



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: November 7, 2012 REPORT NO. PC-12-111

ATTENTION: Planning Commission, Agenda of November 15, 2012

SUBJECT: WEST MISSION BAY DRIVE BRIDGE - PROJECT NO. 203403
PROCESS FOUR.

OWNER/
APPLICANT: City of San Diego/Engineering and Capital Projects Department

SUMMARY

Issue(s): Should the Planning Commission approve the West Mission Bay Drive Bridge Replacement Project located within the Peninsula, Mission Bay Park and Midway-Pacific Highway Community Plan areas?

Staff Recommendation:

1. Certify Mitigated Negative Declaration No. 203403 and **Adopt** the Mitigation Monitoring and Reporting Program; and
2. **APPROVE** Site Development Permit No. 721993

Community Planning Group Recommendation: The project team has conducted several public meetings and outreach to engage the public in discussions of the bridge types and aesthetics as well as environmental and community planning issues. Local Council member staff and community planning group leaders as well as local business leaders were invited to participate. Meetings were held in an open discussion forum and allowed the public to gain an understanding of the project and also provided feedback to the team. In addition, the project was presented to the Mission Bay Park Committee. All were in support of the project. No Vote Recorded, Information Item only (Attachment 7).

Environmental Review: A Mitigated Negative Declaration No. 203403 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation Monitoring and Reporting Program has been prepared and would be implemented which would reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: This project is fully funded. The total project cost is \$109,800,000. Currently, there are \$97,205,940 of Federal funds from the Highway Bridge Program (HBP) and \$12,594,060 of local funds (Transnet and Developer Impact Fees) for local match.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The existing land use designation is for circulation and public services. The proposed use is consistent with those designations and does not contain a proposal for housing. Therefore, there is no housing impact with this project.

BACKGROUND

Originally constructed in 1914, The West Mission Bay Bridge connected the area between current-day Dog Beach in Ocean Beach and Mission Point in Mission Beach however, the plan was to ultimately remove the bridge and replace it with one in a different location. Early plans were to construct a bascule bridge (or draw bridge) to the northeast of the original bridge, but residents of Ocean Beach opposed this plan. At least six plans for the bridge were proposed, but all were rejected due to expense. An alternative was finally selected in 1949, and the San Francisco engineering firm of Sverdrup and Parcel, Inc. estimated the construction cost to be approximately \$1.5 million. The length of the bridge (over the river) was 1,292 feet and included four, 12 foot wide traffic lanes with no shoulders. The overall width of the bridge deck was 64 feet. The plan was to build it before the channel was completely dredged so that a bypass road could be built to the east to carry traffic until the bridge was complete. The construction of the bridge actually cost less than originally estimated and by 1951 the new bridge was in place.

Although the West Mission Bay Drive Bridge is considered one of the “gateways” to Mission Bay Park and continues to serve as a through-way for traffic from Ocean Beach to Mission Beach and Crown Point, it does not adequately provide for traffic flow in the area. Caltrans has classified the current bridge as being functionally obsolete.

The West Mission Bay Bridge replacement project is located within the Coastal Overlay Zone (Deferred Certification Area, State Jurisdiction) and Federal Emergency Management Area (FEMA) Floodway and Floodplain (100 and 500 year), the Multiple Habitat Planning Area (MHPA), Mission Bay Park Planning Area, Peninsula Community Planning Area, Midway-Pacific Highway Community Plan Area, and Airport FAA Part 77: North Island and San Diego International Airport (SDIA) Lindbergh Field.

DISCUSSION

Project Description:

The project proposes to replace the existing four lane bridge (West Mission Bay Bridge) with two new parallel bridge structures each containing three lanes and a Class I bike lane (Attachment 1). The bridge would improve this “gateway” by reducing traffic congestion and by also improving traffic circulation into and out of the SeaWorld Park. The new construction would also address the structural and seismic deficiencies of the current bridge. The lane expansion will accommodate both the current vehicular traffic volumes and the projected traffic volume increase, and improve vehicular traffic operations via additional lanes to accommodate traffic flow from both sides of the bridge. These proposed improvements would also provide an efficient road network that balances regional travel needs with the travel requirements and preferences of local communities.

The Project incorporates the City of San Diego Street Design Manual and Caltrans requirements while endeavoring to minimize impacts to environmentally sensitive biological resources and the 100-year floodplain. However, disturbance of environmentally sensitive biological resources and the 100-year floodplain is unavoidable.

The overall construction timeline is expected to be two years. The new bridge structures would be supported by concrete pier pilings, and the supporting structure for the new bridge would consist of 32 concrete pier piles, each with an 8-foot diameter. The pier piles would be made up of eight “bents” (pier-pile groupings), with four pier piles per bent. The overall bridge replacement effort would include a construction area of approximately 131 feet in width on both sides of the existing bridge, as measured from the existing edge of the deck. The length of the bridge construction would be approximately 1,296 feet.

A Site Development Permit (SDP) is required to allow for the replacement of the West Mission Bay Drive Bridge as the project is within Environmentally Sensitive Lands containing sensitive biological resources. The SDP is also required for deviations to the wetlands regulations and work within the flood way and the 100 year floodplain. Since the project site is within the Coastal Overlay Zone (Deferred Certification Area, State Jurisdiction), the project will be conditioned to obtain a Coastal Permit from the State of California.

The project would include improvements at the north and south ends of the existing West Mission Bay Drive Bridge. The northbound right lane on West Mission Bay Drive would become a dedicated on-ramp for eastbound Sea World Drive (Attachment 2). A 600-foot-long auxiliary lane in the southbound direction would also be included and is necessary to facilitate traffic transitioning onto eastbound Interstate 8. Improvements to the westbound I-8 off-ramp onto West Mission Bay Drive would also be included. The proposed improvements include widening of the off-ramp, specifically, extending the existing four-lane configuration at the existing ramp termini east for approximately 1,200 feet.

The widening is necessary based on projected increases in traffic volumes, the need for additional storage, and to facilitate intersection operations at the ramp termini point with West Mission Bay Drive. The existing water and sewer utilities that are suspended underneath the bridge would be replaced with new lines. Once in construction, a phasing plan would be used to replace these lines without a disruption in service.

Additionally, a Class I bike path would be constructed on each bridge and the recreational trails located under the existing West Mission Bay Drive Bridge on either side of the San Diego River would remain open during and after construction.

In order to construct the new bridge within the San Diego River, three construction options have been evaluated. The methods of construction for the project would be determined at the time of actual construction. Technical studies supporting the project analyzed and considered all three methodologies. Mitigation measures for the project were prepared utilizing the worst case scenario resulting from the three methodologies.

Community Plan Analysis:

The purpose of the Mobility Element of the General Plan is to improve mobility through development of a balanced, multi-modal transportation network. Goals include a City where bicycling and walking are viable travel choices.

The Transportation and Shoreline Access Element of the Peninsula Community Plan has an objective to provide increased access from Peninsula residential areas to major commercial areas, employment centers and regional activity centers. The construction of a bridge with shared Class I bike lanes and pedestrian walkways would implement these General/Community Plan goals and objectives by providing more capacity for Peninsula residents on the West Mission Bay Drive Bridge to access commercial, employment and regional activity centers, including SeaWorld and Mission Bay Park within the Mission Bay Park Master Plan area.

The purpose of the Public Facilities, Services and Safety Element of the General Plan is to provide the public facilities and services needed to serve the existing population and new growth. Goals include public facilities and services that are equitably and effectively provided through application of prioritization guidelines, and assuring adequate services are available at time of need.

The Community Facilities Element of the Peninsula Community Plan identifies the objective of providing a high level of service to the existing and future population of the Peninsula community. These General/Community Plan goals and objectives would be implemented through replacement of the existing four-lane bridge, which is currently operating over capacity, with two parallel bridges each containing three lanes, to serve existing and future demand, based on a study of future traffic demand on the bridge. In addition, the proposed project is identified as WBS No.S00871, and will provide adequate service at time of need.

One of the purposes of the Conservation Element of the General Plan is to provide for the long-term conservation of the rich natural resources that improve the City's quality of life, and includes the goal of preserving healthy, biologically diverse ecosystems, and conserving key sensitive species and their habitats.

