

# Port Master Plan Update Project

(UPD #EIR-2017-035) (SCH No.2017031070)



Final Program Environmental Impact Report (Volume 1 of 4)

December 2023



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Final Program Environmental Impact Report (Volume 1 of 4)

Prepared for:



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# Contents

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<b>Chapter 1</b>	<b>Introduction .....</b>	<b>1-1</b>
1.1	Contents and Organization of the Final Environmental Impact Report .....	1-1
1.2	Certification of the FEIR .....	1-2
1.3	Project Overview.....	1-3
<b>Chapter 2</b>	<b>Comments Received and District Responses .....</b>	<b>2-1</b>
2.1	Introduction .....	2-1
2.2	Comments Received on the Draft PEIR.....	2-1
2.3	Master Response .....	2-7
2.4	Agency Letters and Responses .....	2-14
2.5	Organization Letters and Responses .....	2-235
2.6	Business and Tennant Letters and Responses.....	2-441
2.7	Individual Letters and Responses .....	2-525

# Attachments

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## **Attachments to Chapter 2, *Comment Received and District Responses*, Pertaining to District Responses**

1. Attachment 1 Related to Comment O2-14, Supplemental Table and Maps of Biological Habitats by Planning District
2. Attachment 2 Related to Comment O7-2, Earthquake Zones of Required Investigation, Point Loma Quadrangle, dated September 23, 2021
3. Attachment 3 Related to Comment BT19-2, District's response letter, dated October 28, 2021, to Cays Resort's attorneys, which address the legal arguments made in Cays Resorts' letters supporting the Cays Resort's development proposal, dated July 31, 2019, July 17, 2020, July 22, 2020, and November 17, 2020,

## **Attachments Provided with Comment Letters Contained within Chapter 2, *Comment Received and District Responses***

1. Attachment(s) included with Comment Letter O15, Save Our Access
2. Attachment(s) included with Comment Letter I13, Art Engle
3. Attachment(s) included with Comment Letter I97, Raymond Richardson
4. Attachment(s) included with Comment Letter I113, Stephanie Kaupp



# Tables

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Table		Page
1-1	Document Organization and CEQA Requirements.....	1-1
2-1	Agencies, Organizations, and Interested Parties that Submitted Comment Letters on the Draft PEIR.....	2-2

# Figures

Figure	Page
2-1      Project Location.....	2-4



## Acronyms and Abbreviations

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CCC or Coastal Commission	California Coastal Commission's
AB	Assembly Bill
AGO	Attorney General's Office
Board	Board of Port Commissioners
CAP	Climate Action Plan
CARB	California Air Resources Board
CCA	California Coastal Act
CCPDO	City Center Planned District Ordinance
CDP	Coastal Development Permit
CEMP	California Eelgrass Mitigation Policy
CEQA	California Environmental Quality Act
CERP	Community Emissions Reduction Plan
CHRIS	California Historical Resource Information System
City	City of Coronado
CVBMP	Chula Vista Bayfront Master Plan
DCP	Downtown Community Plan
District	San Diego Unified Port District
EIR	Environmental Impact Report
EV	electric vehicle
FAR	floor area ratio
GHG	greenhouse gas
GIS	geographic information system
INRMP	Integrated Natural Resources Management Plan
ISOR	Initial Statement of Reasons
JPA	Joint Powers Authority
LOS	Level of Service
MCAS	Maritime Clean Air Strategy
MGRA	Master Geographic-Reference Areas
MMRP	Mitigation Monitoring
MOU	Memorandum of Understanding
MS4	municipal stormwater permit
NCBP	National City Balanced Plan
NCMT	National City Marine Terminal
NEPA	National Environmental Policy Act
NEVP	North Embarcadero Visionary Plan
NOC	Notice of Completion
NOP	Notice of Preparation
PD3	Central Embarcadero Subdistrict
PD5	National City Bayfront Planning District
PD6	Chula Vista Bayfront Planning District
PD7	Pond 20 portion of South Bay
PEIR	Program Environmental Impact Report

PM	particulate matter
PMP	Port Master Plan
PMPA	Port Master Plan Amendment
Port Act	San Diego Unified Port District Act
ROS	Recreation Open Space
ROW	Right-of-Way
SAFE	Safer Affordable Fuel-Efficient
SANDAG	San Diego Association of Governments'
SCH	State Clearinghouse
SCP	Scientific Collecting Permit
SDAPCD	San Diego County Air Pollution Control District
SDCAS	San Diego County Archaeological Society's
SDIAADP	San Diego International Airport, Airport Development Plan
Seaport Village	Seaport San Diego Project
SLR	sea level rise
SOHO	Save Our Heritage Organisation
STC	Sustainable Terminal Capacity
TAMT	Tenth Avenue Marine Terminal
TDM	Transportation Demand Management
USACE	U.S. Army Corps of Engineers
VMT	vehicle miles travelled
ZE	Zero Emission



## 1.1 Contents and Organization of the Final Environmental Impact Report

This Final Program Environmental Impact Report (Final PEIR) has been prepared to evaluate the potential environmental impacts that may result from implementation of the Port Master Plan Update (PMPU). The content and format of this Final PEIR is designed to meet the requirements of the California Environmental Quality Act (CEQA); the State CEQA Guidelines, Article 9, specifically State CEQA Guidelines Section 15132; and the San Diego Unified Port District's (District's) Guidelines for Compliance with CEQA (Resolution 97-191). Table 1-1 summarizes the organization and content of the Final PEIR. The Final PEIR, in compliance with Section 15132 of the State CEQA Guidelines, includes the chapters and attachments listed in Table 1-1.

**Table 1-1. Document Organization and CEQA Requirements**

Location	Contents
<b>VOLUME 1</b>	
Chapter 1 <i>Introduction</i>	Provides background on the proposed PMPU, the requirements for a Final PEIR and other related documents, and the organization of the Final PEIR.
Chapter 2 <i>Comments Received and District Responses</i>	Includes a list of agencies, organizations, and individuals that provided comments on the Draft PEIR during the public review period. Each comment is assigned a comment number, which corresponds to a response (State CEQA Guidelines Section 15132).
<i>Attachments to the Comments Received and District Responses</i>	Includes the attachments included with public comments received during the public review period as well as attachments that the District has provided in support of District responses to comments.
<b>VOLUME 2</b>	
<i>Revised Draft PEIR</i>	Volume 2 of the Final PEIR is the revised Draft PEIR that incorporates revisions in <del>strikeout</del> /underline to provide clarifications in response to public comments received during public review of the Draft PEIR (State CEQA Guidelines Section 15132).
<b>VOLUME 3</b>	
<i>Technical Appendices</i>	Volume 3 of the Final PEIR consists of Appendices A through N of the Final PEIR. Appendix D (Port Master Plan Update Transportation Impact Study [TIS] Vehicle Miles Traveled – SB 743 Analysis) was revised as part of the Final PEIR. The revisions to Appendix D are shown in <del>strikeout</del> /underline. Appendix J through M were added to the Final PEIR to support District responses to public comments. The Final Draft Port Master Plan Update, previously Appendix J, is now Appendix N and is included in Volume 4. No other revisions were made to the appendices circulated with the Draft PEIR.

Location	Contents
<b>VOLUME 4</b>	
<i>Port Master Plan Update</i>	Volume 4 of the Final PEIR consists of the Final Draft PMPU (Appendix N).
<b>Provided Under Separate Cover</b>	
<i>Findings of Fact and Statement of Overriding Considerations</i>	Provides findings on each significant impact and alternative, accompanied by a brief explanation of the rationale for each finding. The findings are supported by substantial evidence in the record (State CEQA Guidelines Section 15091). The statement of overriding considerations provides a written statement related to balancing, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project (State CEQA Guidelines Section 15093).
<i>Mitigation Monitoring and Reporting Program</i>	The Mitigation Monitoring and Reporting Program (MMRP) for the PMPU is presented in table format and identifies mitigation measures for the proposed PMPU, the party responsible for implementing the mitigation measures, the timing of implementing the mitigation measures, and the monitoring and reporting procedures for each mitigation measure (State CEQA Guidelines Section 15097).

## 1.2 Certification of the Final EIR

The District is the Lead Agency, as defined in State CEQA Guidelines Section 15367, because it has principal responsibility for approving the proposed PMPU. As Lead Agency, the District also has primary responsibility for complying with CEQA. Therefore, the Board of Port Commissioners (Board), as the decision-making body of the District, is required to consider the information contained in the Final PEIR prior to approving the proposed PMPU. Specifically, the Board must certify the following.

- The Final PEIR has been completed in compliance with CEQA.
- The Final PEIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information contained in the Final PEIR, prior to approving the PMPU.
- The Final PEIR reflects the Lead Agency's independent judgment and analysis.

The California Coastal Commission is a responsible agency, as defined in State CEQA Guidelines Section 15381, and may use the information contained in this Final PEIR when considering whether to certify the proposed PMPU.



## 1.3 Project Overview

Pursuant to Chapter 8, Article 3 (commencing with Section 30710) of the California Coastal Act (CCA), the District is undertaking a comprehensive update to its existing Port Master Plan (PMP). Through the PMPU's Elements, the PMPU provides the official goals, objectives, and planning policies, and identifies permissible water and land designations and uses, for future development and conservation of the District lands, tidelands, and submerged lands (collectively, Tidelands or District Tidelands) that comprise the PMPU planning area (PMPU area). With buildout expected to occur by 2050, the proposed PMPU will implement the approximately 30-year planning vision through a series of goals, objectives, and policies that set the policy foundation and direction for the future development and planned improvements that are contemplated for each PMPU area planning district. The PMPU's six elements are listed below:

- Water and Land Use
- Ecology
- Environmental Justice
- Mobility
- Safety and Resiliency
- Economics

Chapter 4 of the PMPU also proposes Baywide<sup>1</sup> Development Standards, which establish requirements for the physical development of the Tidelands. As stated in the PMPU, they provide standards for design that enlivens and enriches Tidelands experience for visitors, businesses, and workers, and will be used to implement new development in a manner that is consistent with the surrounding pattern and character.

