain.

Management of the Bay's natural resources would continue under the *Natural Resource Management Plan* (NRMP). Natural resource sites would remain scattered and non-contiguous within the Park, often located in areas with conflicting adjacent recreational uses (i.e. potential impacts to planned coastal salt marsh areas on Fiesta Island caused by wakes and noise associated with water skiing and PWC in Pacific Passage and Hidden Anchorage). The marshes that would be created under the NRMP likely would be of lesser quality than those that would be created under the proposed Master Plan Update. Also, there is a potential for more acres of marsh to be created under the proposed Master Plan Update, depending of the final configuration of facilities in the De Anza Special Study Area. Potential water quality benefits associated with the creation of wetlands at the mouth of Rose Canyon Creek and Tecolote Creek would not be attained.

Existing public safety impacts associated with the existing patterns of incompatible recreational activities on land and water would continue. In addition, the De Anza boat ramp would remain operative. Thus, significant navigational hazards associated with congestion at the north end of North Pacific Passage would remain.

Under the No Project alternative, a continuous pedestrian/bicycle path would not be provided around the Bay and public access to the Bay would continue to be limited in areas such as the De Anza Harbor Resort. Predicted peak parking demands would exceed supply by about 5,000 spaces as Park use rises in the future. In addition, necessary roadway improvements would not be constructed (e.g., the intersection of Sea World Drive and East Mission Bay Drive would continue to operate at LOS F during peak season). These would be significant effects of the No Project Alternative.

Therefore, the No Project Alternative is not a feasible alternative.

b) Northern Habitat Restoration Project Alternative

The Northern Habitat Restoration Project Alternative would maximize habitat enhancement throughout the Park, focused primarily within the northeastern quadrant. Compared to the proposed master Plan Update, this alternative would avoid the relocation of the Stony Point Least Tern Preserve.

Implementation of this alternative would involve the development of 309 acres (number includes existing NWP) of salt-water marshes, 86 of which would be located at the Rose Canyon Creek outfall. Smaller marsh areas would be placed at the Tecolote Creek outfall and on Pacific Passage south of the Visitor and Information Center. Three sand bars would be created in north Fiesta Bay. A total of 26 acres of potential additional least tern nesting area would be provided. This alternative represents a substantial increase in the provision of marsh area at the mouth of Rose Canyon Creek and would substantially increase habitat within the Park for California least tern, light-footed clapper rails, and Belding's savannah sparrows. The provision of additional salt-water marsh area would maximize the potential benefit of these marsh areas to improve the Bay's water quality. The additional habitat areas would be provided by filling open water areas and by dredging De Anza Point.

While enhancing passive recreational activities and maximizing habitat restoration efforts, this alternative would reduce existing opportunities for active recreational pursuits within the northeastern quadrant of the Park. No landing would be allowed on preserve or marsh areas without special permission. Campland's current location would be dredged for the creation of marsh area. Overnight recreational vehicle facilities would be provided north of the proposed marsh area, east of the Rose Canyon Creek inlet. These facilities would have direct access to De Anza Cove.

The northern half of Fiesta Island would be used primarily for existing least tern nesting habitat, salt pan habitat, and additional native landscaping to include maritime succulent scrub and coastal sage scrub. Limited human activity would be allowed, not to include camping, to encourage the development of high quality habitat areas. The existing youth boating facility would be retained at its current location. Neither an open beach area for recreational use nor a pedestrian/bicycle circulation path would be provided around the least tern nesting site on the northern end of Fiesta Island.

Habitat area associated with the Northern Habitat Restoration Project alternative would be increased by up to approximately 13 percent over the proposed project. This would enhance the opportunity for passive recreational activities at the Park. Locating increased habitat areas on Fiesta Island would result in this necessity to provide for regional recreation areas elsewhere in the park (i.e., Crown Point Shores). Six acres of commercial lease area would be lost under this alternative, less than 1.5 percent of the existing commercial leases. This would not be a substantial change and impacts would not be significant.

The increased marsh area adjacent to the NWP would increase the beneficial water quality effects associated with the proposed Master Plan Update. Traffic impacts at the intersection of Sea World Drive and East Mission Bay Drive would still be significant during peak weekends.

Potential impacts to public safety and public services would be similar to those associated with the proposed project except that potential impacts to police services would be reduced by providing fewer overnight guest rooms within the Park, particularly in the northeastern part of the Bay. This alternative would not provide the beneficial impacts to circulation/traffic/public access associated with removing regional recreational activities from Crown Point Shores (proposed project), but would reduce traffic impacts at the intersection of Sea World Drive and East Mission Bay Drive by reducing recreational uses on Fiesta Island, as compared to the proposed project.

