

MINUTE ITEM

This Calendar Item No. C40 was approved as Minute Item No. 40 by the California State Lands Commission by a vote of 3 to 0 at its 8-19-03 meeting.

CALENDAR ITEM

C40

A 78, 79

08/19/03

S 39, 40

G10-08
J. Lucchesi
C. Fossum

CONSIDER APPROVAL OF THE PROPOSED EXPENDITURE OF PUBLIC TRUST FUNDS BY THE SAN DIEGO UNIFIED PORT DISTRICT FOR THE CONSTRUCTION OF A BOAT HOUSE, PEDESTRIAN PROMENADE AND LINEAR PARK LOCATED ADJACENT TO EXISTING PUBLIC TRUST LANDS IN THE CITY OF CORONADO, SAN DIEGO COUNTY

APPLICANT

San Diego Unified Port District
P.O. Box 448
San Diego, CA 92122-0488

SUMMARY

The San Diego Unified Port District (Port District) is trustee of tide and submerged lands granted to it by the Legislature pursuant to Chapter 67, Statutes of 1962, 1st Ex. Session, as amended, with minerals reserved to the State. The Port District is seeking approval of the proposed expenditure of public trust funds, in the amount of approximately \$7,260,000, for the construction of a boat house, public pedestrian promenade, and linear park located adjacent to existing Port District public trust lands in the city of Coronado, San Diego County. Staff has concluded that the proposed expenditure, as submitted, does not satisfy the requirements of law and recommends certain conditions that, if met, would fulfill the necessary legal requirements for the expenditure of such funds. Staff's recommendations are, therefore, for denial as submitted and approval as conditioned.

THE PROJECT

The existing site, an area within the Glorietta Bay Master Plan (GBMP), is approximately 13.5 acres in size and overlaps the jurisdictions of both the city of Coronado (City) and the Port District (Exhibit A). The existing buildings and parking lots within the City's portion of the GBMP are proposed to be demolished. Replacing the four existing buildings (Aquatic Center, City Hall, Coronado Playhouse, and Coronado Recreation Center) will be three new buildings: The Boat House/Club Room, funded in part by the Port District, and the Community Center and new City Hall, both funded by the City. The buildings

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will be surrounded by a park known as the Linear Park, which will be funded by the Port District. A bayside public pedestrian promenade, funded by the Port District, will help link the GBMP's parks and buildings adjacent to Glorietta Bay (Bay). Also included in the funding of the proposed project are improvements associated with the construction of the Boat House, Linear Park, and pedestrian Promenade, which consists of parking, site preparation, and other improvements.

Boat House

South of the existing boat ramp will be a 4,800 square-foot public Boat House and Community Club Room. The Boat House portion of the building is to be funded by the Port District and will house non-motorized boats such as sculls, canoes, and kayaks for public use. The building will be located adjacent to the beach at Glorietta Bay Park where the boats will be launched and recovered, separating and protecting the boaters from the larger motorized craft using the existing boat ramp. The Boat House will facilitate public access to recreational boating programs, which the public currently does not have. The Boat House will cost approximately \$309,723.00. The Community Club Room portion of the building will be funded by the City.

Linear Park

There are several components to the Linear Park. The largest component lies between the Community Center and the City Hall and is proposed to be a passive park, approximately 330 ft. x 120 ft., with no organized sports fields. One area is turf to allow a more open area for viewing the Bay and the other will be landscaped with shrubs, trees, and a walkway with benches to provide a more cloistered experience. Linear Park, funded by the Port District, will cost approximately \$1,828,586.00.

Pedestrian Promenade

Linking the GBMP's parks and buildings to the residential community will be a bayside pedestrian Promenade, funded by the Port District. Currently, there is no walkway adjacent to the Bay. A seawall, constructed in 1988 to protect the shoreline, stands approximately four feet above the existing grade and makes it difficult to feel a connection to the water. To correct this, the grade will be raised adjacent to the seawall and a pedestrian Promenade will be constructed adjacent to the existing seawall using enhanced paving, boulders, benches and lighting. This will provide a scenic experience of the Bay and will meet a longstanding desire by the public to walk along the bay and feel a closeness to the water that has had such a historic connection to this piece of land. The pedestrian Promenade will cost approximately \$1,042,886.00.