The Conservation and Environmental Quality Element of the Peninsula Community Plan has an objective to balance new development with resource conservation, with consideration given to the protection of life and property from geologic hazards and environmental impacts. The proposed project would implement these General/Community Plan goals and objectives by observing mitigation measures as identified in the MND No.SCH No. 2012021017, including MSCP Land Use Adjacency Guidelines for the MHPA, which include identifying adjacency as the potential for direct/indirect impacts where applicable.

The purpose of the Recreation Element of the General plan is to preserve, protect, acquire, develop, operate, maintain, and enhance public recreation opportunities and facilities throughout the City for all users, and includes the goal to increase the amount and quality of recreation facilities and infrastructure through the promotion of alternative methods where development of typical facilities and infrastructure may be limited by land constraints.

The Parks and Recreation Element of the Peninsula Community Plan includes the objective to increase accessibility and usability of beaches along both the ocean and bay. The proposed project would implement these General/Community Plan goals and objectives by providing recreational opportunities consisting of trails on either side of the San Diego River which would be maintained to the maximum extent possible during construction, thereby increasing accessibility to the beaches, as well as enhancing facilities, for Peninsula residents.

Environmental Analysis:

The proposed bridge replacement project in all respects complies with the Land Development Code, as applicable, except that an Environmentally Sensitive Lands deviation is required for impacts to Environmentally Sensitive Lands (biological resources and the 100-year floodplain).

The Project is required to be constructed in such a way as to minimize impacts to sensitive habitats and the MHPA. The existing bridge is currently within and adjacent to the San Diego River flood control channel and within the MHPA. The resulting footprint of the replacement bridge will reduce the permanent physical encroachment into the San Diego River and MHPA. Temporary impacts from demolition of existing and construction of the new bridge would occur to mostly non-vegetated channel/tidal mud flats and rip rap, which would be restored to existing conditions. Approximately 0.002 acres of coastal brackish marsh consisting of an invasive wetland species plant would be restored to tidal mud flat.

The Project will be required to implement biological monitoring and noise monitoring during bird breeding season, implement water quality protection measures during construction, and provide permanent water quality measures as well.

Impacts have been reduced to below level of significance and would result in no permanent impacts to the MHPA or the San Diego River.

Therefore, the Project will comply with the City's MSCP Subarea Plan and MHPA Land Use Adjacency Guidelines regarding drainage, toxics, lighting, noise, barriers, and invasive species.

Since the project is located along the shores and within the San Diego River, a biological assessment and Jurisdictional Delineation Report was required by the City of San Diego (AECOM *West Mission Bay Drive Bridge Project*, October 2011 and *Jurisdictional Delineation Report (JDR): West Mission Bay Bridge* October 2011) to assess the impacts of the project on sensitive biological resources and habitats. Because the City is seeking Federal funding for a large portion of the project, a Natural Environment Study (NES) was prepared and accepted as the equivalent to a City Biological Technical Report. Additionally, the Appendix A to the NES entitled "City of San Diego Biology Guidelines Consistency Summary" addresses local and state requirements under City Biology Guidelines, Environmentally Sensitive Lands (ESL) Regulation and CEQA Significance Thresholds. Therefore, the NES addressed biological resources at both the federal (NEPA) and state (CEQA) levels.

Through the evolution of project design, construction limits and staging areas have been located or reduced to minimize direct effects to sensitive resources and to maximize the use of disturbed and developed land cover types. As a bridge replacement project with existing connection points on either side of the river, there is no substantially different alignment possible for the bridge that could achieve complete avoidance of sensitive habitats (e.g. jurisdictional waters). Within the required alignment, the bridge has been designed to avoid and minimize impacts to jurisdictional waters to the maximum practicable extent. Bridge piers have been designed as round columns rather than the continuous pier walls used on the existing bridge. Bridge abutments do not encroach into wetlands or sensitive habitats beyond their current position. Unavoidable construction impacts would be minimized through use of drilling methods to install bridge piers and through a staged construction process.

Noise generated from the construction of the bridge is expected to temporarily exceed allowable levels, and mitigation would be required. Pre-construction surveys shall be conducted if construction were to occur within the breeding season of sensitive avian species March through July, and through September for the northern harrier. If birds are detected, then the project would implement noise-reduction measures to reduce construction noise levels to acceptable levels or discontinue work until the young have fledged. The implementation of this mitigation requirement as stated in the MMRP in Section V of the MND would reduce indirect impacts to avian species to below a level of CEQA significance.

Conclusion:

Staff has reviewed the proposed Project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulation of the Land Development Code, Staff has provided draft findings to support approval of the project (Attachment 5) and draft conditions of approval (Attachment 6). Staff recommends the Planning Commission approve the project as proposed.

ALTERNATIVE

1. **Approve** Site Development Permit No. 721993, **Certify** Mitigated Negative Declaration No. 203403, and **Adopt** the Mitigation Monitoring and Reporting Program; **with modifications.**
2. **Deny** Site Development Permit No. 721993 **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



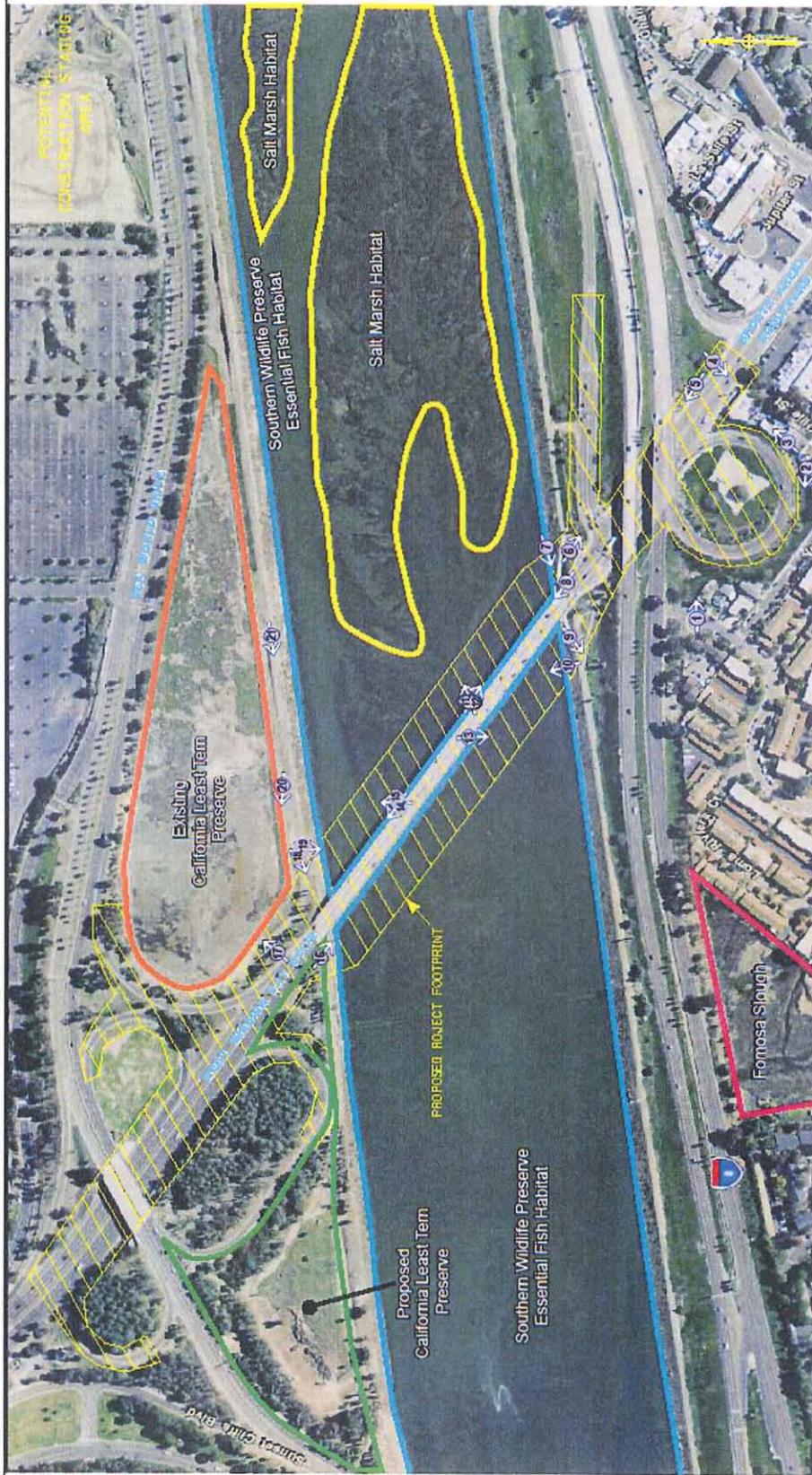
Mike Westlake
Assistant Deputy Director
Development Services Department



