

COUNCIL POLICY

SUBJECT: MISSION BAY PARK POLICIES
POLICY NO.: 700-08
EFFECTIVE DATE: October 16, 2000

BACKGROUND:

The city of San Diego has long pursued the development of Mission Bay Park as a unique aquatic recreational resource of major significance and proportions.

Mission Bay Park provides opportunities for diverse recreational activities including, but not limited to waterskiing, boating, swimming, rowing, bicycling, fishing, picnicking, golfing, jogging, tennis, sightseeing and camping. The park has played a significant role in the recreational pursuits of the citizens of San Diego and its visitors. Mission Bay Park is a valuable public resource to the community because it provides aesthetic benefits, recreational opportunities, open space and visitor generated tourist revenue to local businesses.

The use of Mission Bay Park has increased to a level where it is prudent to delineate specific remaining development and uses of land and water areas in the park in order to ensure quality oriented recreational opportunities.

PURPOSE:

The purpose of this document is to set forth policies of the City Council for the development and uses of land and water areas in Mission Bay Park in accordance with the adopted Master Plan for Land and Water Use. In 1978, the City Council adopted a Master Plan for Land and Water Use in Mission Bay Park. This Master Plan designates specific uses for areas of the park. Only those activities meeting the criteria of the Master Plan shall be considered as appropriate uses for Mission Bay Park.

POLICY STATEMENTS:**A. GENERAL**

1. It is the policy of the City Council to develop, operate and maintain Mission Bay Park as an aquatically oriented recreational resource for the use of the general public.
2. It is the policy of the City Council to encourage uses of Mission Bay Park that are in conformance with the adopted Mission Bay Park Master Plan for Land and Water Use - 1978, as may from time to time be amended.
3. It is the policy of the City Council that uses other than those designated in the adopted Mission Bay Park Master Plan for Land and Water Use - 1978, as may from time to time be amended, will not be approved without a public hearing and an appropriate amendment of the Plan by the City Council.
4. It is the policy of the City Council to require the Park and Recreation Board and appropriate board committees to review and make recommendations to the City Manager and City Council on all new proposed long-term uses in Mission Bay Park, both commercial and non-commercial.

COUNCIL POLICY

5. It is the policy of the City Council that the development of land areas of Mission Bay Park shall be designed to further the aquatic utilization of the park. Land areas within the boundaries of the park which, because of location, are not suitable for aquatic recreational development, may be developed for park and recreation areas, operating centers, or secondary activities supporting the aquatic park and recreational needs.
6. It is the policy of the City Council that every effort shall be made during any planning, design and development stages to ensure the utmost beauty, utility and year-round usage of Mission Bay Park through utilization and enhancement of the natural aspects inherent to the area.
7. It is the policy of the City Council that every effort shall be made to provide sufficient revenue from leases to cover the City's operating expenses for Mission Bay Park.
8. It is the policy of the City Council that the total land area of all leases in Mission Bay Park shall not exceed twenty-five percent (25%) of the total dedicated land area of the park. Any new commercial leases approved after August 24, 1981 shall be limited to land adjacent to rock revetments or non-water oriented areas.
9. It is the policy of the City Council that the total water area of all leases in Mission Bay Park shall not exceed six and one-half percent (6.5%) of the total dedicated water area in the Park.
10. It is the policy of the City Council that the beach areas of Mission Bay Park shall remain open and accessible to the general public at all times. The storage of vessels, vehicles, trailers or equipment of any type on the beaches is prohibited, except as permitted by ordinance.
11. It is the policy of the City Council that permanent signs in Mission Bay Park shall be limited to those necessary for direction and information. Text, size, colors and configuration of all signs shall be subject to approval by the Park and Recreation Board and the appropriate board committees. (Safety, warning and traffic control signs excluded.)
12. It is the policy of the City Council to authorize use of Mission Bay Park Land and Water areas only to those organizations and lessees whose memberships are open to the public and who do not discriminate in any manner against any person on the basis of race, color, religion, gender, sexual orientation, medical status, national origin, age, marital status, or physical disability.

B. COMMERCIAL LEASES

1. It is the policy of the City Council that private capital will be encouraged to develop and maintain, under a lease program, those facilities which provide services not normally provided by the City and which are needed to enhance the usability of Mission Bay Park.
2. It is the policy of the City Council that the areas to be leased shall comply with the Master Plan for Mission Bay Park and shall encompass only areas shown on the development plan submitted by the lessee and approved by the City showing ultimate usage. A construction schedule for improvements must also accompany said development plan.

COUNCIL POLICY

3. It is the policy of the City Council that commercial lease boundary lines adjacent to the shoreline of Mission Bay Park shall not be closer than 75 yards to the high tide line. Commercial leases adjacent to rock revetments shall, whenever possible, provide for a minimum 12-foot public walkway adjacent to the revetment.