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Parking/ Site Preparation and Improvements

Because this proposed expenditure is part of a larger project, the Port District proposes to allocate the funding of the parking, site preparation and improvement costs on a proportional basis. Using the Environmental Impact Report (EIR) parking study to separate parking required for the Linear Park and Port District tide and submerged lands, from that required to serve the City Hall and Community Center Buildings, the Port District calculated that 40% of the proposed parking spaces were required for Port District related functions. The total costs associated with providing parking for Port District tide and submerged lands and/or the Boat House, Linear Park and the pedestrian Promenade are \$997,812.00. To allocate the costs of the site preparation and improvements, the Port District used a proportional method by deducting the proposed City Hall, Community Center and pool area from the entire site, leaving the percentage of area attributable to the Boat House, Linear Park, and the pedestrian Promenade. The Port District calculated that 84% of the site preparation and improvements would be attributable to Port District functions. The total costs associated with site preparation and improvements is \$1,846,431.00.

The sub-total of the Boat House, Linear Park, pedestrian Promenade, Parking, and Site Preparation and Improvements is approximately \$5,421,572.00. With a contingency of 15%, a design cost of 8.8% and geotechnical, archeological, special inspections, and construction administration costs at 15%, the total estimated cost of the proposed project to be funded by the Port District is \$7,258,314.00.

LEGAL REQUIREMENTS

Because the proposed transaction involves a capital expenditure by the Port District of funds in excess of \$1,000,000 off of Port District property, the expenditure must first be reviewed and approved by the Commission pursuant to the Section 30.5 (c) of Chapter 67, Statutes of 1962, 1st Ex. Session, as added by Chapter 399, Statutes of 1996. Section 30.5 (c) provides that the Commission review the proposed expenditure on behalf of the State pursuant to Public Resources Code (PRC) Sections 6701, et seq.

In order to approve the proposed expenditure the Commission must make the following findings pursuant to Section 6702 (b):

- (1) That such lease, contract, or other instrument is in accordance with the terms of the grant or grants under which title to the tide or

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submerged lands in question is held; and

- (2) That the proceeds of such lease, contract, or other instrument shall be deposited in an appropriate fund expendable only for statewide purposes authorized by the legislative grant; and
- (3) That such lease, contract, or other instrument is in the best interests of the State.

Title 2, California Code of Regulations Section 2802, requires that, in order to make the finding that the contract is in the best interest of the State, the Commission must analyze whether the use, project or activity permitted by the expenditure is:

- (1) Consistent with current Commission policies, practices and procedures used for administering lands within its jurisdiction;
- (2) Economically viable, necessary and desirable;
- (3) Appropriate for developmental mix;
- (4) Conducive to public access;
- (5) Consistent with environmental protection;
- (6) Otherwise in the best interest of the state.

STAFF ANALYSIS

Commission staff has reviewed the information submitted by the Port District for the proposed expenditure pursuant to Section 30.5 of Chapter 67, Statutes of 1962, as amended and Public Resources Code Section 6701, et seq.

It is the Port District's intent that the proposed expenditure for the above described project will enhance public access and recreational opportunities adjacent to Port District tide and submerged lands where there are currently little or none, as well as to protect the water quality of Glorietta Bay. The improvements are intended to enhance the visual appearance and quality of the waterfront environment and bay shoreline. The Boat House, Linear Park, pedestrian Promenade, including the associated parking and site improvements, promote the Public Trust, support other trust uses and accommodate the public's enjoyment of the Port District's tide and submerged lands. Therefore, the staff believes that the uses, including the Boat House, Linear Park, pedestrian Promenade and parking / site preparation and improvements, proposed for funding by the proposed expenditure, are consistent with the public trust needs in the area. However, the property on which these uses are to be placed is not tide

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and submerged lands owned by the Port District; rather, the lands to be improved are owned by the city of Coronado.

