

COASTAL CONSERVANCY

Staff Recommendation  
September 5, 2024

**SAN DIEGO HARBOR PARK PROJECT, PHASE 1A**

Project No. 24-018-01  
Project Manager: Kellan Warner

**RECOMMENDED ACTION:** Authorization to disburse up to \$6,600,000 to the San Diego Unified Port District to undertake the San Diego Harbor Park Project, Phase 1A, consisting of the construction of Harbor Park, a 25-acre park with a beach, boat launch, and many other recreational amenities, to expand and replace Bayside Park on the Chula Vista Bayfront in San Diego County; and adoption of findings under the California Environmental Quality Act.

**LOCATION:** Chula Vista, San Diego County

EXHIBITS

- Exhibit 1: [Project Location Map](#)
- Exhibit 2: [Project Photos](#)
- Exhibit 3: [Project Letters](#)
- Exhibit 4: [The Chula Vista Bayfront Master Plan Final Environmental Impact Report \(CVBMP FEIR\) Volumes 1-3](#)
- Exhibit 5: [Mitigation Monitoring and Reporting Program Third Addendum to the CVBMP FEIR for the Harbor Park Project](#)
- Exhibit 6: [Third Addendum to the CVBMP FEIR for the Harbor Park Project](#)

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**RESOLUTION AND FINDINGS**

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed six million six hundred thousand dollars (\$6,600,000) to the San Diego Unified Port District (“the grantee”) to undertake the San Diego Harbor Park Project, Phase 1A (“the project”), consisting of the construction of Harbor Park, a 25-acre park with a beach, boat launch, and many other

recreational amenities, at the site of Bayside Park on the Chula Vista Bayfront in San Diego County.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 7 of Division 21 of the Public Resources Code, regarding Urban Waterfront Restoration.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.
3. The Conservancy has independently reviewed and considered the Chula Vista Bayfront Master Plan Final Environmental Impact Report Volumes 1-3 ("EIR") certified by the San Diego Unified Port District in May 2010 pursuant to the California Environmental Quality Act ("CEQA") and attached to the accompanying staff recommendation as Exhibit 4. The Conservancy has also reviewed the Mitigation Monitoring and Reporting Program adopted by the San Diego Unified Port District and the Third Addendum to the Chula Vista Bayfront Master Plan Final EIR Harbor Park Project adopted by the San Diego Unified Port District on December 8, 2020 attached to the accompanying recommendation as Exhibits 5 and 6. The Conservancy finds, as described further in the accompanying staff recommendation, that:
  - a. The Harbor Park Project, all phases, ("Project") will have potentially significant environmental effects in the areas of biological resources, marine biological resources, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, recreation, tribal cultural resources, and utilities and services systems. The Conservancy finds that the mitigation measures identified in the EIR will avoid, reduce, or mitigate these possible significant environmental effects to less-than-significant levels and that these mitigation measures have been required or incorporated into the project.
  - b. The Conservancy further finds that the Project will result in significant and unavoidable environmental effects in the areas of air quality and energy supply, but environmental and other benefits of the Project as described in the accompanying staff recommendation outweigh or render acceptable these unavoidable adverse environmental effects to achieve the objectives of the Project.

- c. The Conservancy adopts the Findings regarding Significant Effects and Statement of Overriding Considerations set forth in the accompanying staff recommendation.
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## **STAFF RECOMMENDATION**

### **PROJECT SUMMARY:**

Staff recommends the Conservancy authorize a \$6,600,000 grant to the San Diego Unified Port District (“Port District”) for the San Diego Harbor Park Project, Phase 1A (“the project”), consisting of the construction of Harbor Park, a 25-acre park with a beach, boat launch, and many other recreational amenities, that will expand and replace Bayside Park on the Chula Vista Bayfront in San Diego County (Exhibit 1).

Chula Vista is the second-largest city in San Diego County, and the communities nearest to and most directly served by this proposed project are extremely vulnerable to sea level rise (SLR) and have been historically deprived of access to the coast, opportunities to recreate outside, and engagement with nature. With limited access to the coast and limited parks, much of Chula Vista doesn’t meet the City’s current requirement for three acres of parkland per 1,000 persons, and the community is classified as Disadvantaged (CalEnviroScreen 4.0).

The Chula Vista Bayfront Master Plan (CVBMP), prepared jointly by the Port District and the City of Chula Vista, plans for redevelopment of 535-acres of land fronting San Diego Bay in Chula Vista. The CVBMP promises new opportunities for free recreation for residents and visitors at the water’s edge of San Diego Bay. The project is a component of the CVBMP and will add much-needed park space by nearly doubling the size of the existing park at the project site, Bayside Park, improve existing amenities, and create new recreational amenities and opportunities. The project site currently features a fishing pier, bike paths, exercise stations, play equipment, restrooms, and a small sand beach.