In addition, the District's jurisdiction is divided into 10 planning districts (PDs) that group Tideland properties into identifiable and functional units. Planning district boundaries conform closely to the boundaries of established municipal jurisdictions following logically grouped geographic areas and provide the detailed planned improvements, development standards, special allowances, and water and land use maps. The 10 planning districts are as follows:

- PD1: Shelter Island
- PD2: Harbor Island
- PD3: Embarcadero
- PD4: Working Waterfront
- PD5: National City Bayfront<sup>2</sup>
- PD6: Chula Vista Bayfront<sup>2</sup>
- PD7: South Bay<sup>2</sup>
- PD8: Imperial Beach Oceanfront
- PD9: Silver Strand
- PD10: Coronado Bayfront

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<sup>1</sup> Anytime the term "baywide" is used in this PEIR, it applies to the PMPU area.

<sup>2</sup> PD5 and PD6 are excluded from the PMPU. Additionally, Pond 20 in PD7 is excluded from the PMPU.

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## Chapter 2

# Comments Received and District Responses

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## 2.1 Introduction

The Draft Program Environmental Impact Report (PEIR) was available for public review for 63 days beginning on November 8, 2021 and ending on January 10, 2022. The San Diego Unified Port District (District) posted an electronic version of the Draft PEIR on the District's website. Hard copies were sent to the City of San Diego Central Library, Imperial Beach Library, and Coronado Public Library. A hard copy was also available for review at the District's Administration Building at 3165 Pacific Highway, San Diego, CA 92101. A Notice of Availability was posted with the County Clerk on November 8, 2021, posted on the District's website, and mailed to public agencies, organizations, and individuals that expressed interest in the project. An email containing the information from the NOA was sent by the District to members of the public that had registered to receive such updates. All requisite documents, including the Notice of Completion form, were sent to the State Clearinghouse (SCH) and the SCH posted the NOA on the Office of Planning Research's CEQAnet database.

## 2.2 Comments Received on the Draft PEIR

The District received 162 comment letters on the Draft PEIR during the public review period from agencies, organizations, businesses, tenants and interested individuals. Many of the comments concern the policies, goals and objectives of the PMPU itself and raise policy issues, rather than environmental questions. Although CEQA does not require the District to provide responses to such comments, they are included in this chapter for consideration by the Board of Port Commissioners (Board) when it makes a decision whether or not to certify the Final PEIR and approve the PMPU.

Pursuant to State CEQA Guidelines section 15088, the District has provided written responses to comments raising environmental issues. Topics in such comments included aesthetics and visual resources, air quality and health risks, biological resources, cultural resources, geology and soils, greenhouse gas (GHG) emissions and climate change, hazards and hazardous materials, hydrology and water quality, land use and planning, public services and recreation, sea level rise, transportation, circulation and parking, and utilities and energy use.

Table 2-1 lists the agencies, organizations, and interested parties that provided comment letters. Each comment letter is assigned a group letter (A=Agency, BT=Business or Tenant, O=Organization, I=Individual) followed by a number that indicates its order in the group (e.g., the first letter in the agencies would be labeled A1, the second, A2, and so on). Finally, each comment provided is given a number that is linked to the District's response. For example, the first comment of the first letter (i.e., Letter A1) would be A1-1. The second comment in that same letter would be A1-2.

In addition, the several comments received suggest that the Project Description of the PMPU in the Draft PEIR improperly "piecemeals" environmental review under CEQA because it does not include a specific development project, the National City Bayfront Planning District (PD5), the Chula Vista Bayfront Planning District (PD6), and/or the Pond 20 portion of South Bay (PD7) as part of the

proposed project. Other comments incorrectly assume that the PMPU affects cargo/freight throughput and propose mitigation measures for cargo. As such, the District has prepared a Master Response to these comments. This Master Response is identified as M-1.

**Table 2-1. Agencies, Organizations, and Interested Parties that Submitted Comment Letters on the Draft PEIR**

Letter	Agency/Organization	Dated	Page
<b>Master Response</b>			
M-1	Multiple Commenters	Various	2-7
<b>Agencies</b>			
A1	California Coastal Commission	January 10, 2022	2-14
A2	California Department of Fish and Wildlife (Received Late)	January 19, 2022	2-113
A3	California Department of Justice (Received Late)	June 3, 2022	2-132
A4	California Department of Transportation Maurice A. Eaton, Branch Chief	January 10, 2022	2-162
A5	California Public Utilities Commission Howard Hule, Utilities Engineer Rail Crossings Engineering Branch Safety and Enforcement Division	January 3, 2022	2-172
A6	City of Coronado Richard Bailey, Mayor	January 6, 2022	2-175
A7	City of San Diego Rebecca Malone, Program Manager Planning Department	January 10, 2022	2-180
A8	County of San Diego Lynnette Tessitore, Chief, Long Range Planning Division Planning & Development Services	January 10, 2022	2-214
A9	San Diego Association of Governments Lisa Madsen, Senior Regional Planner	January 7, 2022	2-220
A10	San Diego County Air Pollution Control District Paula Forbis, Interim Air Pollution Control Officer	January 6, 2022	2-224
A11	San Diego County Regional Airport Authority Brendan J. Reed, Director of Airport Planning & Environmental Affairs	January 10, 2022	2-227
<b>Organizations</b>			
O1	Environmental Health Coalition Danny Serrano, Campaign Director	January 10, 2022	2-235
O2	San Diego Audubon Society, Southwest Wetlands Interpretation Association, and Endangered Habitats League Michael A. McCoy, President, SWIA William Tippetts, Secretary, SWIA Dan Silver, Executive Director, EHL James A. Peugh, Conservation Chair, SDAS	January 10, 2022	2-245
O3	Save Our Heritage Organization Amie Hayes, Senior Historic Resources Specialist	January 7, 2022	2-283



<b>Letter</b>	<b>Agency/Organization</b>	<b>Dated</b>	<b>Page</b>
04	San Diego County Archaeological Society James W. Royle, Jr., Chairperson	December 20, 2021	2-289
05	Coronado Cays HOA (All letters) Dennis Thompson, President, Board of Directors	January 10, 2022	2-291
06	Silver Strand Beautification Project Mary Berube and Liza Butler	January 10, 2022	2-295
07	Coronado Village Homeowners Association #1 Harry B. Robins, Jr., Co-President	January 10, 2022	2-304
08	Coronado Village Homeowners Association #2 Lindy K. Elledge, Co-President	January 10, 2022	2-316
09	Le Rondelet Homeowners Association Ed Lazarski, President	January 9, 2022	2-322
010	San Diego Fisherman's Working Group Pete Halmay, President	January 5, 2022	2-325
011	CityFront Terrace HOA Susan Miller, President	January 10, 2022	2-327
012	Grande North at Santa Fe Place Dr. Kent Pryor, President	January 10, 2022	2-329
013	Grande South at Santa Fe Place Larry Allman, HOA President	January 10, 2022	2-331
014	Citizens Coordinate for Century 3 Ryan Karlsgodt, President	January 10, 2022	2-335
015	Save Our Access Josh Chatten-Brown Kate Pettit Attorneys for Save Our Access	January 10, 2022	2-343
016	Embarcadero Coalition #1 Susan Simon and Janet Rogers	December 2, 2021	2-392
017	Embarcadero Coalition #2 Janet Rogers and Susan Simon	January 10, 2022	2-394
018	San Diego Waterfront Coalition Don Wood	January 10, 2022	2-432
<b>Businesses and Tenants</b>			
BT1	San Diego Port Tenants Association John Laun, Chairman Todd Roberts, Vice Chairman Sharon Cloward, President	January 10, 2022	2-441
BT2	FelCor Hotels Leslie Hale, President	January 6, 2021	2-455
BT3	Nielson Beaumont Marine Thomas A. Nielsen	January 6, 2021	2-459
BT4	Seabreeze Books and Charts/San Diego Harbor Safety Committee Ann Kinner. Chair, San Diego Harbor Safety Committee Vice President, Seabreeze Books and Charts	January 8, 2022	2-460
BT5	Crow's Nest Marine Eric Pearson, President	January 10, 2022	2-461
BT6	Outboard Boating Club #1 and #2	December 12, 2021	2-464

<b>Letter</b>	<b>Agency/Organization</b>	<b>Dated</b>	<b>Page</b>
BT7	Bartell Hotels Richard Bartell, President	January 10, 2022	2-486
BT8	Shelter Cove Marina H. P. "Sandy" Purdon, General Partner	January 6, 2022	2-488
BT9	Tonga Landing Thomas A. Nielsen, Owner	January 8, 2022	2-489
BT10	Bali Hai Susan H. Baumann, President	January 9, 2022	2-491
BT11	Tom Ham's Lighthouse Susan H. Baumann, President	January 9, 2022	2-492
BT12	Eppig Brewing Todd Warshaw, Managing Member	January 10, 2022	2-493
BT13	Ketch Grill and Tapas Matt Morton, Director of Development	January 10, 2022	2-494
BT14	Driscoll's Wharf Thomas A. Driscoll, Chief Executive Officer	January 10, 2022	2-495
BT15	Midway Museum Mac McLaughlin	January 10, 2022	2-498
BT16	1HWY1 Yehudi 'Gaf' Gaffen, Chief Executive Officer	January 10, 2022	2-501
BT17	Joy Properties Allan Arendsee	January 10, 2022	2-502
BT18	Inn at the Cays Resort #1 Keith Mishkin	January 10, 2022	2-513
BT19	Inn at the Cays Resort #2 Keith Mishkin	January 10, 2022	2-514
<b>Individuals</b>			
I1	Leon Benham	December 7, 2021	2-525
I2	Mitchell McKay	December 8, 2021	2-529
I3	Chris McMahon	December 9, 2021	2-531
I4	Tim Keaton	December 9, 2021	2-532
I5	Dane Crosby	December 10, 2021	2-534
I6	Michael Safradin	December 10, 2021	2-539
I7	Johanna Bot	January 4, 2022	2-541
I8	Elizabeth McMahon	December 9, 2021	2-542
I9	Hugh Cree	January 7, 2022	2-544
I10	Matt O'Brian	January 8, 2022	2-547
I11	Vince Ghio	November 8, 2021	2-548
I12	Cleve Hardaker	January 6, 2022	2-549
I13	Art Engel	January 7, 2022	2-552
I14	Mike Seneca	January 10, 2022	2-559
I15	Ernie Simon	January 7, 2022	2-562
I16	Adrian Fremont	January 9, 2022	2-569
I17	Ann Pfau	January 9, 2022	2-574
I18	Bob Piskule	January 10, 2022	2-578
I19	Carol del Tufo Harmon	January 9, 2022	2-580
I20	CG Wagner	January 10, 2022	2-583