The California Legislature granted the subject lands in trust to the city of Coronado pursuant to Chapter 49, Statutes of 1923. Subsequently, the Legislature made findings to terminate the trust land use restrictions on the property by Chapter 1839, Statutes of 1953. In that statute, the Legislature found that the 11.30 acre parcel was "unavailable for navigation, commerce, and fisheries or for any of the uses, trusts and conditions as set out in Chapter 49 of the Statutes of 1923...." Among the other uses listed in the 1923 grant were "...docks, piers, slips...bathhouses and bathing facilities and boathouses..." It should be noted these uses either presently exist on the parcel or are included as part of the proposed improvements to be funded by the requested \$7 million Port District expenditure. Had the Legislature not enacted Chapter 1839 in 1953, the subject property, as other tide and submerged lands granted to the city of Coronado, would presumably have passed to the San Diego Unified Port District upon its creation in 1962. The 1962 legislation creating the Port District, however, specifically excluded these lands from transfer to the Port.

Serious legal questions of the efficacy of the 1953 statute exist. While one parcel (not involved in the present matter) was cut off from the waterfront, the subject property was not. In fact, portions of the lands described in the 1953 statute remain open bay water to this day. The United States and California Courts have jealously guarded public trust lands from alienation. The California Supreme Court in *Atwood v. Hammond* (1935) 4 Cal. 2d 31, 42 stated "[I]n view of the manifest purpose of sections 2 and 3, article XV (renumbered in 1976 as California Constitution Article X, sections 3 and 4), the prohibition against alienation necessarily implies a prohibition against freeing such tidelands from the trust for navigation and dedicating them to other uses while they remain tidelands." Additionally, the Supreme Court in *Mallon v. City of Long Beach* (1955) 44 Cal. 2d 199, based upon California Constitution Article IV, section 25 (renumbered in 1976 as Article XVI, section 6), found that a legislative determination that assets of the trust were no longer needed for trust purposes created a resulting trust in favor of the state, rather than conveying them free of the trust to the city.

Staff believes that it is inconsistent with the California Constitution, the Public Trust Doctrine and its statutory trust responsibilities for the Port District to substantially improve lands, such as the subject proposal intends to do, without the lands being an asset of the Public Trust and the Port having a property

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interest in the lands to be improved. Staff therefore recommends that the Commission deny approval of the expenditure as proposed. Staff further recommends that the Commission approve the expenditure, conditioned upon the city of Coronado dedicating those lands to be improved as assets of and subject to the Public Trust and the Port District obtaining a property interest in those lands to be improved, as set forth in the recommended findings.

OTHER PERTINENT INFORMATION

1. An EIR was prepared and certified for this project by city of Coronado. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency.
2. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained in Exhibit B, attached hereto.
3. The San Diego Unified Port District adopted RESOLUTION 2001-65 on April 3, 2001, amending the Master Plan of the Port District by incorporating therein the Master Plan Amendment (Document No. 42055) pertaining to Glorietta Bay Redevelopment project, and further authorizing and directing the transmittal of the Master Plan Amendment, together with all relevant factual information, the Certified Environmental Impact Report, and the Coastal Act consistency analysis to the California Coastal Commission for its review, approval and certification pursuant to the California Coastal Act.
4. The Commission, in its consideration of the proposed expenditure of Tidelands Trust Funds, will be acting pursuant to its authority pursuant to Section 30.5 of Chapter 67, Statutes of 1962, as amended and Public Resources Code Section 6701, et seq.

EXHIBITS:

- A. Location and Site Map
- B. City of Coronado CEQA Findings

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

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IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDINGS:

FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY CITY OF CORONADO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), AS CONTAINED IN EXHIBIT B, ATTACHED HERETO.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN APPENDIX E OF THE FINAL EIR, CITY OF CORONADO GLORIETTA BAY MASTER PLAN (SCH #97121054), ON FILE AT THE SACRAMENTO OFFICE OF THE COMMISSION.