The Northern Habitat Restoration Project Alternative would not be a feasible alternative because it would reduce existing recreational opportunities within the northeastern quadrant of the Park; it would not provide a pedestrian/bicycle circulation path around the least tern nesting sites on the northern end of Fiesta Island; and it would not allow the circulation/traffic/public access benefits that would occur with the removal of regional recreation activities from Crown Point Shores. In addition, this alternative would not avoid the significant impacts to the intersection of Sea World Drive and East Mission Bay Drive, during peak weekends.

c) Active Recreational Park Project Alternative

The Active Recreational Park Project alternative would arrange land uses so as to maximize public enjoyment of the water. New parkland areas would be developed in the southeast quadrant of the Park. This alternative would provide 90 acres of regional parkland on Fiesta Island, and 20 acres on South Shores. This would represent an increase of approximately 41 percent in regional parkland over the proposed project.

This alternative would result in a decrease of between 177 and 212 acres of habitat area as compared with the proposed project. Commercial lease acreage would be increased by 45 to 130 acres over that identified in the proposed Master Plan Update and would account for 25 percent of the dedicated land area in the Park. This alternative would also result in a decrease of approximately 10 percent in neighborhood recreation area compared with the proposed project.

Overnight RV facilities would remain at their current location, just west of Rose Canyon Creek. The De Anza Harbor Resort could be developed according to future private proposals. It is assumed that development of a hotel at this location would be at a higher land use intensity than currently exists, resulting in additional traffic at the North Mission Bay Drive/East Mission Bay Drive intersection. However, the anticipated increase in inbound/outbound peak hour traffic associated with a 500 room resort hotel (at full occupancy) would not result in significant traffic impacts to this intersection.

Because more overnight guest facilities and parking areas would be provided within the Park, this alternative would likely increase the demand for police services in the Park, as compared to the proposed project,

No additional salt-water marsh areas would be created within the northeast quadrant of the Park; however, 17 acres of salt-water marsh would be created elsewhere in the Park. On-shore eelgrass would be kept off Santa Clara Point, El Carmel Point, and the northern side of Vacation Isle. The existing least tern nesting site at Stony Point would be relocated. The least tern nesting site on the northern tip of Fiesta Island would be maintained, as would FAA Island, Mariner's Point, the cloverleaf, and South Shores. Overall potential benefits to biological resources would be reduced in comparison to the proposed project. There would be a net increase in habitat areas compared to existing conditions, and provided all existing mitigation commitments are met, biological resource impacts would not be significant. However, this alternative would not be consistent with the NRMP, which would be a significant planned land use impact. Potential benefits to water quality associated with the creation of additional salt-water marsh areas would not occur.

Although the planned closure of the De Anza boat ramp would occur under this alternative, private water craft activity would continue at De Anza Cove. Therefore, potential impacts to public safety would be greater than with implementation of the proposed project. Potential impacts to public services would be similar to those associated with the proposed project. This alternative would not provide the beneficial effects associated with the removal of regional recreational activities from Crown Point Shores, and because of the additional parkland on Fiesta Island, would increase traffic congestion at the intersection of Sea World Drive and East Mission Bay Drive, as compared to the proposed Master Plan Update.

Although the Active Recreational Park Project alternative would provide approximately 41 percent more regional park land than the proposed project, it would also result in additional or increase significant impacts to police services, increased traffic congestion at the Sea World Drive/East Mission Bay Drive intersection; and increased potential public safety impacts. In addition, this alternative would decrease in the amount of habitat area to be provided; it would provide 10 percent less neighborhood recreation area than proposed project; the beneficial water quality impacts associated with creation of additional salt-water marsh areas would not occur with this alternative, and this alternative would result in reduced biological benefits compared to proposed project. In addition, this alternative would not be consistent with the NRMP. This would result in a significant planned land use impact that would not occur with the proposed project. Therefore, the Active Recreational Park Project Alternative would not be a feasible alternative.

STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PROPOSED MISSION BAY PARK MASTER PLAN UPDATE

The City Council, having reviewed and considered the information contained in the Final EIR for the proposed Mission Bay Park Master Plan Update (DEP No. 91-0898) and the public record, finds that there are specific economic or other considerations which make infeasible certain mitigation measures and all project alternatives identified in the Final EIR. In deciding to carry out the project, the City Council finds that there are benefits of the project that outweigh the unmitigated, significant traffic impacts and unavoidable adverse environmental effects and that these impacts and effects are considered acceptable.