<b>Letter</b>	<b>Agency/Organization</b>	<b>Dated</b>	<b>Page</b>
I21	CT Guidoboni Jr.	January 9, 2022	2-587
I22	Dr. Catherine Smith	January 9, 2022	2-591
I23	Elain Regan	January 9, 2022	2-595
I24	Ellen Coppola	January 14, 2022	2-599
I25	Eric Fremont	January 9, 2022	2-603
I26	Eric Rothsberger	January 10, 2022	2-607
I27	Gail Donahue	January 9, 2022	2-610
I28	Judith and Jan Radke	January 10, 2022	2-613
I29	Julia Connell	January 15, 2022	2-616
I30	James and Kathryn Robertson	January 8, 2022	2-620
I31	Janet Rogers	January 10, 2022	2-624
I32	Jeff Caldwell	January 10, 2022	2-627
I33	Jim Grossman	January 7, 2022	2-630
I34	Joseph Bradley	January 10, 2022	2-634
I35	Joseph McKay	January 9, 2022	2-636
I36	Joy Rothsberger	January 10, 2022	2-638
I37	Joyce and Milton Levin	January 9, 2022	2-641
I38	Karen Kerschmann	January 10, 2022	2-644
I39	Karen Nelson	January 10, 2022	2-648
I40	Karla and Nathan Silver	January 9, 2022	2-651
I41	Kenneth Victor	January 9, 2022	2-655
I42	Lamees Mansur	January 9, 2022	2-660
I43	Larry and Dr. Sharry Seal	January 9, 2022	2-664
I44	LeAnna Zevely	January 8, 2022	2-667
I45	Lisa Klein	January 7, 2022	2-671
I46	Lyndall Nipps	January 9, 2022	2-675
I47	Lynne Guidoboni	January 9, 2022	2-678
I48	Maddy	January 9, 2022	2-682
I49	Mary Worley	January 9, 2022	2-685
I50	Matthew Sweeney	January 9, 2022	2-687
I51	Mehdi and Yadira Malekadeli	January 8, 2022	2-689
I52	Michael Umphrey	January 8, 2022	2-696
I53	Nick Theios	January 13, 2022	2-701
I54	Nina Shor	January 7, 2022	2-705
I55	Pat and Phil Pressel	January 7, 2022	2-709
I56	Pat Halliday	January 7, 2022	2-713
I57	Peter Pfau	January 9, 2022	2-716
I58	Richard Goldberg	January 10, 2022	2-719
I59	Rick Gayeski	January 10, 2022	2-725
I60	Ron Mazza	January 10, 2022	2-728
I61	Ron Sataloff	January 9, 2022	2-731
I62	Sabby Jonathan	January 10, 2022	2-735
I63	Stephen Kohn	January 7, 2022	2-739
I64	Susan Simon	January 8, 2022	2-742
I65	William Rogers	January 10, 2022	2-745
I66	Zach Dostart	January 8, 2022	2-748
I67	Amy Parrot	January 10, 2022	2-750

<b>Letter</b>	<b>Agency/Organization</b>	<b>Dated</b>	<b>Page</b>
I68	Angie Wilcox	January 10, 2022	2-752
I69	Charles and Ayanna Griffie	January 10, 2022	2-756
I70	Charles Ryan	January 10, 2022	2-759
I71	Elizabeth and Donald Marallo	January 10, 2022	2-762
I72	Ida Futch	January 10, 2022	2-765
I73	James Holindrake	January 10, 2022	2-769
I74	Jamie Greene	January 10, 2022	2-772
I75	Karen Carothers	January 10, 2022	2-774
I76	Kim Vermillion Feith	January 10, 2022	2-776
I77	Mark Regan	January 10, 2022	2-779
I78	Micah Leslie	January 10, 2022	2-781
I79	Norman Young	January 10, 2022	2-783
I80	Richard and Deborah Gentry	January 10, 2022	2-786
I81	Robert and Carole Greenes	January 10, 2022	2-789
I82	Roger Storer	January 10, 2022	2-791
I83	Scottie and Jennifer Mills	January 10, 2022	2-793
I84	Sharon Ryan	January 10, 2022	2-796
I85	Stephen Gershwind	January 10, 2022	2-799
I86	Susan Skolnik	January 10, 2022	2-802
I87	William Hayes and Shirley Liu	January 10, 2022	2-806
I88	Rebecca Vesterfelt	January 5, 2022	2-809
I89	Louis Cohen	January 6, 2022	2-816
I90	Beverly and Kenneth Victor	January 10, 2022	2-822
I91	Connie Ouellette	January 9, 2022	2-823
I92	Brit Zeller	November 24, 2021	2-824
I93	Sandy Combs	December 4, 2021	2-825
I94	Joyleen Rottenstein #1	December 31, 2021	2-826
I95	Joyleen Rottenstein #2	December 31, 2021	2-827
I96	Marilyn Field	January 10, 2022	2-828
I97	Raymond Richardson	January 10, 2022	2-836
I98	Sydney Stanley	January 9, 2022	2-838
I99	Tom Gorey	January 10, 2022	2-842
I100	Dana Welch	November 12, 2021	2-844
I101	Barbara Henry	January 19, 2022	2-845
I102	Brenda Reed	January 18, 2022	2-846
I103	Cliff and Mary Bee	January 22, 2022	2-847
I104	Diana Guest	January 18, 2022	2-848
I105	David Knop	January 21, 2022	2-849
I106	Krista Schagunn	January 20, 2022	2-850
I107	Richard and Marianne Wonders	January 21, 2022	2-851
I108	Nancy Anderson	January 19, 2022	2-852
I109	Sandra Kearney	January 19, 2022	2-8553
I110	Joseph Waters	January 7, 2022	2-854
I111	Jennifer Rubin	January 10, 2022	2-855
I112	Patricia Rauber	January 3, 2022	2-856
I113	Stephanie Kaupp	January 10, 2022	2-857
I114	Gretchen Newsome (IBEW) and copy letters	January 7, 2022	2-864

## 2.3 Master Response M-1: District Response to Seaport San Diego and Cumulative Development (PD5, PD6, Pond 20, and TAMT) Related Comments

Several comments state that the Project Description of the PMPU in the Draft PEIR improperly “piecemeals” environmental review under CEQA because it does not include a specific development project, namely the Seaport San Diego Project (“Seaport SD”) in the Central Embarcadero Subdistrict (PD3). However, many of these same commenters have taken inconsistent positions on this issue.<sup>1</sup> Similar comments were also made about the National City Bayfront Planning District (PD5), the Chula Vista Bayfront Planning District (PD6), and the Pond 20 portion of South Bay (PD7). Still other comments incorrectly assume that the PMPU affects cargo/freight throughput and propose mitigation measures for cargo.

The concept of “piecemealing” under CEQA requires a showing that the allegedly piecemealed project is “a reasonably foreseeable consequence of the initial project.” (See *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 293.) The Seaport San Diego Project, the National City Bayfront Planning District (PD5), the Chula Vista Bayfront Planning District (PD6), the Pond 20 portion of South Bay (PD7), and the Tenth Avenue Marine Terminal (TAMT) Redevelopment Plan are not a reasonably foreseeable consequence of the PMPU, and were therefore, not improperly piecemealed.

Indeed, many of these projects have already been approved and are subject to their own Environmental Impact Report. It is not the purpose of the PMPU PEIR to re-analyze impacts of unamended portions of the Port Master Plan. (*Black Property Owners Assoc. v. City of Berkeley* (1994) 22 Cal.App.4th 974; *San Franciscans for Livable Neighborhoods v. City and County of San Francisco* (2018) 26 Cal.App.5th 596, 623.) Nevertheless, these areas/projects were all appropriately considered in the PMPU Draft PEIR cumulative analysis, including consideration of a potential 480-foot-tall observation tower for the Seaport SD (Draft PEIR pp. 2-21 through 2-22, 4.1-75).

As discussed in greater detail below, nothing under CEQA or the Coastal Act requires the District to include these other planning areas in the PMPU. (See CEQA Guidelines §§ 15168, 15005(c); Pub. Res. Code §§ 30714(a), 30716; 14 Cal. Code Regs. 13634, 13636, and 13637.) The decision to include adjacent geographic areas in a programmatic Draft EIR “is left fully at the discretion of the public agency.” (CEQA Guidelines §§ 15168(a)(1), 15005(c).) Furthermore, the Court of Appeal has already

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<sup>1</sup> Although some comments objected to the PMPU’s omission of the Seaport SD redevelopment, several of the same commenters made the opposite assertion in earlier comments. Citizens Coordinate for Century 3 asserted “For the purposes of...this environmental review process, I believe that the port should treat this global port master planning updates process as a program, and plan on development of future project EIRs for major individual bayfront properties, like Harbor Island redevelopment and Seaport Village, just as it did separate project EIRs on the Chula Vista Bayfront redevelopment project and the most recent convention center project.” (Draft PEIR, Appendix B, pdf p. 89.) The same commenters asserted: “The Project Description of the EIR should make it clear this EIR is focusing on the overall Program objectives of the Planning Districts and that individual projects such as Seaport Village Development will require their own EIR.” (Draft PEIR, Appendix B, pdf p. 139.) The San Diego Waterfront Coalition similarly stated that the Seaport San Diego proposal “lacks the stable project description needed to obtain an accurate environmental analysis” and that the PMPU “should only include statements of general policies that the Port is adopting, and not help enable specific construction projects involving private development.” (San Diego Waterfront Coalition’s comments on Discussion Draft PMPU, dated July 31, 2019, pp. 1, 6.)

rejected similar assertions for another Port Master Plan update. (See *Al Larson, Inc v. Board of Harbor Commissioners of the City of Long Beach* (1993) 18 Cal.App.4th 729.)