Helene Deisher
Project Manager
Development Services Department

Attachments(s):

1. Aerial Photograph
2. Project Location Map
3. Draft Permit Resolution with Findings
4. Draft Permit with Conditions
5. Draft Environmental Resolution with MMRP
6. Project Site Plan(s)
7. Community Planning Group Recommendation



Photographic Survey

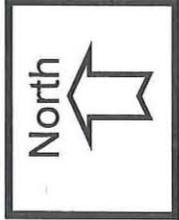
Photo Point Location

Not to Scale

West Mission Bay Drive Bridge Project
Photographic Survey
Photograph taken on 12/28/08



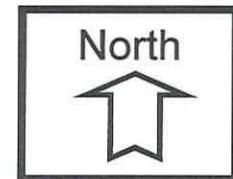
Aerial Photo
WEST MISSION BAY BRIDGE
PROJECT NO. 203403





Project Location Map

WEST MISSION BAY DRIVE BRIDGE
PROJECT NO. 203403



PLANNING COMMISSION RESOLUTION NO. XXX
SITE DEVELOPMENT PERMIT No. 721993
WEST MISSION BAY DRIVE PROJECT NO. 203403-[MMRP]

WHEREAS, City of San Diego/Engineering and Capital Projects Department, Owner/Permittee, filed an application with the City of San Diego for a permit to replace the existing West Mission Bay Drive Bridge with two new parallel bridge structures each containing three lanes and Class I Bike Lane (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 721993.

WHEREAS, the project site is located at within the Peninsula, Mission Bay Park, Midway-Pacific Highway Community Plan areas Community Plan area, in the Coastal Overlay Zone [Deferred Certification Area, State Jurisdiction] and FEMA Floodway and Floodplains [100 and 500 year] zone;

WHEREAS, on November 15, 2012, the Planning Commission of the City of San Diego considered Site Development Permit No. 721993 pursuant to the Land Development Code of the City of San Diego;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated November 15, 2012:

SITE DEVELOPMENT PERMIT – Section 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The proposed project is located within the southern portion of Mission Bay Park and adjacent to the Peninsula and Midway/Pacific Highway Corridor Community Plans. The proposed project crosses the San Diego River flood control channel within the park. The Project is consistent with these applicable community plans. Per the Mission Bay Park Plan, West Mission Bay Drive Bridge is considered one of the “gateways” to Mission Bay Park. The bridge would improve this “gateway” by reducing traffic congestion and improving traffic circulation into and out of the park and by replacing the bridge structure to address the structural and seismic deficiencies of the current bridge. Additionally, the replacement structure is visually consistent with a minimal impact to the views of the park. The lane expansion will accommodate both the current vehicular traffic volumes and the projected traffic volume increase, and improve vehicular traffic operations via additional lanes to accommodate traffic flow from both sides of the bridge. The project would improve traffic circulation by providing an efficient road network that balances regional travel needs with the travel requirements and preferences of local communities and provide adequate capacity to reasonably accommodate both planned land uses and regional traffic patterns, thereby reducing congestion. The Project would therefore be consistent with the Circulation Element of the Midway Community Plan and the Transportation and Shoreline Access Element of the Peninsula Community Plan.

Additionally, the bridge would include a Class I bike facility (bike path) and would be consistent with the San Diego Bike Master Plan, which classified the bridge to have a Class I bike facility. The inclusion of the Class I bike facility on the bridge would provide connectivity to the existing Class I facilities on the north and south side of the San Diego River. Further to minimize disruption to bicyclists and other recreational users during construction the existing recreation trails located below the existing bridge on either side of the San Diego River would remain open during construction.

The Project is consistent with the applicable planning documents, as well as with existing and planned land uses in the vicinity. The construction of a bridge with shared Class I bike lanes and pedestrian walkways would implement these General/Community Plan goals and objectives by providing more capacity for Peninsula residents on the West Mission Bay Drive Bridge to access commercial, employment and regional activity centers, including SeaWorld and Mission Bay Park within the Mission Bay Park Master Plan area. Therefore the proposed project will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The Project will provide for the health, safety and welfare of the residents San Diego by replacing the existing bridge, which has been evaluated and classified by Caltrans as functionally obsolete and structurally deficient, expanding the bridge from four to six lanes, improving the northern and southern ends of the bridge to improve existing traffic levels of service (LOS) and future traffic demand, while also adding a Class I bike facility and sidewalk to the bridge. The Project design and implementation process would meet all pertinent federal and local requirements for floodplain encroachment. The resulting structure would have substantially less encroachment into the floodplain. Since the Project would improve traffic flows, emissions associated with idling due to traffic congestion ultimately would be reduced, resulting in a beneficial effect with regard to air quality. In addition, emergency services (including police and fire protection) would benefit because traffic would be less congested. Accordingly, the Project will not be detrimental to the public health, safety and welfare, but, rather, will be beneficial.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed improvements in all respects comply with the Land Development Code, as applicable, except that an Environmentally Sensitive Lands deviation is required for impacts to Environmentally Sensitive Lands (biological resources and the 100-year floodplain).

B. Supplemental Findings – Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The project proposes to replace the existing four lane bridge (West Mission Bay Bridge) with two new parallel bridge structures each containing three lanes and a Class I bike lane. The Project is designed in such a way as to minimize impacts to sensitive habitats and the City Multi-Habitat Planning Area (MHPA). The existing bridge is currently within and adjacent to the San Diego River flood control channel and within the MHPA. The resulting footprint of the replacement bridge will reduce the permanent physical encroachment into the San Diego River and MHPA. Temporary impacts from demolition of existing and construction of the new bridge would occur to mostly non-vegetated channel/tidal mud flats and rip rap, which would be restored to existing conditions. Approximately .002 acres of coastal brackish marsh consisting of an invasive wetland species plant (*Phragmites australis*) would be restored to tidal mud flat. The Project will be required to implement biological monitoring and noise monitoring during bird