AUTHORIZATION:







1. FIND THAT THE PROPOSED EXPENDITURE FOR THE BOAT HOUSE, LINEAR PARK, PEDESTRIAN PROMENADE AND ASSOCIATED PARKING AND SITE IMPROVEMENTS BY THE SAN DIEGO UNIFIED PORT DISTRICT, AS SUBMITTED, IS NOT IN ACCORDANCE WITH THE CRITERIA OF PUBLIC RESOURCES CODE SECTION 6702(b) AND TITLE 2, CALIFORNIA CODE OF REGULATIONS SECTION 2802 FOR THE REASONS STATED HEREIN AND ABOVE AND INCORPORATED BY REFERENCE.
2. FIND THAT THE FOLLOWING CONDITIONS ARE NECESSARY FOR APPROVAL OF THE PROPOSED EXPENDITURE:
 - a. THE CITY OF CORONADO SHALL CONFIRM, IN A FORM ACCEPTABLE THE COMMISSION'S EXECUTIVE OFFICER, THAT THE 11.3 ACRE WATER-COVERED AND WATERFRONT PARCEL DESCRIBED IN CHAPTER 1839, STATUTES OF 1953 REMAINS AN ASSET OF THE TRUST AND SHALL SPECIFICALLY CONVEY AND QUITCLAIM THOSE LANDS, WHICH ARE SCHEDULED TO BE IMPROVED BY THE \$7 MILLION PLUS OF PUBLIC TRUST FUNDS OF THE SAN DIEGO UNIFIED PORT DISTRICT, TO THE CITY OF CORONADO, AS TRUSTEE

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OF THE STATE, TO BE HELD AS ASSETS OF AND SUBJECT TO THE PUBLIC TRUST.

- b. THE PORT DISTRICT SHALL OBTAIN A LEASE COVERING THOSE LANDS, WHICH ARE SCHEDULED TO BE IMPROVED, FROM THE CITY OF CORONADO FOR APPROXIMATELY THIRTY YEARS.
3. FIND THAT, UPON SUBMITTAL OF EVIDENCE THAT THE ABOVE DESCRIBED CONDITIONS HAVE BEEN SATISFIED, THE FOLLOWING FINDINGS SHALL BE EFFECTIVE AS TO THE PROPOSED EXPENDITURE:
- a. FIND THAT THE PROPOSED EXPENDITURE FOR THE BOAT HOUSE, LINEAR PARK, PEDESTRIAN PROMENADE AND ASSOCIATED PARKING AND SITE IMPROVEMENTS BY THE SAN DIEGO UNIFIED PORT DISTRICT AS SET FORTH IN THOSE DOCUMENTS ON FILE IN THE OFFICES OF THE COMMISSION, IS IN THE BEST INTERESTS OF THE STATE.
 - b. FIND THAT INCOME GENERATED BY THE BOAT HOUSE, LINEAR PARK, PEDESTRIAN PROMENADE AND ASSOCIATED PARKING AND SITE IMPROVEMENTS WILL BE DEPOSITED IN AN APPROPRIATE FUND EXPENDABLE ONLY FOR PUBLIC TRUST PURPOSES OF STATEWIDE BENEFIT AS AUTHORIZED BY THE TRUST.
 - c. APPROVE THE EXPENDITURE OF \$7,260,000 OF TIDELAND TRUST FUNDS FOR THE BOAT HOUSE, LINEAR PARK, PEDESTRIAN PROMENADE AND ASSOCIATED PARKING AND SITE IMPROVEMENTS BY THE SAN DIEGO UNIFIED PORT DISTRICT PURSUANT TO PUBLIC RESOURCES CODE SECTION 6702(b).
4. UPON THE SAN DIEGO UNIFIED PORT DISTRICT SUBMITTING EVIDENCE THAT THE CITY OF CORONADO CONVEYED THE LANDS, PROPOSED TO BE IMPROVED, TO ITSELF AS TRUSTEE AND LEASED SAID LANDS TO THE PORT DISTRICT, AS PROVIDED ABOVE, THE EXECUTIVE OFFICER OF THE CALIFORNIA STATE