To create a more resilient shoreline, the project will excavate the existing beach footprint and eroded shoreline, removing severely eroded beachfront and scarp and, in turn, enlarging and improving the beach. To create a “perched” beach above the existing sandy mudflat, the project will construct an intertidal zone, dry zone, and upper zone. The perched beach will consist of finer sand that will support public use and recreational opportunities. The project will create a cobble and coarse sand layer in the intertidal zone; these beach improvements will reduce littoral drift and nourishment demands. In addition, the project will use existing rip rap for the terraced headlands, providing a structured enclosure at each end of the beach to reduce erosion and improve sand retention.

The project will create a 0.3-acre pocket marsh with native salt marsh species to provide habitat and interpretive and environmental education opportunities. The project will realign a portion of the waterfront promenade to support public access to the coast. The project includes construction of a new ADA-accessible boat ramp for water recreation such as kayaks and paddleboards; construction of new pedestrian pathways to improve circulation within the park; construction of additional public parking; construction of lawn areas near the beach;

construction of pedestrian and bicycle improvements; and improvements to address sea level rise, with a final elevation of 13.5 feet at the shoreline (with the exception of the beach).

As the result of this project, there will be increased recreational opportunities for underserved communities and people with disabilities, fewer hurdles to accessing the beach, and better shoreline protections to support community resilience. Future phases of the Harbor Park Project will make additional improvements to the park, including construction of a new pier, finalizing construction of the waterfront promenade, installing gardens, planting over 100 seaside tolerant trees, installing meadow areas with paths and picnic tables, installation of additional multi-use lawn and large public gathering areas, construction of an interactive fountain, construction of a children and family play area, construction of café and beach rental building with restrooms, and the installation of additional public parking.

**Site Description:** The project site is owned by the Port District and is home to the current public facility known as Bayside Park. Located in south San Diego Bay, the site is frequented daily by residents and visitors alike. Several walking paths through the park provide unobstructed views of downtown San Diego and Coronado. A small beach along the shoreline provides direct access to the water. The park has a small playground for families to use and free public parking and restrooms. However, the project site and the facilities are in poor condition and have not had a substantial upgrade in decades. The shoreline stabilization has failed, causing the beach shoreline to erode and limited beach access. The erosion has caused sand to migrate into San Diego Bay and the adjacent marina basin, limiting the size of the beach for public use.

**Grant Applicant Qualifications:** The Port District serves the people of California as a specially created district, balancing multiple uses on 34 miles along San Diego Bay spanning five cities. The Port District manages a diverse portfolio to generate revenue that supports vital public services and amenities. The Port District has successfully implemented a variety of grants from local agencies (San Diego Association of Governments [SANDAG] for endangered species management), state agencies (Coastal Conservancy for living shoreline and wetlands restoration), and federal funders (U.S. Department of Transportation for the planning, design, and environmental permitting for Phase II of the Tenth Avenue Marine Terminal Redevelopment Plan).

#### **CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:**

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

##### **Selection Criteria**

##### **1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.**

See the "Consistency with Conservancy's Strategic Plan" section below.

**2. Project is a good investment of state resources.**

The Port District has committed to long-term management, maintenance, and monitoring of the parks included in the CVBMP, as well as all related public infrastructure located within the parks. The Port District currently maintains existing parks in the Chula Vista Bayfront using both internal landscape and facilities management staff and service contracts for outside services. The CVBMP includes adoption of environmental protections and guidelines that go above and beyond those required by federal, state, and local laws and regulations, which are captured in the Chula Vista Bayfront Natural Resources Management Plan (NRMP). The vision of the NRMP is to sustain habitats and ecosystems that protect and nourish both native resident and migratory birds and other wildlife, especially those that are at risk and dependent on the South San Diego Bay. Additionally, a SLR analysis was completed in February 2020 to assess the vulnerability of the project site based on the scenarios used for the Port of San Diego's sea-level rise vulnerability assessment and adaptation plan as part of the Port Master Plan Update, in coordination with the Ocean Protection Council's 2018 State of California SLR Guidance. The project has been designed to ensure shoreline resiliency in the face of SLR projections.

**4. Project benefits will be sustainable or resilient over the project lifespan.**

The proposed beach improvements will result in a perched beach, oriented in alignment with the dominant wind and wave direction, thus, retaining more sand on the beach than the existing beach orientation. The realigned beach will significantly reduce the net transport of sediment, resulting in a more stable equilibrium condition that is self-sustaining with the dominant wind wave direction.

The proposed Harbor Park improvements are expected to significantly reduce the potential for flooding by a 100-year storm event scenario until 2080, with sea-level rise approaching 4.5 feet. This is accomplished by raising the revetment elevation by 13.5 feet. Although the proposed beach is expected to migrate inland and erode with sea-level rise, the Port District expects to implement regular sand nourishment in the future to provide flood protection for the areas behind the beach and serve as an additional adaptation strategy.