breeding season and implement water quality protection measures during construction and provides permanent water quality measures as well. Impacts have been minimized to the level feasible and would result in no permanent impacts to the MHPA and the San Diego River. Therefore, the design and siting of the new bridge will result in the minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The Project would result in a reduction in the permanent footprint in the San Diego River flood control channel and would minimize erosion, flood and fire hazards. The reduction in the number of bridge piles and the vertical freeboard (area between the river and the bottom of the bridge structure) would improve flood control conditions in the channel. Temporary construction measures in the flood control channel would minimize temporary impacts to flood hazards. Because the current bridge is considered structurally deficient, the new bridge would be designed in conformance with current seismic standards and with implementation of the measures that will minimize geologic risks. Similarly, measures will be implemented to minimize effects related to erosion. The Project would not be prone to fire hazards as it includes roadway improvements and no permanent flammable structures will be erected as part of the Project. Accordingly, the Project will minimize the alterations of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The Project site is located within the MHPA and San Diego River. The Project would replace the existing bridge which is located within the MHPA and San Diego River with a new bridge. The current bridge is both structurally deficient and functionally obsolete and requires additional lanes per existing and future traffic conditions. However, the Project would result in a reduction in the number of piles in the river and less encroachment into the floodway than the current bridge. The Project is required to construct in such a way as to minimize impacts to sensitive habitats and the City Multi-Habitat Planning Area (MHPA). Therefore, the new bridge would be less intrusive with respect to footprint and it is designed to prevent impacts to adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The Project is located within the MHPA. The MSCP Subarea Plan specifically notes (City 1997a: 45, 46) that existing roads are considered compatible uses within the MHPA, and that where locating new roads outside of the MHPA is not feasible, then the road must be designed to cross the shortest length possible of the MHPA in order to minimize impacts and fragmentation of sensitive species and habitat, with bridges being the preferred construction method. With regard to the Project, the need for the new lanes is directly related to addressing the existing and future traffic demands. The Project alignment minimizes impacts to sensitive habitat adjacent to the project area and reduces the permanent encroachment into the MHPA in comparison to the current bridge. The Project minimizes both construction and operational impacts to the extent possible in terms of bridge construction measures, alignment, and permanent BMPs incorporated into the new bridge. The Project impacts non-vegetated channel/tidal mudflat/open water and rip rap that is subject to both tidal influence and upstream freshwater influence and would be restored to existing channel condition upon completion of the project. The .002 acre of coastal brackish marsh consisting of monotypic stand of an invasive wetland plant (*Phragmites australis*) would be mitigated by returning this .002 acre to mudflat and monitoring for up to five years subject to resource agency permitting and approval. No permanent direct impacts to wetlands and waters would occur. A net gain of wetland habitat will result upon project completion because the permanent footprint of the proposed bridge pier columns (0.04 acres) is less than the permanent footprint of the existing bridge pier walls.

The Project will comply with the City's MHPA Land Use Adjacency Guidelines regarding drainage, toxics, lighting, noise, barriers and invasive species. Noise impacts during construction to sensitive avian species would be significant; however, with implementation of mitigation, impacts would be reduced to below a level of significance. Therefore, the Project would be consistent with the City's MSCP Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The Project site is located near the mouth of the San Diego River and Mission Bay. Since this is the replacement of an existing bridge in the same approximant location therefore the new bridge will not contribute to erosion of public beaches or adversely affect shoreline sand supply because the Project will reduce the footprint of the current bridge crossing the San Diego River. Additionally, implementation of erosion and sediment control measures during construction will avoid any impacts from construction to downstream sedimentation or erosion. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. Project design and mitigation measures formulated to alleviate all impacts identified as potentially adverse and significant to sensitive biological resources and the 100-year floodplain are contained throughout the Project Mitigated Negative Declaration (MND). In addition, all mitigation measures identified in the MND that are associated with the Project have been adopted and will be incorporated into the Site Development Permit. Thus, all mitigation reasonably related to and calculated to alleviate negative impacts created by the Project has been or will be incorporated in the conditions of the development permit.

C. Supplemental Findings – Environmentally Sensitive Lands Deviations

1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. The Project has incorporated design and construction avoidance and minimization measures to the most extent practicable and does not propose any potential adverse effects to environmentally sensitive lands. It is not possible to avoid the 100 year flood plain as the existing bridge crosses the San Diego River and the project is replacing the existing bridge in the current location and also by design is decreasing the direct encroachment into the flood plain.

In general, the Project's right-of-way and grading will be narrowed to the maximum extent possible to minimize the potential adverse effects on Environmentally Sensitive Lands. There are no feasible measures that can further minimize the potential adverse effects from the Project on Environmentally Sensitive Lands.

2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.

The existing bridge has been evaluated and classified by Caltrans as functionally obsolete and structurally deficient making it a priority for replacement for the benefit of the public. The bridge spans over the San Diego River which contains a variety of environmentally sensitive lands including wetlands. The Project incorporates the City of San Diego Street Design Manual and Caltrans requirements while endeavoring to minimize impacts to environmentally sensitive biological resources and the 100-year floodplain. In so doing, disturbance of environmentally sensitive biological resources and the 100-year floodplain is unavoidable. However, improvements to the flood channel by decreasing the direct encroachment into the flood channel are expected. The request for a deviation to disturb environmentally sensitive biological resources and the 100-year floodplain is the minimum necessary to replace the bridge and the impacted areas as described cannot be avoided and the deviation to avoid these area are the minimum necessary to afford relief from special circumstances and conditions of the land, not of the applicant's making.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission Site Development Permit No. 721993 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 721993 a copy of which is attached hereto and made a part hereof.

Helene Deisher
Development Project Manager
Development Services

Adopted on: November 15, 2012

WBS No. S-00871.02.06

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: WBS-S-00871.02.06

SITE DEVELOPMENT PERMIT NO. 721993
WEST MISSION BAY DRIVE BRIDGE - PROJECT NO. 203403 [MMRP]
DRAFT

This Site Development Permit No. 721993 is granted by the Planning Commission of the City of San Diego to the City of San Diego, Engineering and Capital Projects Department, Owner and Permittee pursuant to San Diego Municipal Code [SDMC] section 126.0502. The West Mission Bay Drive Bridge site is located approximately 1.25 miles west of the I-5/I-8 interchange within the City of San Diego on West Mission Bay Drive between (I-8) and Sea World Drive in the Coastal Overlay zone(s) of the Peninsula and Mission Bay Park Community Plan.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Engineering and Capital Projects Department, Owner and Permittee to replace the West Mission Bay Drive Bridge with two new parallel bridge structures each containing three lanes described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 15, 2012, on file in the Development Services Department.

The project shall include:

- a. Removal and replacement of the West Mission Bay Drive Bridge with two new parallel bridge structures each containing three lanes and a Class I Bike path. Adjacent road and infrastructure improvements as needed and shown on exhibit.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC

requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. A Coastal Development Permit from the California Coastal Commission shall be required in conjunction with this Site Development Permit.

3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can

still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

11. The mitigation measures specified in the MMRP and outlined in **Mitigated Negative Declaration MND NO. 203403/ SCH No. 2012021017**, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

12. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 203403/ SCH No. 2012021017, to the satisfaction of the Development Services Department and the City Engineer. Prior to the issuance of the "Notice to Proceed" with construction, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas: **Biological Resources & Land Use.**

ENGINEERING

13. Current City Standard Street Lights shall be installed as part of the Civil PS&E package that will be prepared after completion of the environmental phase per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, to the satisfaction of the City Engineer.

14. The final Drainage and WQTR studies will be prepared as part of the Civil PS&E package that will be prepared after completion of the environmental phase to the satisfaction of the City Engineer.

GEOLOGY

15. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

PARK AND RECREATION

16. The Owner/Permittee shall ensure that the Class I bikeway proposed as part of this project connects to the existing adjoining bike paths.

17. The Owner/Permittee shall provide signage identifying the San Diego River Park and directional signs to the SD River Path at both the northern and southern trail connections.

18. The Owner/Permittee shall not perform any work within City parkland during the Memorial Day through Labor Day Construction Moratorium without a waiver from the Park and Recreation Director.

19. The Owner/Permittee must obtain the approval of the Park & Recreation Department of the construction plans prior to the issuance of a Right of Entry Permit from the Park and Recreation Dept.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on November 15, 2012 and [Approved Resolution Number].

Site Development Permit 721993
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Helene Deisher
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

City of San Diego
Engineering and Capital Projects

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

RESOLUTION NUMBER R- _____

ADOPTED ON _____

WHEREAS, on February 5, 2010, the City of San Diego, Public Works Department- Engineering and Capital Projects submitted an application to Development Services Department for a Site Development Permit The West Mission Bay Drive Bridge Project (Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was heard by the Planning Commission on November 15, 2012 and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the Planning Commission to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the Planning Commission considered the issues discussed in Mitigation Negative Declaration No. 203403(Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Planning Commission finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Planning Commission in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the DEVELOPMENT SERVICES DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101 or CITY CLERK, 202 C STREET, SAN DIEGO, CA 92101.

BE IT FURTHER RESOLVED, that DEVELOPMENT SERVICES STAFF is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED:

By: _____
Helene Deisher, Development Project Manager

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM**

Site Development Permit No 721993

PROJECT NO. 203403

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No.203403 shall be made conditions of the Site Development Permit as further described below.