NO SCALE

	Site Preparation, Demolition & Lighting	\$1,477,013 (84%)
	Promenade	\$1,042,886 (100%)
	Park	\$1,828,586 (100%)
	Parking & Site Utilities	\$763,364 (40%)
	Boat House	\$309,723 (50% of total bldg.)
	Subtotal	\$5,421,572
	33.9% Miscellaneous Costs*	\$1,836,742
	Total Proposed Port Contribution	\$7,258,314
	Proposed Development 100% Funded by the City	

*Miscellaneous costs include: 7% Contingency, 9.4% Design Cost, 17.5% Geotechnical, Archeological, Special Inspections, and Construction Administration

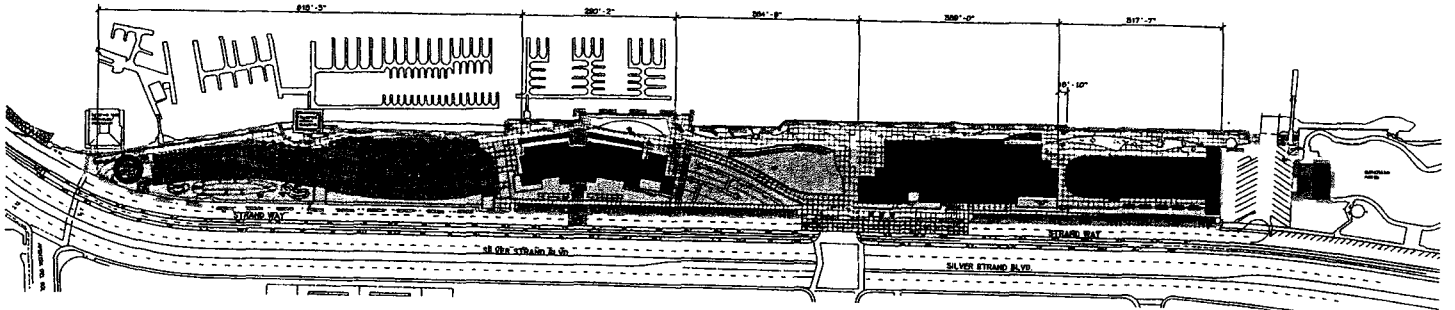
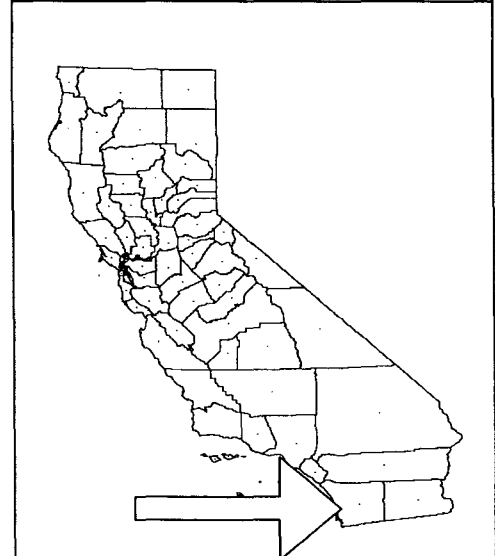


Exhibit A Location and Site Map

LOCATION AND SITE MAP
 G10-08
 San Diego Unified Port District Boat
 House, Promenade, and Linear Park
 Project
 City of Coronado
 County of San Diego



This Exhibit is solely for purpose of generally defining the project area, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or any other property.