**5. Project delivers multiple benefits and significant positive impact.**

Chula Vista, with a population of 284,000, is the second-largest city in San Diego County. The City's current park acreage standard for new residential development requires three acres of parkland per 1,000 persons (Chula Vista Municipal Code 17.10.040); however, much of Chula Vista still does not meet this parkland requirement. This is especially true within the CVBMP area; no parks or recreation areas are located within one mile of the proposed Harbor Park site. The community is classified as Disadvantaged (CalEnviroScreen 4.0), with 25% of its residents live below the federal poverty line. The communities nearest to and most directly served by the project are extremely vulnerable to the hazards of an under-protected coastline and have been historically deprived of access to the coast, opportunities to recreate outside, and engagement with nature. FEMA's National Risk Index (2023), which compiled geographic, climate, and socioeconomic datasets to assess community vulnerability to natural hazard disasters, has ranked San Diego County at higher

risk than 99.68% of other counties in the U.S. and higher than 89.70% of counties in the State. This determination is based on a combination of Expected Annual Loss, Social Vulnerability, and Community Resilience. More specifically, the communities of Chula Vista (Chula Vista and West Chula Vista) are Disadvantaged and Severely Disadvantaged and designated by CalEPA in 2022 as beneficiaries of targeted climate investments.

Harbor Park (excluding its beach area) will be raised to an elevation of 13.5 feet as recommended in the Port’s 2019 Sea Level Rise Vulnerability Assessment (based on the California Ocean Protection Council’s 2018 State of California Sea Level Rise Guidance). Once completed, Harbor Park is expected to only experience minor flooding during the 100-year flood scenario in the 2080-2120 sea-level rise projection of 4.5 feet of sea level rise.

**6. Project planned with meaningful community engagement and broad community support.**

The CVBMP effort included the most comprehensive public outreach effort to date conducted by the Port District and City of Chula Vista. An initial two-phase public outreach program began in January 2003 and ended in August 2005. These phases established two Citizens Advisory Committees, conducted approximately 100 public meetings, held five public workshops, held three joint Board of Port Commissioners—Chula Vista City Council meetings, formed several working groups, made approximately 45 community presentations, and held focused discussions with affected public agencies and organizations.

A third public outreach phase, from July 2009 to August 2012, involved collaboration with a coalition of seven major environmental groups, businesses, local community groups, and labor unions. Stakeholders involved in the community engagement process for the development of Harbor Park were the Chula Vista Wildlife Advisory Group, a 26-member community group that held over 50 meetings since 2011 and advise the Port District and the City of Chula Vista on protection and enhancement of the bayfront’s natural resources, and the Bayfront Cultural and Design Committee, a group tasked with advising the Port District in the design of parks, cultural facilities, public art, and development projects.

A fourth phase of public outreach was conducted from September 2018 through January 2020 that focused on the design of both Harbor and Sweetwater Park. This phase included three public workshops held in Chula Vista to facilitate public feedback, eight meetings with the Wildlife Advisory Group and the Bayfront Cultural and Design Committee and the Port’s Accessibility Advisory Committee, one public presentation at the Board of Port Commissioners meeting, and one briefing to California Coastal Commission staff. The conceptual CVBMP Project design was developed based on direct input from more than 400 attendees gathered at these meetings. Each public workshop was also paired with an extensive social media presence and online survey to collect additional feedback from residents that were unable to attend meetings in person. Over 1,700 completed surveys were submitted after the first two workshops, providing detailed feedback on preferred design concepts and amenities.

**PROJECT FINANCING**

**Coastal Conservancy**

**\$6,600,000**

Port of San Diego	\$10,000,000
United States Department of Housing and Urban Development	\$3,000,000
<b>Project Total</b>	<b>\$19,600,000</b>

Conservancy funding is anticipated to come from a Fiscal Year 2022/23 appropriation from the Greenhouse Gas Reduction Fund (GGRF) to the Conservancy for the Climate Ready program for purposes of urgent sea level rise adaptation and coastal resilience needs (Budget Act of 2022, as amended by the Budget Act of 2023, SB 101, Chapter 12, Statutes of 2023). The Greenhouse Gas Reduction Fund Investment Plan and Communities Revitalization Act (Health and Safety Code (HSC) Sections 39710 – 39723) requires that GGRF funds be used to (1) facilitate the achievement of reductions of GHG emissions consistent with the Global Warming Solutions Act of 2006 (HSC Sections 38500 *et seq*), and (2) to the extent feasible, achieve other co-benefits, such as maximizing economic, environmental and public health benefits and directing investment to disadvantaged communities (HSC 39712(b)). The Global Warming Solutions Act of 2006 sets forth (among other things) certain GGRF funding priorities (HSC Section 38590.1). The California Legislature has also appropriated GGRF funds to the Conservancy to protect communities and natural resources from sea level rise (The Budget Act of 2022, as amended by AB 179, Chapter 249, Statutes of 2022).