I. MITIGATION, MONITORING AND REPORTING PROGRAM (MMRP):**A. GENERAL REQUIREMENTS – PART I****Plan Check Phase (prior to permit issuance)**

1. Prior to Bid Opening/Bid Award or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD) (plans, specification, details, etc.) to ensure the MMRP requirements have been incorporated.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

B. GENERAL REQUIREMENTS – PART II**Post Plan Check (After permit issuance/Prior to start of construction)**

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Biologist

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) No. 203403, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's ED, MMC and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

Note:

Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence that any other agency requirements or permits have been obtained or are in process shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

California Department of Fish and Game (CDFG) –Streambed Alteration Permit

Regional Water Quality Control Board (RWQCB) - 401 Water Quality Certificate,

Army Corps of Engineers (ACOE) - preconstruction notification.

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

<i>Issue Area</i>	<i>Document submittal</i>	<i>Associated Inspection/Approvals/Note</i>
General	Consultant Qualification Letters meeting	Prior to Pre-construction
General	Consultant Const. Monitoring	Prior to or at the Pre-Construction meeting
Biology Final MMRP	Biology Reports	Limit of Work Verification Final MMRP Inspection

SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS:

A. BIOLOGICAL RESOURCES

I. A. Entitlements Plan Check

The applicant shall submit the following items to the DSD Prior to Permit Issuance or Bid Opening/Bid Award for any permits which affect on-site wetlands and uplands. Evidence shall include either copies of permits issued, letters of resolutions issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the City Manager: Evidence of compliance with Sections 401 and 404 of the Federal Clean Water Act, and Section 1601/1603 of the State of California Fish & Game Code.

II. A. Prior to Permit Issuance or Bid Opening/Bid Award

1. The Applicant shall provide detailed revegetation/restoration plans and specifications, satisfactory to the City Manager to mitigate for impacts to 0.03 acres of coastal brackish marsh and 0.004 acres of southern coastal salt marsh. Specifications must be found to be in conformance with the conceptual restoration plan in the *Conceptual Habitat Mitigation Plan West Mission Bay Drive Bridge Project* (AECOM Environmental, October 2011)

a. Mitigation Goal Compensatory mitigation is proposed through recontouring the area back to the original grade of the tidal mudflat. The temporal loss of wetlands resulting in the conversion of nonnative invasive wetland community (coastal brackish marsh) to mudflat (which previously occupied the area where the marsh established itself) would be considered a temporary impact as the conversion would remain an aquatic feature and not be converted to upland.

b. Responsibilities The Contractor shall be responsible for all

grading and contouring, clearing and grubbing, and any necessary maintenance activities or remedial actions required during the implementation of the mitigation plan. Standard Best Management Practices shall be implemented to insure that sensitive biological resources would not be impacted by water run off.

- c. Biological Monitoring Requirements All biological monitoring in or adjacent to wetlands shall be conducted by a qualified wetland biologist. The biologist shall conduct construction monitoring during all phases of the project. Orange flagging shall be used to protect sensitive habitat. Construction related activity shall be limited to the construction corridor areas as identified on the construction plans. Both a detailed Performance Criteria plan and all the maintenance requirements are found in the conceptual revegetation plans.
- d. Notification of Completion: At the end of the fifth year, a final report shall be submitted to Mitigation Monitoring Coordination (MMC) section evaluating the success of the mitigation. The report shall make a determination of whether the requirements of the mitigation plan have been achieved. If the final report indicates that the mitigation has been in part, or whole, unsuccessful, the Applicant shall be required to submit a revised or supplemental mitigation program to compensate for those portions of the original mitigation program which were not successful. At such time, the Applicant must consult with the Development Services Department. The Applicant understands that agreed upon remedial measures may result in extensions to the long-term maintenance and monitoring.

III. Prior to the Preconstruction Meeting

- A. Letters of Qualification Have Been Submitted to the Assistant Deputy Director
 - 1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the Principal Qualified Biologist (PQB) and Qualified Biological Monitor (QBM) and the names of all other persons involved in the implementation of the biological monitoring program, as they are defined in the City of San Diego Biological Review References. Resumes and the biology worksheet should be updated annually.
 - 3. MMC will provide a letter to the applicant confirming the qualifications of the PQB /QBM and all City Approved persons involved in the biological monitoring of the project.
 - 4. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the biological monitoring of the project.

5. PBQ must also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

IV. Prior to Start of Construction

A. PQB Shall Attend Preconstruction (Precon) Meetings

1. Prior to beginning any work that requires monitoring:
 - a. The owner/permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the PQB, Construction Manager (CM) and/or Grading Contractor (GC), Landscape Architect (LA), Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC.
 - b. The PQB shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the biological monitoring program.
 - c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.
2. When Biological Monitoring Will Occur
 - a. Prior to the start of any work, the PQB shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.
3. PQB Shall Contact MMC to Request Modification
 - a. The PQB may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.
4. Prior to the Start of any Work
 - a. The PQB shall survey 100 percent of the precise "limits of disturbance" (including ingress, egress, and all staging areas) for narrow endemic plant species and other special status plants, and other species known to occur or with potential to occur in harm's way. If identified during the survey, the PBQ shall coordinate with the Resident Engineer who has the authority to temporarily halt or redirect construction activities to less environmentally sensitive areas along the pipeline corridor so that appropriate mitigation measures are implemented, as approved by the City, to avoid direct or indirect impacts to special status species.

V. During Construction

A. PQB or QBM Present During Construction/Grading/Planting

1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, and excavation, in association with the construction of the project which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. **The QBM is responsible for notifying the PQB of changes to any approved construction plans, procedures, and/or activities. The PQB is responsible to notify MMC of the changes.**
2. The PQB or QBM shall document field activity via the Consultant Site Visit Record Forms (CSVSR). The CSVSR's shall be faxed by the CM the first day of monitoring, the last day of monitoring, monthly, and in the event that there is a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.
3. The PQB or QBM shall be responsible for maintaining and submitting the CSVSR at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that of associated with biology).
4. All construction activities (including staging areas) shall be restricted to the development areas. The PQB or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance.
5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats.
6. The PBQ shall provide a letter to MMC that limits of potential disturbance has been surveyed, staked and that the construction fencing is installed properly
7. The PQB or QBM shall oversee implementation of BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measures, as needed to ensure prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible to verify the removal of all temporary construction BMP's upon completion of construction activities. Removal of temporary construction BMP's shall be verified in writing on the final construction phase CSVSR.
8. PQB shall verify in writing on the CSVSR's that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking or other construction related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as biological sensitive area.
9. The project would implement protection measures such as orange construction fencing for areas of impact, as well as sensitive access with hand-carried or machine tools, etc where required for manhole abandonment. In addition, the project biologist will monitor all construction through the end of revegetation to ensure project scope compliance, and to minimize impacts to sensitive resources where feasible based on the biological assessment and in-field conditions.

B. Disturbance/Discovery Notification Process

1. If unauthorized disturbances occurs or sensitive biological resources are discovered that were not previously identified, the PQB or QBM shall direct

the contractor to temporarily divert construction in the area of disturbance or discovery and immediately notify the RE or BI, as appropriate.

2. The PQB shall also immediately notify MMC by telephone of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing and appropriate Best Management Practices (BMP's). After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMP's.
3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).

C. Determination of Significance

1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.
2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

VI. Wildlife Mitigation

- a. Pre-construction surveys shall be conducted if construction is scheduled to occur during the breeding season of the **Belding's savannah sparrow** (April through July). If no nesting sparrows are detected during the surveys, no further avoidance and minimization efforts are necessary for this species. If they are detected, the project must either implement noise-reduction measures to reduce construction noise levels to acceptable levels (discussed below), or discontinue work until the young have fledged.
- b. Pre-construction surveys shall be conducted if construction is scheduled to occur during the breeding season of the **light-footed clapper rail** (March through July). The survey shall be conducted in accordance with USFWS methodology (USFWS 2000). All potentially suitable habitat areas within the BSA shall be surveyed for presence of the species. If nesting rails are detected during the surveys, all nests must be avoided by construction equipment and personnel, and noise-reduction measures, described in the following paragraphs, shall be implemented to reduce construction noise levels to acceptable levels, or work shall be discontinued until the young have fledged.
- c. Pre-construction surveys shall be conducted if construction is scheduled to occur during the breeding season of the **California horned lark** (March through June). If no nesting horned larks are detected during the surveys, no further avoidance and minimization efforts are necessary for this species. If they are detected, the project shall either implement noise-reduction measures to reduce construction noise levels to acceptable levels, or discontinue work until the young have fledged.