1. Implementation of the proposed Master Plan Update would increase the amount of regional recreational parkland by approximately 50 percent to accommodate future demand for this use. It would also increase the amount of neighborhood, commercial, and habitat-related recreational uses. In addition, the proposed Master Plan Update would provide approximately two-thirds of a mile of additional shoreline, thereby increasing waterfront access and recreational opportunities; it would preserve, enhance, and increase the total acreage devoted to natural habitat within the Park, and would facilitate the correction of existing erosion and sand accumulation problems. The proposed Master Plan Update would also provide for a greater separation between incompatible recreational water uses (e.g., swimmers and personal watercraft) and, thereby, would provide greater safety for the recreational user. The proposed resulting total acreage of dedicated land lease areas would not exceed the 25 percent limit established in the City Charter.

2. Implementation of the proposed Master Plan Update would result in increased recreational opportunities throughout the Park, achieved through implementation of the "Parks Within a Park" planning concept. Land-based recreational areas would be increased by at least 60 percent. The proposed Master Plan Update identifies and responds to new and anticipated future demands placed on the recreational resources of the Park, and recognizes that a balanced approach between recreation, the environment, and commerce is necessary to ensure the diversity and quality of recreation in the Park. Implementation of the proposed Master Plan Update would result in an overall benefit to recreational resources in the Park.

3. The proposed increase of coastal salt marsh habitat, over the existing acreage, would have beneficial effects. An additional 93 to 128 acres of coastal salt marsh, as recommended by the proposed Master Plan Update, would benefit numerous water-associated bird species, benthic

invertebrates, fish, pelagic species, and eelgrass beds. Long-term beneficial effects would include an incremental improvement in water quality of the Bay, increased foraging, nesting, and resting areas for waterbirds, and additional habitat for the endangered light-footed clapper rail and the Belding's savannah sparrow.

4. Potential beneficial effects to the Nuttall's lotus may occur if the proposed re-establishment of additional coastal strand habitat is successful.

5. Potential beneficial effects to the Belding's savannah sparrow and light-footed clapper rail may occur from the creation of additional coastal salt marsh habitat.

6. Beneficial effects to shorebirds are anticipated from the creation of an additional two-thirds of a mile of shoreline. A large portion of this additional shoreline would be composed of sandy beaches providing resting areas for shorebirds during periods of mudflat inundation.

7. Beneficial effects would occur from the creation of additional coastal salt marsh with the implementation of the low, medium, or high intensity development option for the De Anza Special Study Area.

8. Implementation of the Master Plan Update would result in an increase in public safety throughout Mission Bay Park. Management strategies included in the Master Plan Update for water use are based on established "safe" capacities for the individual recreational activities that would be accommodated at the Park. Furthermore, the Master Plan Update includes measures that attempt to group recreational activities to congregate compatible and separate incompatible activities, both on land and water. Implementation of the Master Plan Update would result in an overall public safety benefit at Mission Bay Park.

MITIGATION, MONITORING, AND REPORTING PROGRAM

for the proposed

MISSION BAY PARK MASTER PLAN UPDATE

for the

CITY OF SAN DIEGO
PARKS AND RECREATION DEPARTMENT

(DEP No. 91-0898)

May 11, 1994

MITIGATION, MONITORING, AND REPORTING PROGRAM

Land Use

Mitigation, monitoring, and reporting would not be required because land use impacts would not be significant.

Recreational Resources

Mitigation, monitoring, and reporting would not be required because adverse, significant recreational resource impacts would not occur.

Biological Resources

The following mitigation measures or processes shall be implemented and are anticipated to minimize potential adverse impacts. These measures are based on the best information available at this time. Individual projects adversely affecting biological resources shall be subject to site-specific subsequent environmental review and additional public review shall be required. The purpose of site-specific environmental documents is to define direct impacts more specifically and develop more specific mitigation measures and milestones.

Shoreline Treatment

Dredging

The recent "Southern California Eelgrass Mitigation Policy" was adopted on July 31, 1991, and revised on August 25, 1992, by the USFWS, National Marine Fisheries Service (NMFS), and CDFG, and endorsed by the Environmental Projection Agency. Appendix E-2 contains the "Southern California Eelgrass Mitigation Policy." This recent policy requires a replacement ratio of 1.2 to 1 as a result of damage or loss to existing eelgrass resources. That is, for each square foot adversely impacted habitat, 1.2 square feet of new suitable habitat, vegetated with eelgrass, must be created. This ratio replaces the previous 1:1 ratio required for the NRMP for eelgrass replacement.