The California Air Resources Board (“CARB”) has adopted guidelines that establish program goals that agencies must achieve with their GGRF funds. Consistent with the CARB 2018 Funding Guidelines, the proposed project will help the Conservancy meet its GGRF program goals because the project will:

- Benefit Priority Populations (disadvantaged communities, low-income communities, or low-income households)
- Maximize economic, environmental, and public health co-benefits to the State
- Leverage funds to provide multiple benefits and to maximize benefits

The proposed project will meet these objectives by creating new park space in an urban area, improving existing park amenities, and creating new amenities and opportunities for recreation. The communities of Chula Vista (Chula Vista and West Chula Vista) are Disadvantaged and Severely Disadvantaged and designated by CalEPA in 2022 (for the purpose of S.B. 535, Statutes of 2012) as beneficiaries of targeted climate investments. The project will create multiple benefits and contribute to public health by enhancing public access by increasing park acreage, improving beach access, and improving shoreline protections for community resilience. The project includes enlarging and improving the beach by excavating the existing beach footprint and eroded shoreline to remove the severely eroded beachfront and scarp to create a more resilient shoreline. The project also includes the creation of a 0.3-acre pocket marsh, which will be planted with native salt marsh species to provide habitat. A waterfront promenade will be constructed to support public access to the coast and will include benches, seat walls, trash and recycling bins, and a connection to the existing Bayshore Bikeway. The proposed project is also consistent with this funding source because it will protect communities and natural resources from sea level rise.

Unless specifically identified as “Required Match,” the other sources of funding and in-kind contributions described above are estimates. The Conservancy does not typically require matching funds or in-kind services, nor does it require documentation of expenditures from other funders or of in-kind services. Typical grant conditions require grantees to provide any funds needed to complete a project.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

This project is consistent with Chapter 7 of Division 21 of the Public Resources Code, regarding urban waterfront restoration, in the following respects:

In Section 31301, the Legislature found that “developing the state’s urban waterfronts into environmentally sound areas through, but not limited to, the creation of parks, open space, visitor serving facilities . . . will promote tourism, public access, and private sector development in these areas.” The project will add much-needed park space, serving Chula Vista and the greater population in South San Diego Bay. The project and the larger CVBMP have been the result of decades of community involvement and public outreach. With a bigger and better beach, sunset terraces, added recreational offerings, and more, the project will create no-cost access to the San Diego Bay and welcome visitors and residents to spend time on the Chula Vista Bayfront. The beach and hand launch will invite kayakers, windsurfers, and paddleboarders to explore the bay and the adjacent National Wildlife Refuge, one of the largest remaining migratory bird mudflats on the western seaboard. The Chula Vista Bayfront will offer varied opportunities for human encounters with nature that offer tranquility and support human and ecological health and well-being and are accessible to all. Once completed, the world-class bayfront will be a destination for global travelers as well as locals and visitors, reflecting strong planning and design principles for sustainable resources, economic feasibility, and community benefit.

Under Section 31307, the Conservancy may award grants to public agencies and nonprofit organizations for the restoration of urban waterfront areas. The recommended grant fulfills these requirements because it will be a grant to the Port District, a public agency, to expand, improve, and restore a park located in an urban waterfront area along south San Diego Bay.

According to Section 31311, costs of providing parks, open space, or other public areas and facilities may be included as project costs within urban waterfront restoration areas, if they are designed to serve the residents of the restoration area and do not constitute a disproportionate share of the total project cost. The project is a part of the larger CVBMP, which plans for redevelopment of 535-acres of land fronting San Diego Bay in Chula Vista and promises new opportunities for free recreation for residents and visitors at the water’s edge of San Diego Bay.

The project includes such costs, which are not disproportionate and will serve the residents.

**CONSISTENCY WITH CONSERVANCY’S [2023-2027 STRATEGIC PLAN](#):**

Consistent with **Goal 2.3 Expand Accessibility**, the proposed project will implement, enlarge, and improve a beach with ADA access to the shoreline.

Consistent with **Goal 2.6, Piers and Waterfronts**, the proposed project will improve a waterfront park and adapt facilities for sea level rise.

Consistent with **Goal 4.1 Sea Level Rise Adaptation Projects**, the proposed project will protect coastal resources and increase the resiliency of the natural and built environments to the impacts of sea level rise.

**CEQA COMPLIANCE:**

In May 2010, the San Diego Unified Port District certified the Chula Vista Bayfront Master Plan Final EIR (EIR) (Exhibit 4) and adopted a Mitigation Monitoring and Reporting Program. On December 8, 2020, the Port District adopted an addendum to the EIR, “Third Addendum to the Chula Vista Bayfront Master Plan Final Environmental Impact Report Harbor Park Project” (“Third Addendum”) and approved the construction, operation and maintenance of Harbor Park. The EIR and the Third Addendum address all phases of construction of Harbor Park, of which this project, Harbor Park Project, Phase 1A, is component. The recommended CEQA findings and this discussion address all phases of the Harbor Park Project, which is referred to in this discussion as the “project.”

For the following resource areas, the EIR indicated that the project will have potentially significant environmental effects; however, changes or alterations have been required in, or incorporated into, the project that mitigate to less than significant each of the potentially significant effects:

- Biological Resources
- Marine Biological Resources
- Geology and Soils
- GHG Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Recreation
- Tribal Cultural Resources
- Utilities and Services Systems

For the following resource areas, the EIR indicated that the project will have significant environmental effects that although minimized or reduced by mitigation measures will not be less than significant, either because no mitigations measures are available or mitigation measures were considered but identified as infeasible due to specific economic, legal, social, technological, or other considerations:

- Air Quality
- Energy Supply

These impacts remain significant and unavoidable. A Statement of Overriding Considerations (see below) is recommended to address these significant and unmitigated impacts.