- d. Pre-construction surveys shall be conducted if construction is scheduled to occur during the breeding season of the **California least tern** (April through June). If they are detected, all nests shall be avoided by construction equipment and personnel, and noise-reduction measures must be implemented to reduce construction noise levels to acceptable levels at the nest site (below 60 dB/hour), or work shall be discontinued until the young have fledged. A non-disturbance buffer zone of 500 feet around the nest site shall be established, and daily biological monitoring shall occur to confirm that the nest is being avoided and adults and/or chicks are not disturbed.
- e. Pre-construction surveys shall be conducted if construction is scheduled to occur during the breeding season of the **northern harrier** (April through September). If no nesting harriers are detected during the surveys, no further avoidance and minimization efforts are necessary for this species. If they are detected, the project shall either implement noise-reduction measures to reduce construction noise levels to acceptable levels, or discontinue work until the young have fledged.
- f. To avoid potential direct effects on **green sea turtles** during installation of the temporary construction berms and during subsequent construction activities, a pre-construction survey for sea turtles shall be conducted for in-channel work occurring May through September, if water is present. Regular biological monitoring of in-channel work would also occur during this time period. Contractor education regarding sea turtles shall also be conducted. If work is conducted during low tide when water is absent, or behind a cofferdam/berm, and absence is confirmed, a biological monitor would not be necessary.
- g. To avoid and minimize potential direct impacts during installation of the temporary construction berms and subsequent construction, a pre-construction survey and/or construction monitoring for **harbor seals** shall be conducted for in-channel work when water is present. If work is conducted during low tide when water is absent or behind a cofferdam and absence is confirmed, a biological monitor would not be necessary.
- h. To avoid and minimize potential direct impacts during installation of the temporary construction berms and subsequent construction, a pre-construction survey and/or construction monitoring for **sea lions** shall be conducted for in-channel work when water is present. If work is conducted during low tide when water is absent, or behind a cofferdam and absence confirmed, a biological monitor would not be necessary.
- i. Exclusionary devices shall be installed underneath the bridge to prevent birds and bats from nesting during construction. Installation of these devices shall be completed prior to February 1 (beginning of bird breeding season) and remain until construction is completed. A qualified biologist shall inspect the area prior to installation for nests and evidence of breeding activity. If breeding activity is not detected, inactive nests shall be destroyed to prevent birds from establishing breeding. If breeding activity is confirmed, exclusionary devices shall be installed in all other areas lacking active nests. Active nests shall be monitored by the

biologist until breeding is complete. Once breeding is complete, exclusionary devices shall be installed in these areas.

B. Land Use (MHPA)

I. Prior to Permit Issuance

- A. Prior to issuance of any construction permit, the DSD Environmental Designee (ED) shall verify the Applicant has accurately represented the project's design in the Construction Documents (CDs) that are in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines for the Multi-Habitat Planning Area (MHPA), including identifying adjacency as the potential for direct/indirect impacts where applicable. In addition, all CDs where applicable shall show the following:
1. **Land Development / Grading / Boundaries** –MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. The ED shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA..
 2. **Drainage / Toxins** –All new and proposed parking lots and developed area in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA, All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
 3. **Staging/storage, equipment maintenance, and trash** –All areas for staging, storage of equipment and materials, trash, equipment maintenance, and other construction related activities are within the development footprint. Provide a note on the plans that states: "*All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative to ensure there is no impact to the MHPA.*"
 4. **Barriers** –All new development within or adjacent to the MHPA shall provide fencing or other City approved barriers along the MHPA boundaries to direct public access to appropriate locations, to reduce domestic animal predation, and to direct wildlife to appropriate corridor crossing. Permanent barriers may include, but are not limited to, fencing (6-foot black vinyl coated chain link or equivalent), walls, rocks/boulders, vegetated buffers, and signage for access, litter, and educational purposes.
 5. **Lighting** – All building, site, and landscape lighting adjacent to the MHPA shall be directed away from the preserve using proper placement and adequate shielding to protect sensitive habitat. Where necessary, light from traffic or other incompatible uses, shall be shielded from the MHPA through the utilization of including, but not limited to, earth berms, fences, and/or plant material.
 6. **Invasive Plants** – Plant species within 100 feet of the MHPA shall comply with the Landscape Regulations (LDC Section 142.0400 and per table 142-04F, Revegetation and Irrigation Requirements) and be non invasive. Landscape plans shall include a note that states: "*The ongoing maintenance requirements of the*

property owner shall prohibit the use of any planting that are invasive, per City Regulations, Standards, guidelines, etc., within 100 feet of the MHPA."

In addition, the following are general avoidance and minimization measures that shall be implemented to minimize impacts to natural communities of special concern, special-status plants, and special-status wildlife:

1. The contractor(s) shall be informed, prior to the bidding process, regarding the biological constraints of this project. The project limits shall be clearly marked on project maps provided to the contractor(s) and areas outside of the project limits shall be designated as "no construction" zones. A construction manager shall be present during all construction activities to ensure that work is limited to designated project limits.
2. Temporary fencing (with silt barriers) shall be installed at the limits of project impacts (including construction staging areas and access routes) to prevent habitat impacts and prevent the spread of silt from the construction zone into adjacent habitats. The fencing shall be installed in a manner that does not impact habitats to be avoided. The applicant shall submit to USFWS for approval, at least 30 days prior to initiating project impacts, the final plans for initial clearing and grubbing of habitat and project construction. These final plans shall include photographs that show the fenced limits of impact and all areas to be impacted or avoided.

Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced construction limits, staging areas, and routes between the construction limits and staging areas. Temporary construction fencing will be removed upon project completion.

3. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will occur in designated areas outside of jurisdictional wetlands or waters and within the fenced project limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering jurisdictional wetlands or waters, and shall be shown on the construction plans. Fueling of equipment shall take place within existing paved areas greater than 100 feet from jurisdictional wetlands or waters. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. "No-fueling" zones shall be designated on construction plans.
4. In areas that do not require excavation or grading, vegetation shall be trampled instead of completely removed.
5. The project site shall be kept as clean of debris as possible to avoid attracting predators of sensitive wildlife. All food-related trash items will be enclosed in sealed containers and regularly removed from the site.
6. Pets of project personnel shall not be allowed on the project site.
7. Disposal or temporary placement of excess fill, brush, or other debris shall not be allowed in waters of the U.S. or their banks.
8. The majority of construction is expected to be undertaken during daylight; however, when nighttime construction is necessary, lighting shall be of the lowest illumination necessary for

human safety, will be diverted away from any native vegetation communities, and shall consist of low-sodium or similar lighting equipped with shields to focus light downward onto the appropriate subject area.

9. Exclusionary devices shall be installed underneath the bridge to prevent birds and bats from nesting during construction. Installation of these devices shall be completed prior to February 1 (beginning of bird breeding season) and remain until construction is completed. A qualified biologist shall inspect the area prior to installation for nests and evidence of breeding activity. If breeding activity is not detected, inactive nests shall be destroyed to prevent birds from establishing breeding. If breeding activity is confirmed, exclusionary devices shall be installed in all other areas lacking active nests. Active nests will be monitored by the biologist until breeding is complete. Once breeding is complete, exclusionary devices shall be installed in these areas.