CANDIDATE FINDINGS FOR THE GLORIETTA BAY MASTER PLAN FINAL EIR

The following findings are made relative to the conclusions of the Final Environmental Impact Report (EIR) for the Glorietta Bay Master Plan (IS-197). The Glorietta Bay Master Plan is a plan for the redevelopment of the Glorietta Bay project site located on the northern end of Silver Strand along the shoreline of Glorietta Bay. The project entails the approval of the Master Plan and amendments to the City's General Plan, Zoning Ordinance, Local Coastal Program (LCP), and the San Diego Unified Port District's (Port District) Port Master Plan. The Glorietta Bay Master Plan represents a long-term capital improvement plan for the project area. The Master Plan proposes to develop interrelated buildings, parks, open space, recreational facilities, bayfront access and circulation improvements over the course of ten years. In addition to identifying the type and location of planned facilities, the Master Plan establishes a framework for architectural design, landscaping, infrastructure improvements, and recreational and community-oriented programs. The purpose of the Master Plan is to provide new recreational, commercial and civic opportunities for Coronado residents and visitors and to improve linkages and interactions between the project area and the surrounding uses.

These findings are made pursuant to Section 21081 of the California Public Resources Code and Section 15091 and 15092 of the Guidelines to the California Environmental Quality Act (CEQA).

FINDINGS

- A. The City of Coronado, as lead agency and decision maker, having reviewed and considered the information contained in the Final EIR for the project and the public record, finds, pursuant to CEQA and CEQA State Guidelines, that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen to the level of insignificance those environmental effects identified in the Final EIR with respect to the areas of transportation/circulation, biological resources, geology, hydrology, water resources, public health and safety, and cultural/paleontological resources.

Specifically, the City of Coronado makes the following findings with respect to the identified significant environmental effects of the project:

1. With respect to transportation/circulation (FEIR, page 4.2-1), potentially significant impacts to Route 904 bus stops as a result of the proposed changes to Strand Way, particularly the addition of head in parking along the east side of the street, were identified. To reduce these impacts mitigation measures have been identified which will reduce transportation impacts to less than significant:

One of the following mitigation measures would be required to allow for the continued operation of Bus Route 904 along Strand Way:

- a. Parking along Strand Way shall be eliminated for a distance of 100 feet, to permit a bus stop. A minimum of two stops are suggested to serve the Glorietta Bay site.

Specific design and placement of bus stops would be subject to review by the transit operator: or

- b. With the new traffic signal at Silver Strand Boulevard and Avenida del Sol, Bus Route 904 could be reversed in direction (changed to southbound) on Strand Way and bus stops could be located on the west side of Strand Way; or
- c. Bus Route 904 could be rerouted along Silver Strand Boulevard, with stops located at the bus stops for Bus Route 901.

Rationale: Any one of the mitigation measures identified in Section 4.2.4 will reduce impacts to Bus Route 904 to a level of less than significant because:

- Eliminating parking for a distance of 100 feet at the designated bus stop will allow for the buses to safely pull over to the curb and permit riders to get on and off the bus safely. Eliminating the parking spaces will also reduce the need for riders and pedestrians to walk between cars when attempting to cross the street to and from the bus stop.
 - By reversing Bus Route 904, bus riders can get on and off the bus along Strand Way in a safe manner. With no parked cars along the west side of Strand Way, the bus will be able to pull all the way over to the curb, eliminating the need for riders to walk into the street to get on and off the bus.
 - If Bus Route 904 were rerouted along Silver Strand Blvd., impacts to the existing Route 904 stops would be eliminated because riders would use the existing Route 901 bus stops that have been previously approved by the transit operator.
2. With respect to biological resources (FEIR, page 4.3-1), potentially significant impacts to eelgrass (*Zostera marina*) and California least tern (*Sterna antillarum brownii*) foraging habitat, as a result of construction of a boat launch ramp and shoreline improvements, were identified. To reduce these impacts mitigation measures have been identified which will reduce biological resource impacts to less than significant:

To mitigate eelgrass impacts, the following mitigation measures would be implemented:

- a. Prior to construction of the boat launch ramp and shoreline stabilization activities, a pre-construction survey shall be conducted to map the area, distribution, and density of eelgrass likely to be impacted by project construction. The survey shall be conducted for all areas resulting in potential disturbance of marine resources, including the proposed boat launch ramp, seawall, and riprap areas. This survey shall be conducted during the active growth phase (March to October) and no more than 120 days prior to start of construction. Donor sites for transplant shall be selected during this survey as well. For genetic diversity, two sites, one in Glorietta Bay and another in north San Diego Bay, shall be selected.