## **1. Findings for Significant Effects that can be Mitigated to Less-Than-Significant Levels**

### **Biological Resources**

No candidate, sensitive, or special-status species were determined to be present on the project site. Nonetheless, due to the presence of trees and open space, there is the potential for impacts to nesting raptors, as well as birds protected by the Migratory Bird Treaty Act, to be present. All active raptor nests, regardless of state or federal listing status, are protected under the California Fish and Game Code Section 3503.5. Indirect impacts to all sensitive bird species located within the CVBMP area could result during construction and operation of the CVBMP. These include impacts to breeding birds from construction noise and lighting, impacts to sensitive birds through a potential increase in perches for raptors that prey on birds, impacts to the birds and their habitat from post-development lighting and operational noise, intrusion into the habitat by pets and humans (public access), increased drainage, and exposure to additional toxins from runoff from streets and landscaping. These indirect impacts could be significant because they would potentially result in increased predation, abandonment of nests, or degradation of nesting and foraging habitat for the light-footed clapper rail, Belding's savannah sparrow, all raptor species and migratory birds, which can cause a drop in population numbers of these species. Existing vegetation/land use cover at the project site includes urban developed, nonnative grassland, and disturbed habitat, and no riparian habitats or sensitive natural communities are present within the land-portion of the project site.

To reduce the direct impact on nesting raptors, any grading or construction during the breeding season will be preceded by a qualified biologist conducting a preconstruction survey no more than 10 days prior to the start of construction. A bio-monitor will also perform periodic inspections of the construction side during all major grading to ensure that impacts to sensitive plants and wildlife are minimized (MM 4.8-1).

To reduce the direct impact on nesting migratory birds, any grading or construction during the breeding season will be preceded by a qualified biologist conducting a preconstruction survey no more than 10 days prior to the start of construction. A bio-monitor will also perform periodic inspections of the construction side during all major grading to ensure that impacts to sensitive plants and wildlife are minimized (MM 4.8-3).

Mitigation Measure 4.8-6 will be implemented to reduce the indirect impacts from lighting, noise, use of invasives, toxic substances, and public access to all sensitive birds located within the CVBMP, including the light-footed clapper rail, Belding's savannah sparrow, all raptor species, and migratory birds, all of which are protected by state and/or federal regulations in the adjacent Preserve areas. Implementation of Mitigation Measure 4.8-6 also ensures the

compliance with the adjacency guidelines within the City of Chula Vista Multiple Species Conservation Program Subarea Plan, which would reduce indirect impacts to MSCP Preserve areas from lighting, noise, use of invasives, toxic substances, and public access within the City's jurisdiction.

#### Marine Biological Resources

Eelgrass habitat will be impacted by development of the H Street Pier, both by direct construction and shading impacts. Mitigation Measures 4.8-8 and 4.9-1, outlined in the EIR will be implemented for the construction of the proposed H Street Pier, and the H Street Pier will be designed with features to reduce potential impacts to eelgrass related to shading.

Although construction of the beach will not result in direct impacts to existing eelgrass, it is anticipated that, post construction, the beach will have reduced sand transport compared to existing conditions. The Port District might implement a maintenance program that reclaims sand from the terminal shoal, or traps sand along the beach prior to reaching terminal shoal so that it may be recollected and placed back at the beach. To further reduce impacts to marine resources (including eelgrass) from increasing turbidity and stirring up of sediment and potentially contaminated soils, implementation of MM 4.9-4 will be implemented.

New on-site storm drain piping and associated drainage structures are proposed at the project site. The project will consolidate and relocate drains into the proposed storm drain collectors or discharge through the revetment north and south of the beach and flats, where discharge would cross directly into the water, as opposed to crossing intertidal flats. Further, the project includes biofiltration bioretention/biofiltration gardens to assist with stormwater treatment and infiltration and reduce potential of untreated stormwater to runoff into San Diego Bay, further reducing impacts to eelgrass and other marine resources.

Construction and the driving of piles for the H Street Pier will have temporary adverse effects on marine resources such as short-term increase in turbidity, a temporary loss of intertidal and subtidal benthic habitat in the construction zone, and noise and vibration disturbances of fish communities. However, the benthic community impacted will rapidly recolonize the area following pile driving. Although temporary noise and vibration from the pile driving may disturb fish species, the effect would not be significant because fish have a behavioral avoidance of high-intensity sound levels. Although noise disturbance would be temporary, the addition of hard substrate piles in the area of the H Street Pier would attract a wider variety of fish species than currently occur in the area. Lastly, artificial night lighting can also indirectly cause water quality impacts. The project will result in the introduction of some lighting sources near the Bay, including lighting from the proposed H Street Pier.

Direct and indirect impacts to eelgrass and intertidal and subtidal communities, either directly or through habitat modifications will be mitigated through MM 4.9-1 (related to eelgrass surveying and habitat mitigation), 4.9-4 (related to sediment investigations and the use of silt curtains), and 4.9-6 (related to a lighting plan, photometric analysis).