II. Post Construction

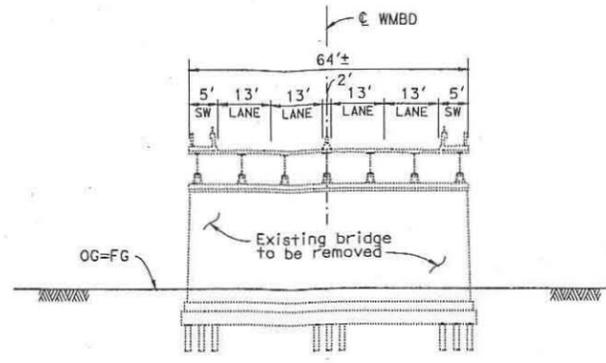
A. Preparation and Submittal of Monitoring Report

The Qualified Biologist/Owners Representative shall submit a final biological monitoring report to the RE/MMC within 30 days of the completion of construction that requires monitoring. The report shall incorporate the results of the MMRP/MSCP requirements per the construction documents and the BME to the satisfaction of RE/MMC.

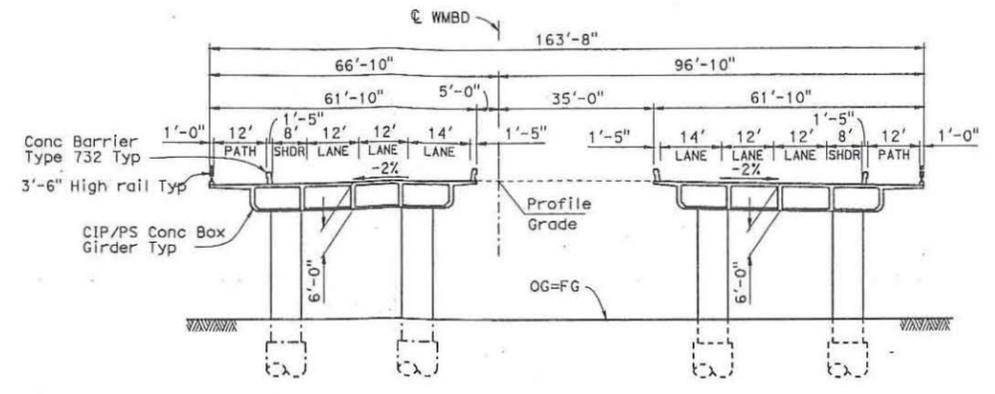
The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

LEGEND:

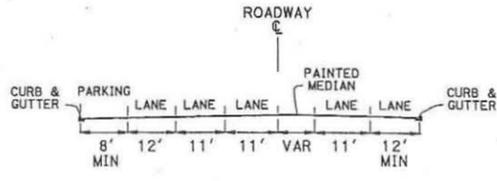
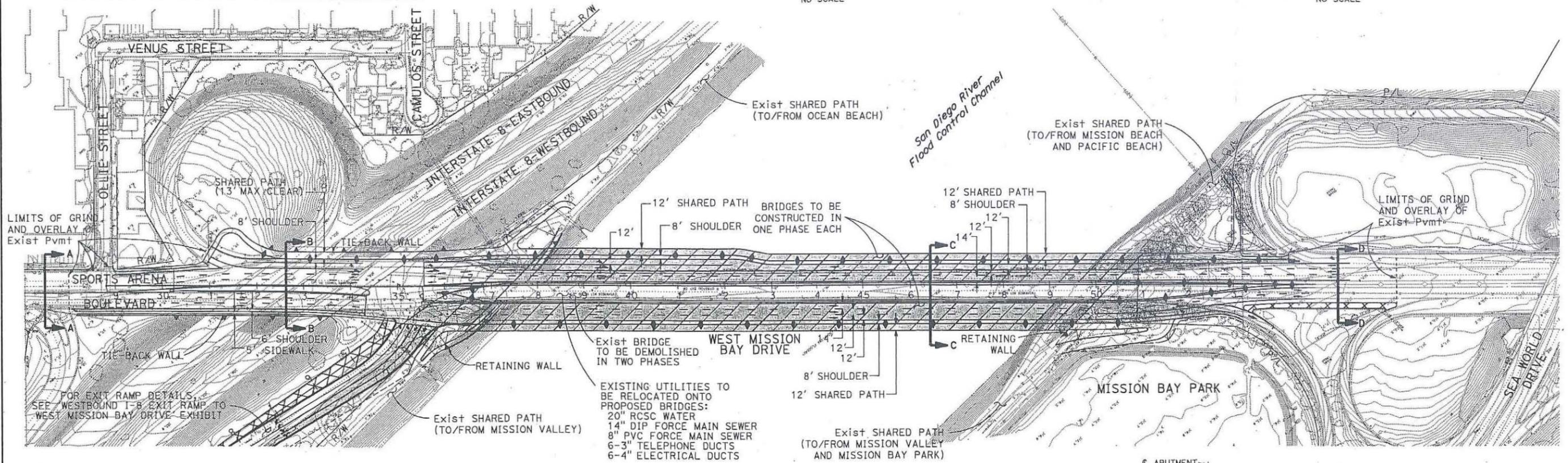
PROPOSED CONCRETE BARRIER	
PROPOSED RETAINING WALL	
EXISTING STATE R/W	R/W
EXISTING CITY P/L	P/L
GRADING LIMITS	
PROPOSED STRUCTURE	
PROPOSED WIDENING / NEW PAVEMENT	
PROPOSED PAVEMENT REMOVAL	



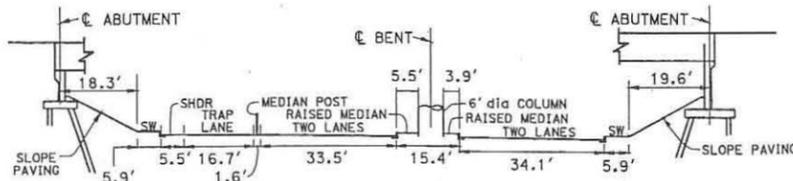
**SECTION C-C
EXISTING TYPICAL BRIDGE SECTION**
NO SCALE



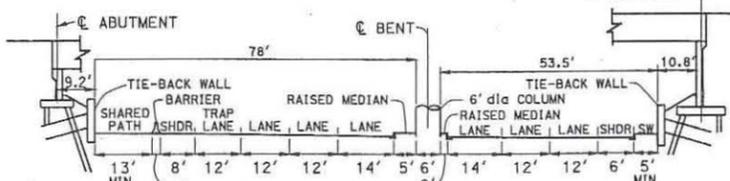
**SECTION C-C
PROPOSED TYPICAL BRIDGE SECTION**
NO SCALE



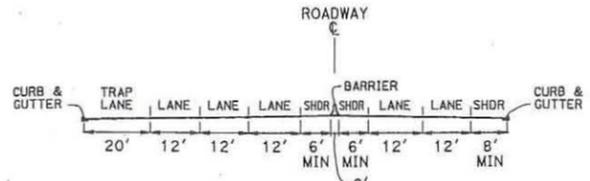
**SECTION A-A
EXISTING AND PROPOSED
ROADWAY SECTION**



**SECTION B-B
EXISTING UNDERCROSSING
ROADWAY SECTION**
NO SCALE



**SECTION B-B
PROPOSED UNDERCROSSING
ROADWAY SECTION**
NO SCALE



**SECTION D-D
EXISTING AND PROPOSED
ROADWAY SECTION**
NO SCALE



5620 FRIARS ROAD
SAN DIEGO, CA 92110
619.291.0707
(FAX) 619.291.4165

J-13337

Riverside - Orange - San Luis Obispo - Bakersfield - Sacramento - Phoenix - Tucson

**WEST MISSION BAY DRIVE BRIDGE
PRELIMINARY GEOMETRICS FOR
ALIGNMENT**

SCALE: 1"=100'

LAST REVISED: 03/01/11

PATH: T:\13337\Design\exhib\13337exh_for050comments_c12c_b1exh\13337exh.dgn
DATE: 01-NOV-2011
TIME: 11:29

MINUTES

City of San Diego Park and Recreation Board

MISSION BAY PARK COMMITTEE

December 6, 2011

Meeting Location:

Santa Clara Point Recreation Center
1008 Santa Clara Place
San Diego, CA 92109

Mailing address is:

Park and Recreation Department
Developed Regional Parks
2125 Park Blvd.
Attn: Mission Bay Park Manager
San Diego, CA 92101

Members Present

Katy Bendel
Rick Bussell
Jim Greene
Cynthia Hedgecock
Kevin Konopasek
Lani Lutar
Patrick Owen
David Potter
Paul Robinson
Judy Swink

Members Absent

None

Staff Present

Debbie Marcotte
Stacy McKenzie

CALL TO ORDER

Chairperson Paul Robinson called the meeting to order at 6:00 PM.