- b. Construction operations shall avoid areas with eelgrass where possible. Any impacts resulting from construction operations shall be recorded during a post-diver survey conducted within 14 days of project completion. Although these impacts are expected to be small, the total amount of eelgrass lost during construction shall be mitigated by replacement at a 1.2 to 1 ratio. Transplanting shall begin following completion of construction. The mitigation site will be determined subsequent to consultation with the resource agencies.
- c. Monitoring the success of the eelgrass mitigation shall be as stipulated by National Marine Fisheries Service.

To mitigate potential impacts to California least tern foraging habitat, the following measure would be required if construction occurs between April 1 and September 15:

- d. A silt curtain shall be installed around the boat ramp dredging site to contain the sediment inside the construction area. The City shall monitor the effectiveness of the silt curtain and ensure that increases in turbidity from construction is contained within the construction site.
- e. The project proponent shall initiate consultation with the USFWS and demonstrate compliance with the Navy/USFWS MOU, including:
 - 1. Detailed dredging plans for the boat ramp to control turbidity so as not to affect tern foraging activities; and
 - 2. Minimization of noise from construction activity so as not to exceed ambient noise levels measured at tern nesting sites.

To mitigate impacts to foraging waterbirds, the following measure would be implemented.

Rationale: Potentially significant impacts to least tern foraging habitat are reduced to a level of less than significant. If construction of the boat ramp is to occur between the dates of April 1 and September 15, the project proponent must meet the requirements agreed to in the Navy MOU with the USFWS. The MOU requires that turbidity and noise levels be reduced to below agreed to levels. Impacts to the least tern and other foraging waterbirds would also be mitigated by the construction of a silt fence around the boat ramp construction site to contain turbidity increases.

Potentially significant impacts to eelgrass from construction of the boat ramp and shoreline stabilization will be reduced to a level of less than significant because a pre-construction survey will determine the actual amount of the eelgrass present in the area at the time of construction. Based on the amount of eelgrass identified in this survey, eelgrass will be transplanted to other areas in San Diego Bay. This will result in no net loss of eelgrass habitat and will contribute to the establishment of other natural eelgrass habitats for long term preservation. Additionally, a second survey will occur after construction operations have been completed to ensure that no additional eelgrass is

impacted. Any additional impacts are required to be mitigated at a ratio of 1.2:1. This will result in preservation of eelgrass in an offsite location capable of supporting eelgrass habitat for long-term viability.

3. With respect to geology (FEIR, page 4.4-1), potentially significant impacts to future buildings on the project site as a result of lateral spreading and differential settlement from existing soil types onsite were identified. To reduce these impacts a mitigation measure has been identified which will reduce geology impacts to less than significant:

- a. Prior to issuance of grading permits for project development in areas subject to settlement, the City shall conduct site-specific subsurface soil and foundation analyses based on final building designs to determine proper building foundation structure to ensure local and Uniform Building Code structural performance standards are met.

Rationale: Potential impacts to structures from geological hazards are reduced to a level of less than significant because before any earthwork is completed on the project site, tests by the City will be conducted to determine specific properties of the soil. Based on the soil properties, structural changes and recommendations will be incorporated into building designs to minimize damage from geologic hazards.