The western portion of the project site, within the San Diego Bay, is located within Waters of the U.S, designated by the U.S. Army Corps of Engineers (USACE). Development of the beach and H Street Pier will result in excavation within waters of the U.S. and a Section 404 permit is

required. Implementation of MM 4.8-12 is required to reduce direct impacts to USACE jurisdictional waters.

#### Geology and Soils

The potential for ground rupture due to faulting at the project site is considered low. However, lurching or cracking of the ground surface as a result of a nearby seismic event is possible. Earthquakes on the Rose Canyon Fault having a maximum magnitude of 7.2 are considered to be representative of the potential for seismic ground shaking within the property. However, the CVBMP area does not possess any greater seismic risk than that of the surrounding development.

Prior to the grading of parcels for specific developments, there will be a comprehensive site-specific geotechnical evaluation, including subsurface exploration and laboratory testing showing that individual parcels are suitable for proposed development work and that on-site fill materials and soils can support proposed structures. The geotechnical design report will be submitted to the Port for approval showing site specific measures to be employed (MM 4.15-1). A site-specific geotechnical study will also be prepared. Mitigation of potential hazards due to liquefaction may include the densification or removal of the potentially liquefiable soil and placement of surcharge fills within building areas, or the use of deep foundation systems and mat slabs which still provide acceptable structural support should liquefaction occur. Soil densification can be accomplished by surcharging, compaction grouting, vibrocompaction, soil mixing, and deep dynamic compaction. Deep foundation systems may be used to transmit structural loads to bearing depths below the liquefiable zones and may consist of driven piles or drilled piles (MM 4.15-2).

#### GHG Emissions

The EIR does not address GHG emissions solely from the project. The CVBMP will result in approximately 120,780 metric tons of greenhouse gas (GHG) emissions a year. The CVBMP provides a variety of land uses, locating increased housing density, employment, and pedestrian connections near transit options, including the H Street and E Street stations, San Diego Trolley system, and freeway access. The CVBMP would not be considered to contribute substantially to a cumulatively significant global climate change impact because it would not contribute to a conflict with or the obstruction of the goals or strategies of AB 32 or related Executive Orders. Per the FEIR, all future developments would be required, as conditions of approval, to adopt GHG emission reduction measures at a project level.

In constructing and operating Harbor Park, the Port District must comply with the latest amendments of the Energy Efficiency Standards for Nonresidential Buildings outlined in Title 24 of the California Code of Regulations, made in 2019, which are more stringent than the 2005 requirements, which were the latest at the time the EIR was drafted. The Port District must also implement measures to reduce GHG emissions, including specific measures for energy efficiency, renewable energy, and water conservation and efficiency (MM 4.6-6).

#### Hazards and Hazardous Materials

Excavation, demolition, and construction activities of the project will temporarily involve the transportation, use, and/or disposal of hazardous materials. Relatively small amounts of

hazardous substances such as gasoline, diesel fuel, lubricating oil, grease, solvents, caulking, paint, and welding gases will be used on site for construction activities. Storage and use of such substances will be short term and subject to federal, state, and local health and safety requirements. The project includes the proper removal and disposal of all construction debris as mandated by applicable regulations. Although not expected to occur, a spill or unintentional discharge of fuel, lubricants, or hydraulic fluid from the transportation of construction materials and/or the equipment used during construction, including dredge and fill activities, could occur.

Further, constructing the beach and the H Street Pier will result in disturbance within the Bay, which would potentially suspend or release hazardous contaminants into the marine environment. The suspension and/or release of contaminants in the water could create a significant hazard to the marine resources living at this location and in the surrounding area.

Lastly, the project will result in demolition of existing structures on site, including the existing public restroom. Based on the dates of construction of structures located within the boundaries of the CVBMP (prior to 1980), there is a high likelihood that asbestos-containing materials and lead based paints are present within these structures. Other hazardous materials may also be encountered in site structures, such as mercury-containing thermostats, fluorescent light tubes, and freon-containing refrigeration systems. Demolition activities at these locations could result in a potential exposure to hazardous substances. The potential for exposure of asbestos-containing materials, lead based paints, and other hazardous materials during demolition activities is considered a significant impact.

Mitigation measures to ensure the proper handling of hazardous materials and spill prevention and response measures will be implemented (MM 4.12-2). Prior to the issuance of permits for dredge/fill operations and grading, additional technical studies and/or work plans will be submitted to the permitting agencies to ensure sediment safety and proper plans in case of contaminated sediment (MM 4.12-3). Additionally, demolition permits will only be issued once the buildings proposed for demolition have been surveyed for asbestos-containing materials and lead based paints, as well as other hazardous materials that may be encountered in site structures (MM 4.12-5).

Management of Harbor Park must comply with the Port and City's Integrated Pest Management Policies (IPM). IPM will be used on all landscaped areas. In addition, fertilizers will be minimized, and only non-toxic products used. Runoff from irrigation sprinklers into surface waters will be minimized and use of mulching and drip irrigation, where needed, maximized. (MM 4.12-7).