## 2.3.1 Background Information

### Planning History for Central Embarcadero Subdistrict

As discussed in the Draft PEIR, the existing Seaport SD project began construction in 1978. The existing Seaport Village was completed in 1980 and currently consists of 11-acres, accommodating 70 retail shops, and is located south of the Harbor Seafood Mart. (Draft PEIR page 4.4-16.) The existing Seaport Village incorporates dining, shopping and recreational activities and blends architectural styles of old Monterey, San Francisco and traditional Mexico.

The Seaport SD was expressly included in the PMPU PEIR cumulative analysis, based upon preliminary information, including but not limited to the proposal from Gafcon, Inc. (1HWY1 Proposal) considered on November 8, 2016 (2016-007),<sup>2</sup> and the Exclusive Negotiating Agreement (ENA) considered on May 16, 2017.<sup>3</sup> (See Draft PEIR pp. 2-21 through 2-22 [Cumulative Development Project “11”].) The ENA between the District and Seaport SD proponent is a preliminary agreement to agree to negotiate with termination rights, intended to allow the project proponent to have a reasonable opportunity to conduct the planning and design necessary to establish a project description and progress to environmental review. The project proponent’s submittals to the SLC were intended to obtain guidance as to whether certain types of land uses would be consistent with the Public Trust Doctrine and could be included in a project description. The mere existence of the ENA between the District and the Seaport SD proponent does not bind the District to a particular course of action under CEQA. (*Cedar Fair, L.P. v. City of Santa Clara* (2011) 194 Cal.App.4th 1150, 1170; *Saltonstall v. City of Sacramento* (2015) 234 Cal App. 4th 549.)

Based on the information available at the time the NOP was published, the PMPU PEIR’s discussion made reasonable development intensity assumptions for retail and office space devoted to “maritime related office uses.”<sup>4</sup> The draft Project Description for the Seaport SD was still evolving through November 2022, well after the PMPU PEIR was prepared.<sup>5</sup> As discussed in Section 1.2 of the PMPU PEIR “the District is not proposing to approve and/or implement any specific projects with the PMPU.” None of the actions on the PMPU will constitute approval of the Seaport SD, which would have its own project specific CEQA review as authorized for initiation by the Board on November 8, 2022.

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<sup>2</sup> November 8, 2016 Board Agenda:

<https://portofsandiego.legistar.com/LegislationDetail.aspx?ID=2875889&GUID=24A68565-35DB-4984-B227-D76D4CD1266E&Options=&Search=>

<sup>3</sup> May 16, 2017 Board Agenda:

<https://portofsandiego.legistar.com/LegislationDetail.aspx?ID=3045651&GUID=8EBEDC04-31C4-44E4-B76D-D03F6A497597>

<sup>4</sup> November 8, 2016 Board Presentation (45 min) discussion of “maritime related office uses.” (See also November 8, 2016 Board Report, Attachment E.)

<sup>5</sup> November 8, 2022 Board Report (Item 13) on Proposed Seaport Redevelopment:

<https://portofsandiego.legistar.com/LegislationDetail.aspx?ID=5923604&GUID=CBE99178-E28D-44FC-B1EF-D759E2346483&Options=&Search=>

## Planning History for National City Bayfront Planning District (PD5), the Chula Vista Bayfront Planning District (PD6), and the Pond 20 portion of South Bay (PD7)

As discussed in Draft PEIR Section 3.1, National City Bayfront (PD5), Chula Vista Bayfront (PD6), and the Pond 20 portion of South Bay (PD7), are not part of the proposed PMPU because no changes to those planning districts, or portions thereof, are proposed by the PMPU.

The National City Bayfront is planned under the National City Bayfront Projects & Port Master Plan Amendment program, which extends into the City of National City jurisdiction. The National City Bayfront Master Plan amendment was separately approved on November 16, 2022, along with its own Environmental Impact Report.<sup>6</sup>

The Chula Vista Bayfront<sup>7</sup> land use plan was originally first approved in May 2010, for the entire planning district. That Plan is currently under implementation, and no changes are proposed to that land use plan by the PMPU.<sup>8</sup> Finally, the District-owned property in the southern portion of Pond 20 was evaluated under the Wetland Mitigation Bank at Pond 20 Project EIR and Port Master Plan Amendment for the creation of a wetland mitigation bank, which were approved by the District's Board of Port Commissioners, on April 13, 2021.<sup>9</sup>

The proposed PMPU would not affect the water/land use designations or the anticipated intensity buildout of these districts.<sup>10</sup> As such, PD5, PD6, and the Pond 20 portion of PD7 are not a part of the proposed PMPU and are not analyzed in this Draft PEIR as part of the Project Description; however, these programs or projects are considered as cumulative projects in the analysis of cumulative impacts in this Draft PEIR (see Table 2-2 in Chapter 2, Environmental Setting, Cumulative Project #1 ["Chula Vista Bayfront Master Plan (CVBMP)"], Cumulative Project #6 ["National City Bayfront Projects and Plan Amendments"], and Cumulative Project #7 ["Wetland Mitigation Bank at Pond 20"]).

## Tenth Avenue Marine Terminal Project (TAMT)

The Tenth Avenue Marine Terminal (TAMT) Redevelopment Project was approved on December 13, 2016, pursuant to its own Environmental Impact Report (SCH#2015-031046). (Resolution No. 2016-199 [FEIR Certification]; Resolution 2016-200 [Adoption of TAMT Redevelopment Plan and Sustainable Terminal Capacity (STC) scenario], Resolution No. 2016-201 [Coastal Development Permit].) That EIR analyzed and mitigated the environmental impacts associated with cargo throughput ranging from 4,675,567 metric tons, up to 6,154,417 metric tons. (TAMT FEIR Table 2-

<sup>6</sup> Port of San Diego November 16, 2022 (Agenda Item 1) for National City Bayfront:

<https://portofsandiego.legistar.com/LegislationDetail.aspx?ID=5938482&GUID=9FB18B0D-0E4C-4058-B5E3-67FE3ADD0148&Options=&Search=>

<sup>7</sup> Chula Vista Bayfront: <https://www.portofsandiego.org/projects/chula-vista-bayfront#:~:text=The%20Chula%20Vista%20Bayfront%20Master,acres%20total%2C%20including%20existing%20parks>

<https://www.portofsandiego.org/projects/chula-vista-bayfront#:~:text=The%20Chula%20Vista%20Bayfront%20Master,acres%20total%2C%20including%20existing%20parks>

<sup>8</sup> Chula Vista Bayfront Plan: <https://www.portofsandiego.org/projects/chula-vista-bayfront#:~:text=The%20Chula%20Vista%20Bayfront%20Master,acres%20total%2C%20including%20existing%20parks>

<sup>9</sup> Port of San Diego April 13, 2021 (Agenda Item 18) for Wetland Mitigation Bank at Pond 20:

<https://portofsandiego.legistar.com/LegislationDetail.aspx?ID=4907616&GUID=4FD4B6E0-C7E9-47F9-8C29-4BDBE7B8C306&Options=&Search=>

<sup>10</sup> The PMPU Project Description does assume some minor modifications associated with the redevelopment of the existing G Street Mole (currently, the Fish Market), and roadway improvements along Harbor Drive.

2.) That EIR included analysis and mitigation for impacts, including air quality and greenhouse gas emissions.

As discussed in PMPU Draft PEIR Sections 1.4.1 and 3.5.3.4, “The PMPU does not propose any changes to the cargo throughput or improvements for this subdistrict in comparison to what was previously approved as part of the Tenth Avenue Marine Terminal Redevelopment Plan and analyzed in the TAMT Redevelopment Plan PEIR (Certified FPEIR - SCH# 2015-031046).” As such, the TAMT Redevelopment Plan proposed an increase in cargo throughput capacity, which was analyzed for potentially significant environmental impacts, in the Certified FPEIR, is not changed by implementation of the PMPU. Nevertheless, the TAMT was analyzed in the PMPU EIR cumulative analysis as project #12 (TAMT Redevelopment Plan). Similarly, as discussed below, no amendments are proposed to the National City Marine Terminal, because that terminal is not within the PMPU boundary area.

### **2.3.2 The PMPU’s Project Description Complies with CEQA and the Coastal Act**

The PEIR clearly states that it is a “program EIR” pursuant to CEQA Guidelines Section 15168 and that environmental review of future development projects would occur pursuant to Section 15168(c) and the “tiering” provisions of CEQA Guidelines Section 15152. (PEIR, § 1.2, pp. 1-2 – 1-3.) The decision to include geographically related projects in a programmatic EIR is at the discretion of the lead agency. As discussed under CEQA Guidelines Section 15168, “a program EIR...*may* be prepared on a series of actions...related... geographically.” “*May*’ is identified a permissive element *which is left fully to the discretion of the public agencies involved.*” (CEQA Guidelines Section 15005(c).) Furthermore, the District is not required to update the entirety of its Master Plan at any one time. (See Pub. Res. Code §§ 30714(a), 30716; 14 Cal. Code Regs. 13634, 13636, and 13637.)

A program EIR may be used in combination with the CEQA’s provisions for tiered environmental review. (Pub. Res. Code §§ 21093, 21094.) “Tiering” refers to the coverage of general matters in a broader EIR, such as one prepared for the PMPU, with later EIRs on site-specific projects incorporating the general discussions by reference and focusing on issues specific to the later activity. (14 Cal. Code Reg. §§ 15152(a), 15385.) Tiering is appropriate when the sequence of analysis is from a program EIR for a general plan or policy statement to an EIR or negative declaration for a site-specific project. A lead agency may prepare a “first-tier” program EIR, leaving the analysis of the project-level details of future development to “second tier” subsequent EIR’s or negative declarations when a specific project is proposed. (14 Cal. Code Reg. § 15152(b).)