4. With respect to hydrology/water resources (FEIR, page 4.6-1), potentially significant impacts to Glorietta Bay or the City's water treatment system, as a result of the potential to encounter contaminated groundwater or contaminated sediment during construction, were identified. To reduce these impacts mitigation measures have been identified which will reduce hydrology/water resources impacts to less than significant:

- a. If groundwater contamination is encountered during dewatering operations, groundwater remediation shall be completed to the satisfaction of the appropriate agencies with jurisdiction, prior to the discharging of water into Glorietta Bay or the City sewer system.
- b. Once the site plan for the boat ramp has been identified, sediment quality shall be ascertained. If the sediment is found to be contaminated, then remediation shall be completed to the satisfaction of the City Engineer, U.S. Army Corps of Engineers, and Regional Water Quality Control Board prior to initiating any dredging activities.

Rationale: Potential impacts to water resources are reduced to a level of less than significant because any contaminated groundwater encountered during dewatering activities will be required to be remediated prior to discharging into Glorietta Bay or the City sewer system. The water quality is enforceable by the RWQCB. Impacts associated with the potential suspension of contaminated sediments can be mitigated to below a level of significance through a remedial action plan if the sediments are determined to be contaminated.

5. With respect to public health and safety (FEIR, page 4.7-1), potentially significant impacts to pedestrian and bicyclist safety, as a result of conflicts between bicyclists and

pedestrians traveling along the waterfront, were identified. To reduce these impacts a mitigation measure has been identified which will reduce public health and safety impacts to less than significant:

- a. The City shall monitor safety conflicts between pedestrians and bicyclists along the promenade. If safety problems arise, the City shall post speed limits for bicyclists to discourage speeding and take other measures as required to minimize or avoid pedestrian/bicyclist conflicts.

Rationale: Potential impacts to Public Health and Safety would be reduced to a level of less than significant because City authorities can monitor the safety of the promenade area by tracking reported complaints and injuries. If reports reach a level that is determined to be unacceptable by City officials, measures to discourage speeding such as posting speed limits, and segregating bicyclists and pedestrians could be implemented.

6. With respect to cultural/paleontological resources (FEIR, page 4.8-1), potentially significant impacts to archaeological deposits associated with Tent City and fossiliferous deposits, as a result of the potential to encounter these sensitive resources during construction, were identified. To reduce these impacts to less than significant, the following mitigation measures have been identified:
 - a. Archaeological monitoring shall be conducted during any earth disturbing activities, such as demolition of existing building foundations and removal of associated underground utilities, any removal or compaction of existing soils, excavation for foundations of new structures, and excavations for any new underground utilities, to ensure that the presence of any concentrated archaeological deposits associated with Tent City can be documented and treated in compliance with proper procedures.
 - b. In the event that archaeological deposits are discovered, any earth disturbing activities at the location of discovery shall be stopped to allow for the implementation of an archaeological test excavation program and analysis of recovered materials to determine the significance of such deposit according to CEQA criteria. Archaeological materials found on the project site are the property of the City of Coronado. Upon receipt of any artifacts, the City will determine the appropriate curatorial process for the materials.
 - c. A paleontologist, or paleontological monitor, preferably one familiar with the Bay Point Formation sediments, shall monitor all grading and excavation activities below a depth of 5 feet within the area between the Coronado Yacht Club and the Chart House Restaurant to salvage paleontological collections if fossiliferous deposits are encountered. Within the remainder of the project site, landscape grading and shallow trenching would probably not need to be monitored. Any sewer line trench excavations along Strand Way to depths approaching 10 feet shall be monitored.

- d. All fossils that might be encountered shall be fully prepared and curated to accepted museum standards and deposited in an institution that accepts and maintains paleontological collections (e.g., San Diego State University, San Diego Natural History Museum, Los Angeles County Museum of Natural History, California Academy of Science (San Francisco), and the University of California Museum of Paleontology (Berkeley)).

Rationale: Impacts to Archaeological and Paleontological resources are mitigated to a level of less than significant because an archaeological monitor will be present during all grading activities. The monitor will be able to observe any significant cultural resource artifacts that are unearthed as a result of the grading. The monitor will have the authority to divert or stop grading activities to assess the significance of any archaeological artifacts and will assume curatorial responsibilities, if necessary. Because of the monitoring requirement, cultural resources not able to be identified in previous testing will be collected and available for future study.