#### Hydrology and Water Quality

The project will not deplete groundwater. The project has been designed to comply with policies for minimizing impervious surfaces in new development. Most site features will be pervious, including natural-turf lawns, the improved beach, a terraced beach lawn, and a hill. Impervious site features include a family play area, interactive fountain area, urban plaza, H Street Pier, surface parking lots, the nonmotorized boat launch, the Café and Beach Rental facility, and the Waterfront Promenade. Paving of the Waterfront Promenade consists of cast-in-place concrete, modular pavers, and decomposed granite that will primarily be stabilized and

pervious, while other trails will be constructed of cast-in-place concrete and stabilized decomposed granite. The project will minimize impervious surfaces to the maximum extent feasible and will not interfere substantially with groundwater recharge.

The project will include trash control measures that include animal-proof, covered and self-closing trash containers with attached lids and trash control enclosures, with frequent servicing, to prevent litter from being wind blown off-site to the satisfaction of the Port/City as appropriate pursuant to their water quality technical reports. (MM 4.5-1)

Mitigation measures include notifying the Regional Water Quality Control Board of dewatering of contaminated groundwater during construction and the installation of a pretreatment system if pollutants exist on site (MM 4.5-2)

A Spill Prevention/Contingency Plan will be prepared for the project to ensure the proper handling and disposal of any hazardous or potentially hazardous materials used or generated during the construction and operation of the project. The Spill Presentation/Contingency Plan will also include information about worker training, material storage, record maintenance, and more (MM 4.5-3).

Prior to the commencement of in-water construction for all phases of development, the Port will adhere to regulatory requirements including the use of BMPs, which includes the use of silt curtains during all sediment suspension activities (MM 4.5-5).

#### Land Use and Planning

Although the project is within the jurisdiction of the Port, not the City, the development of the project is consistent with the City of Chula Vista General Plan land use designation for the site, which is Parks and Recreation (City of Chula Vista 2014). Because the project is located within the boundaries of the Port District, the project is not within the City's Local Coastal Program (City of Chula Vista 2015). The project enhances public access and public recreation opportunities in the Chula Vista Bayfront by providing an improved and accessible public park, new pier, and an improved beach with various public amenities. The project conforms to the Port District's Port Master Plan land use designations of "Park/Plaza" and "Promenade," in which allowed structures include restrooms, picnic tables, shade structures and overlooks, and are limited to single-story heights. Although the project is consistent with the Port Master Plan's land and water use designations for the project site, the potential impacts of construction on the eelgrass habitat creates a potentially significant effect in this category. Mitigation measures will be implemented to reduce potential impact to eelgrass to less than significant (MM 4.8-4,.8.6, 4.9-1, and 4.9-4).

#### Recreation

The project includes the development of approximately 25 acres of parkland with amenities, including an improved beach, multi-use lawns, a family play area, bicycle and pedestrian pathways, and other recreational features. These recreational amenities are anticipated to lower the demand created by the CVBMP area on existing and proposed parklands in the project area. Nonetheless, development of the project will result in temporary, short-term

significant impacts to park and recreation levels of service due to temporary closure of Bayside Park, located on the project site.

Prior to reconstruction and/or reconfiguration of existing parks within the project, the Port District must post a public notice at each affected park site at least 30 days prior to commencement of construction activity and maintain the posting throughout reconstruction of each affected park. The public notice must identify the duration of park closure and provide information related to optional locations for public park and recreational facilities (MM 4.13.3-1).

#### Tribal Cultural Resources

The project site is already developed and has been graded in the past. As such, it is not anticipated to encounter any items listed or eligible for California Register of Historic Resources, or in a local register of historical resources. However, as there is always potential to encounter historically important items during ground-disturbing activities, the Port will implement a grading, monitoring, and data recovery program to reduce potential impacts to undiscovered buried archaeological resources at the project site to the satisfaction of the Director of Development Services. Elements of the program will include that only certified archaeologists and Native American monitors are accepted.

The project archaeologist will monitor all areas identified for excavation, including off-site improvements. Monitors must be present during the original cutting of previously undisturbed deposits. In the event that a previously unidentified potentially significant cultural resource is discovered, the archaeological monitor will have authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant resource. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts will be prepared and approved by the County, then carried out using professional archaeological methods.

In the event that human bones are discovered, the County coroner will be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant as identified by the Native American Heritage Commission will be contacted by the project archaeologist to determine proper treatment and disposition of the remains. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the context will be completed and submitted to the satisfaction of the Director of Development Services (MM 4.10).

#### Utilities and Service Systems

The project is estimated to result in water use of approximately 17,738 gallons of water per day, or 19.88 acre-feet/year with incorporation of water conservation reduction measures. The project will result in water improvements, which would include domestic, irrigation, and fire connections from the buildings proposed on site; restrooms; irrigation meters; and fire hydrants to water mains within E and H Street, to be developed under other parts of the CVBMP. The existing water loop throughout the site will be removed; however, construction phasing of the project may require portions of the water loop to remain to serve existing

facilities. Therefore, adequate water infrastructure will be incorporated to serve the project, and sufficient water supplies are available to serve the project.

Prior to the approval of a building permit for any development in Phases III and IV, the City shall verify that it has adequate sewer capacity to serve the proposed development. In the event the City does not have adequate sewer capacity to serve the proposed development, no building permit shall be approved for the proposed development until the City has acquired adequate sewer capacity to serve the proposed development (MM 4.14.2-1.)