CEQA encourages agencies to tier their EIRs whenever feasible. (Pub. Res. Code § 21093(b).) Where a lead agency uses the tiering process in connection with a program EIR for a large-scale planning approval such as the PMPU, the analysis of detailed, site-specific information may not be feasible and can be deferred until such time as the lead agency prepares a future environmental document in connection with a project of more limited geographical scale, so long as deferral does not prevent adequate analysis of significant effects of the planning approval at hand. (14 Cal. Code Reg. § 15152(c).) Tiering thus allows the agency to focus on the actual issues ripe for decision at each level of environmental review. (Pub. Res. Code § 21093(a).)



Comments from Save Our Access assumed that the PEIR is a “master plan EIR” pursuant to Public Resources Code Section 21157(b)(2) and CEQA Guidelines Section 15176(b),<sup>11</sup> and argued that this necessitates inclusion of these cumulative projects in the PMPU. This assumption is incorrect because the PEIR is a “program EIR” authorized by CEQA Guidelines Section 15168, not a “master EIR” pursuant to Public Resources Code Section 21157(b)(2) and CEQA Guidelines Section 15176(b).

Under CEQA, the District is not required to analyze the environmental impacts of the unamended portions of the Master Plan. As discussed by the Court of Appeal, “the agency will not be required to assess the environmental effects of the entire plan or preexisting land use designations. Instead, the question is the potential impact on the existing environment *of changes in the plan which are embodied in the amendment.*” (*Black Property Owners Assoc. v. City of Berkeley* (1994) 22 Cal.App.4th 974.) Here the PMPU does not include land use or density amendments related to the Central Embarcadero Subdistrict, or PD5, PD6, Pond 20, or TAMT. While the water/land use designations are not changing for areas like the Central Embarcadero Subdistrict, some environmentally beneficial PMPU policies are applied in the PMPU throughout the District (e.g. PMPU ECO Policy 1.1.9 [prohibition on invasive plant species]). However, that does not make the PMPU responsible for buildout of these existing designations under CEQA. (See *San Franciscans for Livable Neighborhoods v. City and County of San Francisco* (2018) 26 Cal.App.5th 596, 623 [Housing Element amendment which encouraged higher density housing, which did not change zoning, was not responsible for impacts of that development allowed by existing zoning]; *Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266, 286.)

Nevertheless, the Seaport San Diego Project, planned for the Central Embarcadero Subdistrict, was analyzed as a cumulative development project #11 in the PMPU Draft EIR (Draft EIR pp. 2-21 through 2-22 [“The Seaport San Diego Project.”]; see also Cumulative Project #1 [“Chula Vista Bayfront Master Plan (CVBMP)”], Cumulative Project #6 [“National City Bayfront Projects and Plan Amendments”], and Cumulative Project #7 [“Wetland Mitigation Bank at Pond 20”], Cumulative Project #12 [TAMT].) As discussed below, this approach is consistent with CEQA case law.

The California Supreme Court has explained that “it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the general plan or program, leaving project-level details to subsequent EIR’s when specific projects are being considered...This type of tiering permits a lead agency to use a first tier EIR to adequately identify ‘significant effects of the planning approval at hand’ while deferring the less feasible development of detailed, site specific information to future environmental documents.” (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1174.)

Arguments nearly identical to those raised by the commenters were rejected by the Court of Appeal for the Port of Long Beach Master Plan amendments. (*Al Larson, Inc v. Board of Harbor Commissioners of the City of Long Beach* (1993) 18 Cal.App.4th 729; see also *Town of Atherton v. California High-Speed Rail Authority* (2014) 228 Cal.App.4th 314, 345-346.)<sup>12</sup> In *Al Larson*, the Port of

<sup>11</sup> Some commenters incorrectly cited this as Section “15716,” which does not exist.

<sup>12</sup> Commenters relied upon a citation to *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1337-38. However, that case is readily distinguishable. *Antioch* involved a “road and sewer construction project” which was expressly recognized as “opening the way for future development...and...will strongly influence the type of development possible.” (*Id.* at 1334.) The Court explained there that: “In sum, our decision in this case arises out of the realization that the sole reason to construct the road and sewer project is to provide a catalyst for further development in the immediate area.” The District wide planning efforts in the PMPU, do not “open the way” for the Seaport San Diego Project, PD5, PD6, Pond 20, or TAMT and unlike *Antioch* they were analyzed as “cumulative projects.”

Long Beach prepared a PMP amendment to define a short-term (five-year) goal of the Port to meet increased demand for handling commercial cargo through the use of six anticipated projects, which included three minor landfills. Consideration of these landfills was the primary purpose of the PMP amendment. (*Id.* at 742.) The PMP amendment however did not change the master plan land use designations or zoning for the six anticipated projects. (*Id.*)

To address the PMP amendment in *Al Larson*, the Port also prepared a programmatic EIR and described six anticipated port projects. (*Id.* at 737, 740-741.) The Port concurrently prepared and certified separate project specific EIRs for two of the “six anticipated projects.” (*Id.* at 737) Petitioners contended that the EIR for the PMP amendment inappropriately deferred analysis to future project EIRs. (*Id.* at 738.) The PMP amendment and the EIR however, noted that “the Board committed itself to conduct individual environmental assessments in accordance with CEQA on a project-by-project basis on each of the indicated projects...[and states] the PMP update and the FEIR describe anticipated projects for informational purposes—approval of the PMP and the FEIR will not constitute approval of anticipated projects.” (*Id.* at 742; internal quotations and brackets omitted.)

The “deferral of more detailed analysis to a project EIR is legitimate” even though some of those project level EIRs were certified concurrently with the PMP first-tier EIR. (*Id.* at 746-747.) The court reasoned that this approach is consistent with allowing the Port to consider “a broad range of policy alternatives for the overall development of the port to permit the Board to consider alternative directions for the Port independent of particular projects.” (*Id.* at 744.)

The Court of Appeal reached a similar conclusion in *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, where a hazardous waste management plan was limited to policies, siting criteria and the identification of general areas where future solid waste facilities could be located. The court rejected claims that the project description was inadequate because it did not identify specific disposal and treatment sites, holding that adoption of the plan did not commit the county to a particular course of action and environmental review properly could be deferred until a specific project was proposed. Finally, improper piecemealing will not occur and two projects may undergo separate environmental review if the second activity is independent of, and not a contemplated future part of, the first activity. (*Sierra Club v. Westside Irrigation Dist.* (2005) 128 Cal.App.4th 690, 699-700.) In determining whether two projects have “independent utility,” the courts consider various factors, including whether the projects have different proponents, serve different purposes or can be implemented independently. (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209.)

Improper piecemealing does not occur by allowing separate environmental review of the Seaport San Diego Project because that proposal and the PMPU have independent utility – they have different proponents (District vs. private developer), serve different purposes (baywide development policies vs. site-specific development project) and can be implemented independently, whether or not the other plan or project is ever approved or implemented. (*See, e.g., Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 99 (refinery upgrade and construction of pipeline exporting excess hydrogen from upgraded refinery were “independently justified separate projects with different project proponents”); *Planning & Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 237 (water transfer had “significant independent or local utility” from broader water supply agreement and would be implemented with or without it). For the reasons discussed above, the Seaport San Diego Project, PD5, PD6, Pond 20, and TAMT are not a reasonably foreseeable consequence of PMPU and their omission from the

PMPU's project description does not result in a failure to consider the cumulative consequences of the PMPU. Accordingly, the District's approach does not constitute improper piecemealing.

### **2.3.3 Future Development Cannot Ignore the PMPU**

Some comments also assert that the omission of a specific development proposal for the Central Embarcadero is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. However, this would not occur. Any future project located in Central Embarcadero would be required to comply with (1) the existing or proposed land use designations, which in turn must be consistent with the policies of Chapter 3 and Chapter 8 of the California Coastal Act, and (2) Chapters 4 and Chapter 5 of the PMPU, which contain the Baywide Development Standards (e.g. PMPU ECO Policy 1.19 [prohibition on invasive plant species]). (PEIR, Chapter 3, *Project Description*, Section 3.5.2, *Baywide Development Standards*.) Both CEQA and the California Coastal Act require that all future development projects must be consistent with the PMPU, in order to be approved. (Public Resources Code § 30715.5.) In addition, the PEIR provides that future site-specific development projects will be subject to further environmental review pursuant to CEQA Guidelines Sections 15152 and 15168. (PEIR, pp. 1-2 – 1-3.)

## 2.4 Agency Letters and Responses

### 2.4.1 Comment Letter A1: California Coastal Commission

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

GAVIN NEWSOM

**CALIFORNIA COASTAL COMMISSION**

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Letter  
A1

January 10, 2022

Board of Port Commissioners  
San Diego Unified Port District  
3165 Pacific Highway  
San Diego, CA 92101

Re: Coastal Commission Comments on Port Master Plan Update and Draft Program  
Environmental Impact Report

Dear Chairman Zucchet and Commissioners:

California Coastal Commission (Commission) staff appreciate the opportunity to review and provide preliminary comments on the Draft Program Environmental Impact Report (PEIR) for the Port Master Plan Update (PMPU) for the San Diego Unified Port District (District). Notice of availability of the PMPU PEIR was received by email on November 8, 2021. Commission staff has reviewed the Draft PMPU, dated November 2021, which consists of a complete update and replacement of the certified Port Master Plan (PMP), except for the National City Bayfront and Chula Vista Bayfront planning districts, and have provided more detailed comments to District staff at monthly coordination meetings over the past year, as well as two previous comment letters dated July 31, 2019 (Attachment A) and November 25, 2020 (Attachment B) that are included as attachments and incorporated herein.