APPROVAL OF THE MINUTES

MSC IT WAS MOVED/SECONDED AND CARRIED UNANIMOUSLY TO APPROVE THE MINUTES OF THE JUNE 7, 2011 MEETING.

(POTTER/BUSSELL 8-0-2 (Bendel, Hedgecock (2) abstained)

NON-AGENDA PUBLIC COMMENT / COMMUNICATIONS

None

CHAIRPERSONS REPORT

Mr. Robinson had no report at this time.

STAFF REPORTS

Thyme Curtis, Council Representative 2

There was no representative for Council District 2 at the December 6, 2011 meeting.

Mission Bay Park Committee Minutes
 December 6, 2011
 Page 2

STAFF REPORTS

Council Representative 6

There was no representative for Council District 6 at the December 6, 2011 meeting.

Stacy McKenzie, District Manager, Mission Bay Park

No report.

Sergeant Troy Keach, San Diego Life Services

San Diego Life Services Sergeant Troy Keach was not at the December 6, 2011 meeting.

Lieutenant Paul Rorrison, San Diego Police Department, Northern Division

San Diego Police Department Lieutenant Paul Rorrison was not at the December 6, 2011 meeting.

REQUEST FOR CONTINUANCE

None

ACTION ITEMS

Consent (These items are adopted without discussion; they can be moved to adoption by any Committee member.)

101. None

Adoption (Each adoption item requires individual action; they can be moved to consent by action of the Committee.)

201. Former Visitor Information Center - New Lessee – Cohn Group, David Cohn and Deborah Scott

Mr. Cohn started the discussion by explaining the type of structure and the feeling that they hope to create with the changes proposed. Mr. Cohn stated the RFP was started six months ago. He also discussed the changes proposed, including the addition of beach rentals and a restaurant:

- Restaurant seating will be open to the water
- Open up walls but still work within the design of the structure
- Glass “garage” type doors that would open up to the bay

Mission Bay Park Committee Minutes
 December 6, 2011
 Page 3

201. Former Visitor Information Center - New Lessee – Cohn Group, David Cohn and Deborah Scott (continued)

- Large patio – built out facing the bay and surrounding the building
- Open more to Fiesta Island and Mission Bay
- New front entrance
- Menu items to be kept at reasonable price point and sustainable nature with a “Fish Shack” Theme.
- Cater to guests and locals

Challenges:

- The interior portion of the building is not ADA compliant
- The exterior site is not ADA compliant
- Site is sloping, taking care of slopes by terracing, square footage would be lost
- Landscape: Remove bottle brush and replace with palm trees on water side

Questions / Concerns / Input from the Mission Bay Park Committee:

- Who else is the city looking at through the RFP process?
 - There were three other bids. The Cohn Group was the one selected.
- Will there be indoor seating?
 - No, there is not enough room.
- Will alcohol be served?
 - Yes, they are in the planning stages for beer and wine to be sold. Local craft beers.
- Will the food sources be locally secured?
 - Yes, as the Cohn Group normally does in their restaurants. They will do what proves to be economically feasible.
- What involvement does the Mission Bay Park Committee have in the lease?
 - Land Use only
- Committee member says this is a great idea, nice to have in the Park and for locals to have access to food. Happy to see building being kept.
- Committee member stated they are excited and suggested walks start at the former Visitors Information Center. Inquiry if a name for the building had been picked yet.
 - No name yet.
- Committee would like Cohn Group to come back with more refined drawings.

MSC IT WAS MOVED/SECONDED AND CARRIED UNANIMOUSLY TO APPROVE THE RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THIS LEASE AND THE REMODELING OF THE FORMER VISITORS INFORMATION CENTER.

(SWINK/BUSSELL 10-0-0)

Mission Bay Park Committee Minutes
 December 6, 2011
 Page 4

SPECIAL EVENT PERMIT REVIEW

Special Events (Special Events that require road or plaza closures, or will potentially impact park and/or commercial operation, are brought to the Committee for a formal recommendation. They can be moved to Consent by action of the Committee.)

301. Cancelled: Fantasy Island – Spring Music Festival – Richard Delgadillo and Manny Parra

WORKSHOP ITEMS (No actions taken; discussed by the Committee and staff)

401. Limit 7 AM - 9 AM Fiesta Island Closures

The Mission Bay Park Committee discussed the limitation of closures on Fiesta Island (7 AM – 9 AM). The Committee would like to limit the closures to five (5) closures per month.

The Committee would like to see who currently closes Fiesta Island and would like there to be no closures of Fiesta Island back to back.

INFORMATION ITEMS

501. Front Gate Project - Darlene Walters, Sea World

Ms. Walters presented information regarding the upgrade of Sea World's front gate to current standards as it has outgrown the area. The plan is to remove the turnstiles, booth, trellises and the gift shop. The replacement will be more concierge style. The information and tickets will be an all-in-one style. There will be an interaction water type feature. The upgrades and construction are to begin September 2012 and end around March 2014. There will also be upgrades to existing buildings as stated in the current Master Plan.

502. West Mission Bay Bridge over San Diego River Project - Nitsuh Aberra, Project Manager

Nitsuh Aberra, Project Manager, presented information regarding the scope of work for the replacement of the West Mission Bay Bridge that spans the San Diego River. The bridge was built in the 1950's, making it the oldest bridge in Mission Bay and is a vital link to Sea World, Sports Arena Boulevard, Ingraham Street and Mission Bay Park. Ms. Aberra discussed several concerns regarding the bridge. In terms of seismology the bridge is not sound and it is structurally deficient.

Mission Bay Park Committee Minutes
 December 6, 2011
 Page 4

INFORMATION ITEMS (continued)

502. West Mission Bay Bridge over San Diego River Project - Nitsuh Aberra, Project Manager (continued)

The project is now in the environmental phase with stakeholder and community meetings being planned. Caltrans has stated the bridge is functional, but obsolete and traffic exceeds its capacity.

Project information:

- Currently bridge is 1300 feet long, 63 feet wide with four (4) travel lanes
- Project is to widen bridge to three (3) lanes each side
- There is a 20 foot water line
- Sidewalks are too narrow
- Cost of project: \$80 Million
- Construction scheduled: Fall 2013

SUB-COMMITTEE

601. None

COMMITTEE MEMBER REPORTS/COMMENTS The reports are non-debatable.

ADJOURNMENT - Chairperson Robinson adjourned the meeting at 7:35 PM.

Notice of Next Regular Meeting: Tuesday, January 3, 2012
 6:00 PM
 Santa Clara Recreation Center
 1008 Santa Clara Place
 San Diego, CA 92109

Respectfully submitted,

Stacy McKenzie
 District Manager, Mission Bay Park

Please Note: If there are any questions regarding this agenda, please contact Sharon Knutson, at (619) 235-1157. This information is available in alternative formats upon request. To request an agenda in Braille, large print or cassette or to request a sign language or oral interpreter for the meeting, call Sharon Knutson, at (619) 235-1157 at least five (5) working days prior to the meeting to ensure availability. Alternative Listening Devices (ALD's) are also available for the meeting, if requested at least five (5) working days prior to the meeting to ensure availability.

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December 6, 2011

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Stacy McKenzie

CALL TO ORDER

Chairperson Paul Robinson called the meeting to order at 6:00 PM.

APPROVAL OF THE MINUTES

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(POTTER/BUSSELL 8-0-2 (Bendel, Hedgecock (2) abstained)

NON-AGENDA PUBLIC COMMENT / COMMUNICATIONS

None

CHAIRPERSONS REPORT

Mr. Robinson had no report at this time.

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Mission Bay Park Committee Minutes
 December 6, 2011
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Mission Bay Park Committee Minutes
 December 6, 2011
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(SWINK/BUSSELL 10-0-0)

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Mission Bay Park Committee Minutes
 December 6, 2011
 Page 4

INFORMATION ITEMS (continued)

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