## **2. Findings for Potentially Significant and Unavoidable Effects**

### Air Quality

Construction of parks, including Harbor Park and the Waterfront Promenade would exceed the standard for criteria air pollutants for nitrogen oxide, suspended particulates of 10 microns or less in diameter (PM10), and suspended particulates of 2.5 microns or less in diameter (PM2.5). The region is not in compliance with the standards for criteria pollutants for (state and federal) ozone, (state) PM10 and (state) PM2.5. These air impacts will be addressed through mitigation measures MM 4.6-1, 4.6-2 (for Phase I), 4.6-3 (for Phase II), and 4.6-4 (for Phase III), which will reduce impacts to air quality.

Prior to the commencement of any grading activities, the mitigation measures must be placed as notes on all grading plans and must be implemented during grading of each phase of the project to minimize construction emissions. These measures include the best available control measures for specific construction activities, including but not limited to backfill activities, clearing and grubbing activities, clearing forms, and crushing activities (see MM 4.6-1).

Buildings in Harbor Park must comply with Title 24 of the California Energy Efficient Standards for Residential and Nonresidential buildings. These requirements will be incorporated into the final project design (see MM 4.6-2).

Additionally, in order to reduce transportation-related air quality impacts, a number of behaviors will be encouraged at the project-level planning phase, including but not limited to using low- or zero-emission vehicles, including construction vehicles, promoting ride sharing programs, for example, by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides (Policy 24.7).

Although these mitigation measures will reduce the air quality impacts of the project, the project's air impacts are evaluated in conjunction with the CVBMP, which even with mitigation measures will have area and operations emissions above the standard established by the South Coast Air Quality Management District. Therefore, cumulative air quality impacts remain significant and unavoidable.

### Energy

Implementation of the proposed uses and development in the CVBMP has the potential to result in impacts to energy supply as a result of anticipated growth. Further, implementation of

the CVBMP would increase the use of natural gas at the project site. San Diego Gas & Electric (SDG&E) has indicated that an adequate supply of natural gas is currently available to serve the CVBMP and the natural gas level of service provided to the surrounding area would not be impaired by the CVBMP. New natural gas lines to serve the CVBMP area will be located underground and constructed in accordance with SDG&E's policies and extension rules on file with the California Public Utilities Commission at the time contractual agreements are made. The project will require limited natural gas usage. Therefore, the project will not result in an increase the demand of natural gas resources to exceed the available supply or cause a need for new and expanded facilities, and impacts associated with the use of natural gas will be less than significant.

In addition to an analysis of electricity and natural gas demands from the CVBMP, the EIR also analyzes energy consumption due to the gasoline use associated with vehicle trips during construction and operation of the CVBMP. Implementation of the CVBMP would create the need for significant transportation resources (e.g., gasoline) for the construction and operation of the project. MM 4.16-1 and 4.16-2 are identified in the FEIR and will be implemented as part of the CVBMP to reduce potential impacts to energy, including electricity and gasoline, to less than significant.

Prior to the issuance of certificates of occupancy or building permits, the Port will demonstrate that the project complies with Title 24 of the California Energy Efficient Standards for Residential and Nonresidential Buildings. These requirements, along additional measures, must be incorporated into the final project design to the satisfaction of the Port and the Director of Planning and Building for the City (MM 4.16-1). Additionally, five energy standards will be applied to and govern the project (MM 4.16-2).

Despite the CVBMP's adoption of conservation measures, the cumulative impact relative to energy supply will remain significant and unavoidable because of the uncertainty of the future supply of energy, which is within the responsibility and control of SDG&E and other entities responsible for arranging electric energy supplies, not the Port District or the City.

### **Statement of Overriding Considerations**

In the event a project has unavoidable significant environmental effects, the CEQA Guidelines require the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project (Title 14 California Code of Regulations Section 15093). If the specific project benefits outweigh the unavoidable significant environmental effects of the project, a Statement of Overriding Considerations may be adopted and the project approved, despite its significant environmental effects. The overall benefits of the project, as detailed in the Project Summary section of this staff recommendation, warrant the Conservancy's decision to approve the project. The project's public benefits that justify proceeding with the project despite the environmental cost of the unavoidable significant environmental effects include:

- Increasing and enhancing coastal access for the local disadvantaged community

- Creating habitat for native species with the construction of a pocket marsh (a region-wide environmental benefit)
- Protecting the park and surrounding community from sea level rise
- Increasing park acreage in a park-poor community
- Increasing accessibility to the coast through ADA improvements

For these reasons, Conservancy staff recommends that the Conservancy find that the project, as mitigated, avoids or reduces to less than significant all potentially significant environmental effects, except for the unavoidable significant environmental effects to air quality and energy supply. With respect to these unavoidable significant environmental effects, Conservancy staff recommends that the Conservancy find that the social, region-wide environmental, and other benefits of the project outweigh the unavoidable significant environmental effects, thereby warranting its approval.

Upon approval of the recommended grant for Harbor Park Project, Phase 1A, Conservancy staff will file a Notice of Determination.