Total effects of the proposed Mission Bay Park Master Plan Update on eelgrass habitat are unknown at this time. However, prior to project level dredging, an assessment of existing eelgrass beds shall be taken to be used as a baseline for determining habitat loss after construction. A mitigation plan, including a five-year eelgrass monitoring and maintenance program shall be implemented.

In addition to the "Southern California Eelgrass Mitigation Policy" mitigation measures, the following requirements and guidelines shall be incorporated into

the impact analysis and mitigation planning for any proposed project in Mission Bay Park, including City and private developer-sponsored projects.

- No in-water construction or dredging shall be permitted in Mission Bay or the Flood Control Channel from April 1 through September 15, the California least tern breeding season. If in-water construction is required during this time, exceptions are possible upon approval by the City, CDFG, and USFWS. Any exception would have to meet the following criteria to preserve least tern nesting and foraging: use of silt curtains or similar devices around in-water construction activity; use of noise reduction or low noise equipment; and use of timing and location restrictions on activity to avoid interfering with breeding sites or major least tern foraging areas.

- No net loss of eelgrass meadows is acceptable. A 1.2:1 replacement ratio is required for impacts to eelgrass habitat as delineated in the recent "Southern California Eelgrass Mitigation Policy," adopted on July 31, 1991, and revised on August 25, 1992, by the USFWS, National Marine Fisheries Service (NMFS), and CDFG, and endorsed by the Environmental Projection Agency.

- New sand beaches below MLLW shall be replanted with eelgrass whenever the slope is changed by maintenance activities and eelgrass beds are impacted.

- Replanting shall occur during low energy tides (late summer to early fall).

- Any construction or dredging project in the Bay or the Flood Control Channel shall require that adjacent restricted areas be buoyed off prior to the start of activity. This is to limit the extent of direct impacts to existing eelgrass.

- Any construction or dredging project disturbing the substrate in the Bay or the Flood Control Channel shall use silt curtains or similar devices around disturbance areas. This would limit any adverse water quality impacts to the immediate construction area, thereby reducing impacts to eelgrass and foraging birds.

- All dredging impacts to marine habitat shall require a replacement ratio of 1:1. Loss of eelgrass habitat shall require a replacement ratio of 1.2:1. Impacts from maintenance dredging shall require a one-time mitigation for lost resources. Subsequent maintenance dredging for the original location, which has already mitigated the impact, would not require additional mitigation each time it is dredged.

- All dredging activities shall comply with permit conditions of the U.S. Army Corps of Engineers, Regional Water Quality Control Board, State Lands Commission, and California Coastal Commission. Permits issued by these agencies may specify additional requirements for timing of in-water construction, spoil disposal methods, and dredge sediment material testing.

- Barges shall not be permitted to shade an eelgrass bed for more than five (5) days. In addition, construction contractors shall avoid anchoring barges in eelgrass beds to the maximum extent feasible.

- Sand of good quality retrieved in dredging operations shall be stockpiled on a non-sensitive, designated site on Fiesta Island upon approval of the City and Coastal Commission. This sand shall be used subsequently for beach replenishment, if it is of the proper grain size for beach stabilization. If room is not available on Fiesta Island, other arrangements for dredge spoil disposal will need to be made and approved by the City and other appropriate resource agencies.

- If sand/sediment is determined through testing by a qualified expert to be unclean, to contain toxic material, or to be of poor quality, it shall be transported to a permitted landfill or otherwise used appropriately, rather than stockpiled for future beach replenishment. Sand containing toxic material shall be taken only to a landfill qualified to handle toxic material.

- Estimated impacts to eelgrass beds created by turbidity and anchor placement resulting from dredging shall be validated by a dive before dredging and a dive after dredging is complete. Impacts shall be mitigated per the requirements of the Southern California Eelgrass Mitigation Policy.

- Monitoring the success of eelgrass mitigation projects shall be required for a period of five years. Monitoring activities shall determine the percent coverage and density of plants at the transplant site and shall be conducted at 3, 6, 12, 24, 36, 48, and 60 months after completion of the transplant (National Marine Fisheries Service, 1991).