A1-1

**PUBLIC REVIEW PERIOD**

During review of the April 2019 draft PMPU, Commission staff and the public were given a 90-day review period. However, for the subject PEIR the public review period was limited to 60 days, which is not enough time for Commission staff or the public to review. Given the complexity, length, and importance of the PMPU, we request that the District consider extending the public review period for an additional 30 days to ensure there is adequate public participation in this significant port planning process.

A1-2

**LACK OF SPECIFICITY TO PROTECT COASTAL RESOURCES**

Section 30177 of the Coastal Act states, in part, that a port master plan shall include all of the following: (1) the proposed uses of land and water areas, where known; (2) the projected design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body; (3) an estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and

A1-3

#### Response to Comment A1-1

The District appreciates the California Coastal Commission's ("CCC" or "Coastal Commission") staff comments and its introduction and summary of the Coastal Commission's PMPU commenting history and Draft PEIR noticing and availability for public comment. Responses to Coastal Commission's individual comments follow below.

#### Response to Comment A1-2

This commenter requested a total of approximately 90 days (or an approximate 30-day extension) to the District's 63-day Draft PEIR public review period. The District provided an opportunity for the public to review the revised PMPU and PEIR together during the public review period. Pursuant to Section 15105 of the CEQA Guidelines, EIRs shall not be circulated for less than 45 days or should not be more than 60 days, except under unusual circumstances, which did not apply in this case. However as a regional planning document, the District acknowledges that there is significant public interest in the PMPU. As such, the District elected to extend the public review of the Draft PEIR from the standard 45-day review to the less common approximate 60-day public review to ensure sufficient time to review the document and provide comments. Further, since October 2020, the District has coordinated with the CCC staff (generally on a monthly basis) by meeting to discuss the PMPU contents and the associated CCC staff comments. Such meetings continued to occur after the PMPU's circulation for public comment, during the public review period starting on November 8, 2021.

Finally, in accordance with the California Coastal Act (CCA), Section 30712, the District will circulate a Notice of Completion (NOC) with a copy of the PMPU, to the CCC and all parties that sent comments to the District, since that date. The distribution of the NOC with the revised PMPU will occur at least 30 days prior to the District's decision and associated public hearing. Finally, please refer to the response to Comment A1-9 below that lists the District's attendance at public meetings that provided numerous opportunities for public comment and interaction with District staff, and that were open to all representatives of state and local agencies, for discussion of the several drafts of the PMPU. The District held these public meetings throughout

January 10, 2022  
Page 2

qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact; (4) proposed projects listed as appealable in Section 30715 in sufficient detail to be able to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act; and (5) provisions for adequate public hearings and public participation in port planning and development decisions. Section 30711 further requires a port master plan to contain information in sufficient detail to allow the Commission to determine its adequacy and conformity with the Coastal Act. However, the draft PMPU lacks sufficient specificity to determine whether it is in conformance with the Coastal Act and would adequately protect coastal resources. As discussed in our previous comment letters, the certified PMP describes existing conditions and future development envisioned for each planning district in far more detail; however, the current draft does not carry forward an adequate level of detail.

The project lists in each planning district should be augmented with additional details to determine whether the appealable projects are consistent with the Chapter 3 policies of the Coastal Act, as required by Section 30711. Please review the most recent PMP amendments approved by the Commission for examples of the level of detail expected in the planning district text and project lists. In addition, many of the policies include overly broad language, such as "modify or replace in kind". The language should be revised to indicate the specific project modifications that are proposed.

In addition, it is unclear whether the draft PMPU includes all non-appealable projects in the project lists. Historically, both appealable and non-appealable projects have been listed in the certified PMP. In fact, the certified PMP states: "A listing of development projects, covering both appealable and non-appealable categories, is provided in the discussion for each of the nine Planning Districts." Other ports in California (e.g., Port of Los Angeles and Port of Long Beach) also list both appealable and non-appealable projects in their PMPs, although appealable projects may be listed in greater detail than non-appealable projects, in order to be able to determine their consistency with Chapter 3, as required by Section 30711. However, Section 30711(b) of the Coastal Act requires that a PMP contain information in sufficient detail to allow the Commission to determine its adequacy and conformity with Chapter 8. The Commission has interpreted this to mean that information on non-appealable projects is also required to be included in a PMP to ensure those projects are consistent with Chapter 8. In addition, Section 30718 states: "For developments approved by the commission in a certified master plan, but not appealable under the provisions of this chapter, the port governing body shall forward all environmental impact reports and negative declarations prepared pursuant to the Environmental Quality Act of 1970 (commencing with Section 21000) or an environmental impact statements prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) to the commission in a timely manner for comment." Although certain categories of development may not be appealable to the Commission, they must still be approved by the Commission in the certified PMP. In order for the Commission to approve non-appealable developments, they must be included in the PMPU.

Many non-appealable projects are listed in the certified PMP, including most recently the Convention Center expansion (Convention Center Phase III) and the Bayside Performance Park. The District amended the PMP in both cases to add these non-appealable projects

2

A1-3  
cont.

A1-4

A1-5

the preparation of the PMPU's Vision, Framework, and the different drafts of the PMPU itself. These opportunities allowed the public substantial time to provide comments to both the District's Board members and staff.

## Response to Comment A1-3

This commenter believes that "the draft PMPU lacks sufficient specificity to determine whether it is in conformance with the Coastal Act and would adequately protect coastal resources." The commenter further asserts that the certified PMP describes existing conditions and future development envisioned in each planning district "...in far more detail..." than is carried forward in the PMPU.

The District disagrees. When the PMPU is interpreted as a whole and integrated plan, and not by citing only individual chapters and sections, the PMPU provides enough detail to show compliance with the CCA.

Through the PMPU, the District has provided the location of WLU designations for all planning districts in the PMPU area. It also identifies the types of water and land uses, both primary and secondary, that would be allowed, in the PMPU area (see WLU Element, Figure 3.1.1 and Table 3.1.2, including its footnotes and corresponding WLU Element policies). Chapter 5 of the PMPU includes the appealable projects for each Planning District, within the PMPU area. These uses and developments could be implemented in the future and the PMPU describes them in a similar manner as the CCA, Section 30711. Further, that CCA Section requires a list of water and land uses, as provided by the PMPU. It additionally requires a port master plan to outline "...The projected design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body." All of these criteria are satisfied in the PMPU. As stated above the PMPU provides not only WLU policies but also Baywide Development Standards (Chapter 4) and development standards for the individual planning districts and associated subdistricts, as found in Chapter 5. These development standards govern the overall design of future development and include promenade and pathway design, open space standards, building bulk, and view corridor requirements. Combining the PMPU Elements' policies with the planning district visions and special allowances, the planning district planned improvements, and the Baywide Development Standards, the PMPU describes specific planned improvements and guidance for future development, with sufficient detail to conclude that the PMPU complies with the CCA, Chapter 8 and

the relevant sections of the CCA, Chapter 3. Ultimately, the CCC will determine whether there is sufficient detail in the PMPU.

### Response to Comment A1-4

The comment indicates that “additional details” are needed “to determine whether the appealable projects are consistent with the Chapter 3 policies of the Coastal Act.” Again, the District disagrees. If the PMPU’s appealable projects are compared to the existing certified PMP’s listing of appealable projects, both provide similar levels of detail and, in some cases, the PMPU provides more detail. Examples of this are shown in the table, below. Note that the appealable projects listed in that table are not shown in any particular order, as they are listed for a simple comparison of the level of detail found in the PMP and PMPU. Further, the table’s list of the PMP and PMPU projects are not presented in comparison to each other but are only shown to illustrate the level of detail provided by both the PMP and PMPU and how similar those specifics are when compared, as suggested by the comment. Additionally, the table does not present an all-inclusive list of appealable projects for either the PMP or PMPU. Chapter 5 of the PMPU includes all the appealable projects for each Planning District, within the PMPU area. These uses could be implemented in the future and the PMPU describes them in a similar manner as required by the CCA, Section 30711. Moreover, it is for the CCC to determine whether there is sufficient detail to certify the PMPU.

#### ***Comparison of Example Appealable Projects Details between PMP and PMPU***

PMP	PMPU
PD1 Shelter Island*	
13. NO. HARBOR DRIVE: Partial street vacation, roadway realignment, landscaping, traffic calming, parking and pedestrian/bicycle access improvements**	AP PD1.22 Develop up to four additional short-term public docking slips in association with recreational marina-related facilities, provided there is no net increase in slips within the subdistrict.
14. HOTEL EXPANSION: Add rooms, pedestrian/bicycle accessway and renovate structures, install landscaping and parking improvements	AP PD1.28 Allow for modifications to moorings to accommodate a cumulative increase of up to 10 moored vessels at existing Shelter Island Anchorages, including the A-1, A-1a, A-1b, and A-1c anchorage

	areas, provided the boundaries of each of the anchorages does not change, and there is no unmitigated increase in shading or fill.
15. BAY CITY/SUN HARBOR REDEVELOPMENT: New restaurant, retail and marina services, public improvements including view corridors, pedestrian/bicycle access, open marina green park area with water taxi recreational boat access and new 50-slip marina.	<b>AP</b> PD1.40 Modify North Harbor Drive to accommodate vehicular traffic, pathways, and bikeways.
<b>PD2 Harbor Island</b>	
2. HOTEL COMPLEX: up to 500 rooms, restaurant, cocktail lounge, meeting and conference space; parking; landscape	PD2.4 In conjunction with PD2.32, modify North Harbor Drive, in coordination with other agencies, by: <b>AP</b> a. Narrowing North Harbor Drive to four general travel lanes to accommodate vehicular traffic; <b>AP</b> b. Providing <del>a-potential</del> dedicated transit lane(s) along the south side of North Harbor Drive, east of Harbor Island Drive, to support a bayfront circulator or other transit options. The <del>potential</del> dedicated transit lane(s) <del>are is</del> planned to ultimately provide a connection between the San Diego International Airport and the San Diego Convention Center; and
AIRPORT ACCESS ROAD: Construct (project number 2)	<b>AP</b> PD2.12 Develop up to 165 additional recreational boat berthing vessel slips in association with existing recreational marina-related facilities in this subdistrict to allow for the accommodation of various-sized vessels.