C. NON-COMMERCIAL, NON-PROFIT LEASES AND AGREEMENTS

1. It is the policy of the City Council that all facilities in Mission Bay Park shall be available for use by the public. To provide those services and activities, such as competitive events that cannot be provided by commercial or municipal enterprises, limited areas may be leased to non-profit organizations or clubs. Any leased facility requiring membership as a prerequisite for use shall select members on a first-come basis and in accordance with rules or bylaws approved by the City Manager.
2. It is the policy of the City Council that so long as space and facilities permit, under conditions prescribed, and consistent with the Master Plan, the City of San Diego may facilitate the formation of organizations within Mission Bay Park which are dedicated to developing and maintaining an active program of certain types of aquatic recreational programs; and, approve their locations within the park where appropriate facilities may be provided by the organization, so long as it is demonstrated that the organization provides a needed public recreational service and a focal point for such services.
3. It is the policy of the City Council that in recognition of the services performed for the general good of Mission Bay Park and the City of San Diego by organizations described above, which services cannot properly be handled by commercial enterprises, a rent somewhat less than commercial rates is justified. (See Policy statement C-7.)
4. It is the policy of the City Council that organizations as described above, will only be considered if their activities fall within described Mission Bay Park policies and providing that the major activity or activities are those which cannot be practically furnished by commercial enterprises. Prices charged to members of the organization for services which compete with services offered by commercial enterprises shall be comparable to the prices charged by commercial enterprises. Such services shall be offered only if it is a function necessary to the operation of the facilities.
5. It is the policy of the City Council that such organizations must be incorporated as non-profit organizations under the laws of the State of California and must qualify as such under the statutes of the State of California and the Federal Department of Internal Revenue.
6. It is the policy of the City Council that a regular schedule of competitive events involving the major purpose for which the lease is granted shall be conducted by the organization itself and with other similar organizations. In order to facilitate this competition and give it status, the lessee must maintain membership in leading California and/or national groups dedicated to furtherance of the major purpose of the lease.
7. It is the policy of the City Council that if an organization meets the above listed criteria, the rental rate shall be 33-1/3% of the average total annual commercial square foot rent paid for

COUNCIL POLICY

leases in Mission Bay Park attributing the rent to the total land and water areas under lease. The lease shall be reviewed annually on October 1 and adjusted based on the actual total annual commercial rent paid to the City during the immediately preceding fiscal year (July 1 through June 30).

8. It is the policy of the City Council that the following groups shall be excluded from the rental rate established by this policy:

- a) Non-aquatic youth sports organizations (such as youth leagues) and tennis clubs limited to the Mission Bay Athletic Area and the Ocean Beach Athletic Area (Robb Field);
- b) Educational Institutions providing aquatic programs in Mission Bay Park;

provided, however, that all revenue generated in excess of operating costs by such organizations from activities within Mission Bay Park, shall be used exclusively for improvement, maintenance and operation of the respective lease premises.

9. It is the policy of the City Council that leases will be written for a term of years sufficient to obtain financing and to amortize the investment in accordance with reasonable investment practices but in no event longer than 50 years. Leases will provide for adherence to the criteria established in this policy.

D. PERMITS

- 1. It is the policy of the City Council that no person or persons shall organize, produce, direct, conduct, manage, institute or carry out any special event in Mission Bay Park without first obtaining a park use permit from the Park and Recreation Department.
- 2. It is the policy of the City Council that solicitation of funds is not to be authorized in the public park areas of Mission Bay Park.
- 3. It is the policy of the City Council that amplified music concerts in Mission Bay Park shall be permitted only in the designated areas of Bonita Cove/Mariner's Point, Hospitality Point and the west terminus of the San Diego River Channel (Dog Beach).
- 4. It is the policy of the City Council that the number of private moorings in Mission Bay Park shall be limited to a total of 184, distributed as follows:

Mariner's Basin - 70
 Santa Barbara Cove - 70
 San Juan Cove - 44

- a) The size of boat permitted to be moored in these moorings will be limited to a maximum of 25 feet in length.

COUNCIL POLICY

- b) Permits will be issued for a period of one year and will be renewable but not transferable. The space for which the permit is granted is not transferable, but the physical buoy may be bought and sold as an item of private property.
- c) Mooring permits will be issued only for sail or power boats which are seaworthy and in workable condition. This condition shall be determined by the boat's ability to pass a United States Coast Guard inspection. Permits will not be issued for houseboats, rafts, or similar vessels.
- d) The number of moorings to be permitted and/or the number assigned in any mooring area may be reduced, if necessary, for maximum use of water area. Reductions in the number of moorings will be made on recommendations of the Park and Recreation Director and approval of the City Manager.
- e) There shall be no more than one mooring permit issued to any one family.
- f) This provision does not apply to commercial lease areas of Mission Bay Park.

CROSS REFERENCE:

Council Policy 700-13

Council Policy 700-41

Council Policy 800-06

HISTORY:

Adopted by Resolution R-173508 11/15/1962

Amended by Resolution R-184414 07/29/1965

Amended by Resolution R-209692 01/17/1974

Amended by Resolution R-254869 08/24/1981

Amended by Resolution R-267274 12/15/1986

Amended by Resolution R-278353 07/22/1991

Amended by Resolution R-293963 10/16/2000