- Criteria for determination of transplant success shall be based upon a comparison of vegetation coverage (area) and density (turions per square meter) between the project and mitigation sites (National Marine Fisheries Service, 1991).

Beach Construction and Maintenance

- Any sand reclamation, beach grooming, or recontouring activities in areas adjacent to eelgrass beds shall require that silt curtains or similar devices

are utilized to avoid indirect impacts of drifting material and reduced water quality. The use of silt curtains would reduce the significant impacts to below a level of significance.

- Implementation of the recent "Southern California Eelgrass Mitigation Policy," shall be required to protect offshore eelgrass resources. **Appendix E-2** contains the "Southern California Eelgrass Mitigation Policy."

- New sand beaches below MLLW shall be replanted with eelgrass whenever the slope is changed by maintenance activities and eelgrass beds are impacted.

Wetland Construction

Because success of the "contained" salt marsh proposed to be constructed adjacent to the existing NWP is uncertain, additional studies shall be necessary during the design phase. These studies shall focus on the effects of siltation, prolonged fresh water inundation, and the function and values of the newly created habitat.

Because sensitive coastal salt marsh habitat (NWP) is located adjacent to the proposed revegetation site, additional measures shall be required for the protection of those resources during construction activities (City of San Diego, 1990a).

- The project biologist shall ensure that prior to any activity at the site, all equipment operators working within the wetland areas are aware of the limits of construction and the environmental sensitivity of the area. The biologist shall prepare an instruction sheet for all equipment operators and drivers on the site, outlining what could and could not be done in the sensitive habitat in which they would be working. In addition, regular field checks by the project biologist shall be made, and the results of those checks shall be reported to the City of San Diego.

- The project biologist, working with construction survey crews, shall direct and witness the staking or flagging of the limits of construction. The limits of the construction corridor shall then be fenced by the construction contractor prior to disturbance. The fencing shall be a minimum of three feet high and made of brightly colored, highly visible material, with supports as needed to maintain in an upright position. The purpose of this fencing would be to reduce the potential for construction-related impacts outside the allowed corridor.

- In addition to fencing of construction limits, certain areas shall require the use of silt fencing to reduce construction-related sedimentation in the Bay. Prior to the start of construction, silt fences or similar devices shall be

placed in required areas by the construction contractor, under supervision of the project biologist.

- No wetland construction shall be permitted in Mission Bay Park from April 1 through September 15.

Upland Construction

No significant impacts to upland habitat are anticipated. Therefore, no mitigation measures will be necessary.

Sensitive Species

Nuttall's Lotus

Creation of coastal strand habitat that is appropriate for the establishment of Nuttall's lotus would be beneficial to the survival of the species. Designated Nuttall's lotus preserve areas shall be fenced to preclude human activity in the area.

California Least Tern

Both Stony Point and the Cloverleaf least tern breeding areas are proposed for closure as part of the proposed Master Plan Update. Mitigation for the loss of these sites would include the creation of new breeding areas in Mission Bay Park. The creation of new least tern breeding sites may occur at De Anza Point or South Shores. Prior to the closure of Stony Point and the Cloverleaf locations, it shall be documented that least terns are breeding at the replacement sites, as per USFW agreement. Until documented breeding occurs, both Stony Point and the Cloverleaf sites shall remain.

The following guidelines and requirements are provided for the protection of sensitive natural resources. These requirements and guidelines shall be considered for incorporation into impact analysis and mitigation planning for any proposed project in the Park, including City and private developer sponsored projects (City of San Diego, 1990).

California Least Tern Development Guidelines. As a federally-listed, endangered species, the California least tern and its habitat are protected by the Endangered Species Act of 1973. The requirements listed conform with the Endangered Species Act to protect the California least tern during its breeding season in the Park. Limitations on human activity on or adjacent to designated least tern nesting sites are necessary for maintaining the attractiveness of the sites for breeding and nesting. Maintenance of good water quality will ensure that the lest terns will be able to forage in Bay waters.

- No in-water construction or dredging will be permitted in Mission Bay or the Flood Control Channel from April 1 through September 15, the least tern breeding season. If in-water construction is required during this time, exceptions are possible, upon approval of the City, CDFG, and USFWS. Any exception would have to meet the following criteria to preserve least tern nesting and foraging: use of silt curtains or similar devices around in-water construction activity; use of noise reduction or low noise equipment; and use of timing and location restrictions on activity to avoid interfering with breeding sites or major least tern foraging areas.

- No direct impacts to permanently designated least tern nesting sites are permitted.