<p>6. LAUREL STREET: Widen between Harbor Drive and Pacific Highway</p>	<p><b>AP PD2.33</b> In conjunction with PD2.5, modify Harbor Island Drive (Entry Segment) to accommodate vehicular traffic, pathways, bikeways, and other improvements, including:</p> <ul style="list-style-type: none"><li>a. New gateway signage welcoming visitors to San Diego and Harbor Island;</li><li>b. An arrival gateway at the intersection of Harbor Drive and Harbor Island Drive;</li><li>c. Pedestrian connections between North Harbor Drive and Harbor Island Drive (Entry Segment), through improvements such as high-visibility crosswalks, controlled crossings, and curb extensions or safety islands to reduce crossing distances; and</li><li>d. Pedestrian and landscape improvements along both the west and east sides of Harbor Island Drive, as generally depicted in Figure PD2.5, including:<ul style="list-style-type: none"><li>1. Street furniture, seating, and pedestrian lighting;</li><li>2. A parkway with landscaping and street trees: i. The parkway shall be located between the street (roadway) and the sidewalk; ii. The parkway shall measure a minimum of 8 feet in width; and iii. Landscaping shall include native and drought-tolerant landscaping;</li><li>3. A multi-use path measuring a minimum width of 12 feet along the west side of the street; and</li><li>4. A sidewalk measuring 8 feet in width along the east side of the street. e. Where they exist, medians improved in coordination with the</li></ul></li></ul>
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	design of the above improvements, which may include a combination of signage, lighting, enhanced landscaping, and/or public art.
8. ANCHORAGE FACILITY: Install perimeter marker buoys at Anchorage A-9	PD2.49 In the Commercial Recreation-designated area north of the basin, develop retail, restaurant and/or overnight accommodations, as described below: <b>AP a.</b> Overnight accommodations of up to 1,360 hotel rooms with up to 40,000 square feet of meeting space; and/or <b>AP b.</b> 92,500 square feet of associated retail and/or retail with restaurant; or c. 92,500 square feet of restaurant.
PD3 Embarcadero (North and South Subdistricts only)	
7. HILTON SAN DIEGO BAYFRONT: Construct hotel tower with up to 1200 rooms, a lobby, ballroom, meeting rooms, retail shops, restaurants, other ancillary uses, above-grade parking structure, public access pier, ground-level and elevated pedestrian access to the waterfront, plaza, and landscape improvements; expand hotel with second hotel (not to exceed height of existing hotel tower) adjacent to and on top of parking garage (and outside of Park Boulevard view corridor) with up to 500 rooms, a lobby, up to 55,000 net sq. ft. of ballroom/meeting rooms, up to 2,500 sq. ft. retail space, other ancillary uses, and landscape improvements.	PD3.7 The following roadway reconnections shall be made in the area bounded by Ash Street, B Street, Pacific Highway, and North Harbor Drive, including portions of the block south of B Street, as generally depicted in Figure PD3.4: <b>AP a.</b> Extend A Street to North Harbor Drive to provide a link between North Harbor Drive and Pacific Highway for pedestrian, bicycle, and vehicle use. The minimum width of this connection shall be 80 feet, building face to building face, measured at grade. <b>AP b.</b> Reconnect B Street between Pacific Highway and North Harbor Drive for pedestrian, bicycle, and vehicle use, in addition to temporary truck and other staging associated with cruise ship operations, as described in PD3.1. The minimum width of this

	connection shall be 80 feet, building face to building face, measured at grade.
11. OLD POLICE HEADQUARTERS REHABILITATION: Rehabilitation and adaptive reuse of historically designated Old Police Headquarters building with a mix of specialty retail, entertainment and restaurant uses; reconfiguration of surrounding parking areas; and, pedestrian access, plaza and landscape improvements.	<b>AP PD3.667</b> Develop a new marina with up to 30 recreational boat berthing vessel slips and associated recreational marina-related facilities, southeast of the South Embarcadero public access mole pier, to accommodate various-sized vessels. <b>AP PD3.678</b> Develop up to 35 additional recreational boat berthing vessel slips in association with existing recreational marina-related facilities in the subdistrict, to accommodate various sized vessels.
14. MARRIOTT HOTEL MEETING SPACE EXPANSION: Demolish and reconstruct Marriott Hall; create new outdoor hotel/public space (“Marina Terrace”); construct improved and widened Marina Walk walkway; improve public amenities, including public views towards the bay and pedestrian access; modify parking configuration; install landscape and hardscape improvements.	PD3.23 In the Commercial Recreation-designated area located on the block bounded by Grape Street, North Harbor Drive, Hawthorn Street, and Pacific Highway, develop retail, restaurant and/or lower cost overnight accommodations at the Regional Mobility Hub, as described below: <b>AP a.</b> Lower cost overnight accommodations with up to 500 beds (or equivalent rooms); and/or <b>AP b.</b> Up to 25,000 additional square feet of retail and/or retail with restaurant space; or <b>c.</b> Up to 25,000 additional square feet of restaurant space.
<b>PD8 Imperial Beach</b>	
4. RESTAURANT: construct restaurant and ancillary commercial	<b>AP PD8.11</b> Modify, or replace in-kind, the existing pier building, with a potential increase of up to 3,000 additional square feet of retail and/or retail with restaurant

uses on expanded pier platform when market demands	space, to improve visual and physical access at the western end of the pier.
(The only appealable project in PD8 is number 4, above)	PD8.12 On the Palm Avenue and Elkwood Avenue sites designated Commercial Recreation, develop up to 15,000 additional square feet of: <b>AP</b> a. Retail and/or retail with restaurant space; or b. Restaurant space.
<b>PD9 Silver Strand</b>	
1. MARINA: Install buildings, slips	<b>AP</b> PD9.21 Develop short-term public docking slips at the northern portion of Grand Caribe in association with recreational marina-related facilities, as generally depicted in Figure PD9.3.
2. SHORELINE PARK	<b>AP</b> PD9.23 Develop up to 10 additional recreational boat berthing vessel slips in association with existing recreational marina-related facilities in the subdistrict. Landside facilities shall be small-scale water-oriented or marina-related development that is in character with the scale and size of the surrounding development.
3. CROWN COVE ANCHORAGE: Install boundary markers, fore and aft moorings, and landing structures	<b>AP</b> PD9.11 Develop up to 10 additional recreational boat berthing vessel slips in association with existing recreational marina-related facilities in the subdistrict.
<b>PD10 Coronado</b>	
2. FIRST STREET COMMERCIAL AREA: Construct restaurant, commercial buildings, parking and landscaping, pier and slips	<b>AP</b> PD10.10 Allow for modifications to moorings to allow for a cumulative increase of up to 20 moored vessels at existing Coronado Anchorage (A-4), provided the boundaries of the anchorage do not change, and

	there is no unmitigated increase in shading or fill.
5. LOOP ROAD: Bay fill, install paving, curb, gutters, utilities, street trees	<b>AP PD10.29</b> Develop one additional short-term public docking slip within this subdistrict in association with recreational marina-related facilities in collaboration with the City of Coronado.
6. HOTEL COMPLEX: Construct hotel, accessory uses, parking, landscaping, recreational facilities	<b>AP PD10.33</b> Allow for modifications to moorings to allow for a cumulative increase of up to 20 moored vessels at existing Coronado Anchorage (A-4), provided the boundaries of the anchorage do not change, and there is no unmitigated increase in shading or fill.

Regarding the comment that “many of the policies include overly broad language, such as ‘modify or replace in kind’,” and that specific project modifications should be indicated as proposed, the commenter does not identify which policies are “overly broad.” The PMPU uses “modify or replace-in-kind” to refer to an existing use or building that may be developed or redeveloped without increasing the building footprint, development envelope or an intensity of use. For example, “modify or replace in kind [sic],” this language may be used in planned improvements in planning districts’ where additional total numbers of new hotel rooms (overnight accommodations) and increased total new square footage of retail and restaurant space are not proposed as part of the PMPU (e.g, PDs 1 & 10). This language is used when the intent of the proposed planned improvements is not to expand the development intensity within a planning district, such as in PDs 1 and 10. Additionally, the PMPU does not propose site-specific projects that fall within the category of ‘modify or replace in kind.’ The PMPU states this explicitly, in PMPU, Section 6.2.

January 10, 2022  
Page 3

to the project list and include associated information in the text of the planning district to ensure that the projects were consistent with Chapter 8. As part of this process, both the Commission and the public had the opportunity to review these projects and participate in a public hearing before development decisions were made. Therefore, the District must continue to list both appealable and non-appealable projects in the PMPU in order to be consistent with Chapter 8 of the Coastal Act.

A1-5  
cont.

#### AFFIRMATIVE LANGUAGE

In general, stronger language is needed throughout the PMPU to protect, encourage, and provide for priority uses and coastal resources, including commercial fishing, recreational boating facilities, public access and recreation, biological resources, visual resources, and lower-cost visitor and recreational facilities.

A1-6

#### LAND AND WATER USE ACREAGES

An account and explanation of the change in acreages between the certified PMP and the proposed PMPU should be provided as part of the environmental review. In addition, land and water use acreages for priority uses should be maintained and expanded as part of the PMPU and accompanied by a detailed explanation for such determinations.

A1-7

#### NONCONFORMING USES AND DEVELOPMENT

The PMPU identifies that legal nonconforming uses and development may be repaired and maintained, within appropriate parameters that address potential impacts to public health, safety and welfare; however, public access should also be a consideration in determining whether repair and maintenance is appropriate.