- The following buffer zones required for each least tern nesting site will be free of new structures with heights of over six feet, including fencing around the site. This will keep raptors and shrikes from using a high vantage point to prey on least tern chicks. Fencing should include features to discourage raptor perching.

  - Existing Sites

    North Fiesta Island - 150 feet
    FAA Island - 150 feet
    Stony Point - 150 feet (proposed for closure)
    South Shores - 150 feet
    Cloverleaf - 100 feet (proposed for closure)
    Mariner's Point - 150 feet

  - Temporarily Designated Site

    Crown Point Shores - 100 feet

  - Proposed Sites to Replace Stony Point

    De Anza Point - 150 feet
    South Shores area (north of SWP, west of Ingraham Street) - 150 feet

- The abandonment of the Stony Point California least tern breeding area shall only be permitted by USFW after least terns are confirmed to be breeding at a suitable site.

- Special Use Permits for activities on Mariner's Point will require that the 150-foot buffer zone north of the least tern nesting site be free of all formal activities and activity structures (e.g., tents, stages, bands).

Belding's Savannah Sparrow

Additional coastal salt marsh habitat in the Park would create beneficial impacts to the Belding's savannah sparrow. Therefore, no mitigation measures would be necessary.

Light-Footed Clapper Rail

Additional coastal salt marsh habitat in the Park would create beneficial impacts to the light-footed clapper rail. Therefore, no mitigation measures would be necessary.

De Anza Special Study Area Options

The mitigation measures discussed above under the "Shoreline Treatment" and "Sensitive Species" sections are also applicable measures for the implementation of any three of the De Anza SSA Development Options and shall be implemented.

Hydrology/Water Quality

The mitigation, monitoring, and reporting measures described in Section IV.C, Biological Resources, under the heading "Dredging" shall be implemented to reduce dredging-related impacts to below a level of significance.

Circulation/Traffic/Public Access

Circulation

The Master Plan Update proposes to improve the roadway in the southeastern portion of the Park to improve circulation. Implementation of these improvements would improve the operation of the East Mission Bay/Sea World Drive intersection from LOS F to LOS E during peak traffic periods (i.e., summer weekend afternoons). Impacts would remain significant even with implementation of the proposed improvements.

Expansion of the I-5/Sea World Drive freeway ramps would mitigate off-site significant impacts at I-5. However, this improvement would not mitigate significant impacts on-site, within the Park. The provision of the missing southbound I-5 to westbound I-8 and westbound I-8 to northbound I-5 freeway connectors would be required to mitigate both on-site impacts (East Mission Bay Drive/Sea World Drive intersection) and off-site impacts during peak traffic periods. With the proposed improvements shown on Figure 4.E-5 and without the freeway improvements, the East Mission Bay Drive/Sea World Drive intersection would operate at LOS E.

Providing the freeway improvements would be infeasible. Therefore peak traffic impacts at the intersection of East Mission Bay Drive and Sea World Drive would be significant and unavoidable.

It should be noted that specific development projects included within the proposed Master Plan Update would be subject to additional traffic analysis prior to final approval. The analysis shall include cumulative impacts from neighboring leaseholds and shall consider offsets to impacts from intrapark shuttles during peak traffic periods.

Parking

Parking impacts would be below a level of significance. Therefore, mitigation, monitoring, and reporting would not be required.

Public Safety

No mitigation, monitoring, or reporting would be required.

Public Services

No significant impacts are identified for Harbor Patrol. Therefore, no mitigation, monitoring, or reporting would be required for this service. The Fire Department shall be provided an adequate review of all future Master Plan Update roadway improvements to ensure that emergency access is provided. Evidence of the Fire Department's approval of the roadway improvement plans shall be provided to the City of San Diego Planning Department prior to funding authorization for the roadway improvement. It is not possible to predict Master Plan Update impacts to police and fire services at this time. Prior to implementation of any project that significantly increases the number of guest residences or parking spaces in the Park, that project's effect on police and fire services in the Park shall be considered to determine if additional police officers, fire personnel, or equipment (e.g., squad cars) would be necessary to maintain adequate levels of service. The number of police officers/fire personnel needed, any equipment needed, and a mechanism to provide the needed police officers/fire personnel and equipment will be identified. This analysis shall be part of the subsequent environmental review that will be required for each Master Plan Update implementing activity and shall be subject to all applicable public and City departmental review.

Air Quality

Because air quality impacts would not be significant, mitigation, monitoring, and reporting would not be required.