A1-8

#### CONFORMANCE WITH THE ELEMENTS

Section 6.3.2 of the PMPU states: "When making a determination of conformance, the District may use its discretion to balance and harmonize the elements' policies to best achieve the Plan's overall goals. If, when all aspects of the development are considered, the District finds that the development will further the broad goals, objectives and policies in the elements even if it does not address them all, it may be deemed in conformity with the elements." In summary, development must support the goals, objectives and policies of the PMP but not necessarily be consistent with all policies in the baywide elements. The baywide elements include goals and policies for ecology, environmental justice, safety and resiliency, mobility, and water/land use, which are not included in the individual planning districts. These important baywide policies should be made mandatory or included in the planning districts for which they apply in order to ensure consistency with the Coastal Act. There may be some policies that are not applicable; however, this section should be revised to clarify that the District shall make findings that the development as conditioned is consistent with all applicable policies of the PMP, including those within the baywide elements.

A1-9

## Response to Comment A1-5

The CCC suggests that "information of non-appealable projects is also required to be included in a PMP" and cites Public Resources Code Section 30718 to support this assertion. Consistent with Section 30711(a)(4), the Port Master Plan is only required to include "Proposed projects listed as appealable in Section 30715..." Similar text is included in the CCC's implementing regulations, which provide that the Port Master Plan shall include "all proposed developments listed as appealable..." (14 Cal. Code Regs. §13625(b)). This does not include non-appealable developments (See also *Conway v. City of Imperial Beach* (1997) 52 Cal.App.4th 78 [Pub. Res. Code Section 30005 definition of "amendment" as "authorizing the use" does not include disallowing a use.]). Section 30718 is not associated with the adoption of a Port Master Plan, rather the CCC's regulations interpret the language associated with Section 30718 as part of the Coastal Act's implementing procedures after certification "in Port Areas," i.e., "Notification of Non-Appealable Developments *After Certification*." (See 14 Cal. Code Regs. § 13647, which references Pub. Res. Code Section 30718 as its statutory authority. Found

at:[https://govt.westlaw.com/calregs/Document/I06950C8485E64915811F733467450B1F?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\).\)](https://govt.westlaw.com/calregs/Document/I06950C8485E64915811F733467450B1F?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default).)

Additionally, Section 30718 relates to "implementation" of a master plan, not the preparation of either a port master plan or an amendment to a certified port master plan. Therefore, the District is not required to address non-appealable projects in detail and consistent with Section 30711(b), the PMPU contains sufficient detail to allow the CCC to determine its adequacy and conformity with the applicable policies of CCA, Chapter 8 regarding non-appealable projects. Consistent with Section 30718 and the District's CDP regulations (as revised on March 9, 1999, District Clerk Document Number 19171), the District does, and will continue to, forward to the CCC all environmental impact reports and negative declarations prepared pursuant to the California Environmental Quality Act of 1970 (commencing with Section 21000) or any environmental impact statements prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) for non-appealable projects, in a timely manner.

Although the District has provided a response to Coastal Commission staff's concerns regarding non-appealable projects being listed in the PMPU, this comment does not raise an environmental issue regarding the adequacy of the PEIR. Therefore, pursuant to the CEQA Guidelines Sections 15088 and 15204(a), a response is not required.

**Response to Comment A1-6**

This is a PMPU-related comment that suggests stronger language is needed throughout the PMPU to protect, encourage, and provide for priority uses and coastal resources, including commercial fishing, recreational boating facilities, public access and recreation, biological resources, visual resources, and lower-cost visitor and recreational facilities. This comment's request for stronger language in the PMPU regarding a number of topics is a general comment which does not identify any specific environmental resource or section of the PMPU that is lacking and does not propose any "stronger language" for the District's consideration. Pursuant to CEQA Guidelines Section 15088(c), a response is not required. The District appreciates the CCC staff's comment. To demonstrate the PMPU's compliance with the CCA, the following goals and objectives (including the relevant policies contained therein) were in the November 2021 Draft PMPU. Please note that this list is not all inclusive and there may be additional relevant policies. As evidenced in the following example policies, the PMPU maintains priority uses on Tidelands.

***Commercial Fishing Policies***

**WLU Policy 3.2.4** (Public viewing of commercial fishing activities)

**WLU Policy 5.2.2** (deep-water berthing preservation)

**WLU Policy 5.3.1** (Protect commercial fishing use areas)

**WLU Policy 5.3.2** (prioritize/ensure the functionality of commercial fishing)

**WLU Policy 5.3.3** (support commercial fishing operations)

**WLU Policy 5.3.4** (promote the redevelopment of existing commercial fishing facilities)

**WLU Policy 5.3.5** (allow redevelopment of sportfishing operations)

**ECON Policy 2.1.1** (maintain a mix of water and land uses)

**ECON Policy 2.3.11** (coordinate with commercial fishing, recreational fishing, and sportfishing operations to identify and prioritize facility improvements)

**ECON Policy 2.3.12** (explore innovative financing mechanisms and partnerships)

**ECON Policy 2.3.13** (support the promotion of fishing-related events)

**ECON Policy 2.3.14** (promote and support the commercial fishing industry)

**ECON Policy 2.3.15** (support commercial fishing)

***Maritime Policies***

**WLU Policy 5.1.3** (Provide space for coastal-dependent port purposes)

**WLU Policy 5.2.1** (Improve maritime berthing facilities)

**WLU Policy 5.2.4** (Maintain and develop maritime berthing facilities)

**M Policy 2.1.1** (Prioritize use of existing land on terminals for maritime uses and operations)

**M Policy 2.1.5** (Seek investments and grants to efficiently and sustainably transfer goods)

**M Policy 3.2.1** (Engage with U.S. military to ensure critical assets for military use)

**ECON Policy 2.2.1** (Maintain the District's marine terminals)

**ECON Policy 2.3.1** (Invest in opportunities to protect and preserve marine and maritime industrial areas)

**ECON Policy 2.3.2** (Coordinate investment in marine terminal and maritime industrial operations improvements)

**ECON Policy 2.3.3** (Provide maritime and marine infrastructure for operation and maintenance of commercial and recreational vessels)

**ECON Policy 2.3.4** (Provide coastal-dependent and coastal-related industrial leasing opportunities)

**ECON Policy 2.3.5** (Strive to maintain a diverse mix of cargo and marine terminal activities)

**ECON Policy 2.3.6** (Promote and designate areas for shipbuilding repair)

**ECON Policy 2.5.1** (Promote established and emerging coastal-dependent commercial and industrial sectors)

**PD4.8** (Expand shore power capabilities at the TAMT)

***Recreation Open Space Policies***

**WLU Policy 3.1.8** (Development adjacent to ROS shall comply with, height limit, setback, and stepback requirements)

**WLU Policy 4.1.1** (no net loss of ROS acreage)

**WLU Policy 4.1.3** (ROS areas shall be publicly accessible)

**WLU Policy 4.1.4** (Maintain public accessways and recreational facilities)

**WLU Policy 4.1.5** (ROS shall be in accordance with Baywide Development Standards).

**WLU Policy 4.1.7** (Coastal-Enhancing development to promote public access)

**WLU Policy 6.1.2** (Program a variety of affordable recreational activities)

**Response to Comment A1-7**

This comment relates to the changes in land and water use acreage calculations between the existing PMP and the proposed PMPU. The PEIR provided the requested explanation and tables showing the recent progressive District water and land use designation acreage refinements, since the start of the PMPU process and preparation. The PEIR Environmental Setting, Table 2-1 (p. 2-5), identifies both the existing PMP acreages and the subsequent recalculated acreages using the more accurate Geographic Information System (GIS) digital conversion of acreages for the planning districts, as a whole and specifically, the water and land use designations. The PEIR, in Table 2-1, provides detailed explanation regarding the differences between the certified PMP and the GIS-converted acreages (pp. 2-3 to 2-6). The PEIR Project Description then compares the GIS-converted acreages to the PMPU proposed water and land use designation acreages and depicts the net difference between the two (Table 3-3, pp. 3-15 to 3-17). Therefore, the information requested in this comment is already provided in the PEIR.

The comment also recommends that the PMPU should maintain and expand land and water use acreages for “priority uses” and be accompanied by a detailed explanation or listing of priority uses. Assuming the commenter means coastal dependent uses, such as commercial fishing, recreational boating and deep-water-dependent maritime uses, [the PMPU addresses land and water acreages for coastal-dependent uses in Table 3-3, pp. 3-15 to 3-17.

**Response to Comment A1-8**

This comment discusses the PMPU and legal nonconforming uses and consideration of public access but does not elaborate how public access should be considered. A legal non-conforming use is a use that was established under the existing PMP, prior to adoption of the PMPU, when that use would be inconsistent with the provisions of the PMPU. Because the comment does not refer to any environmental concerns, no further response is possible. However, the District will continue to consider public access prior to making any discretionary decision regarding future development under the PMPU, including decisions regarding repair and maintenance of existing nonconforming uses.

**Response to Comment A1-9**

This comment relates to a provision of the PMPU involving planning and Coastal Act consistency. The comment quotes language in Section 6.3.2



of the PMPU which is consistent with a long history of case law interpreting and implementing planning documents like the PMPU. "[G]eneral and specific plans attempt to balance a range of competing interests. It follows that it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. An agency, therefore, has the discretion to approve a plan even though the plan is not consistent with all of a specific plan's policies. It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan." (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490; *Families Unafraid to Uphold Rural Etc. County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1336; *Corona-Norco Unified School Dist. v. City of Corona* (1993) 17 Cal.App.4th 985, 994; *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656; *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200.) Similar language has been used for consistency methodology for University Long Range Development Plans (LRDPs). Found at U.C. Riverside 2021 LRDP, page 13: [https://lrdp.ucr.edu/sites/g/files/rcwecm1811/files/2021-11/2021lrdp-final\\_0.pdf](https://lrdp.ucr.edu/sites/g/files/rcwecm1811/files/2021-11/2021lrdp-final_0.pdf)

The same standards have been applied to Coastal Act planning documents. (*Hines v. California Coastal Commission* (2010) 186 Cal.App.4th 830, 835 [upholding an LCP consistency finding, despite the fact that the project did not comply with an LCP policy setting a 100-foot riparian setback].)

The District agrees with Coastal Commission staff that the baywide policies are important but may not be applicable to all development. Section 6.3.2 of the PMPU has been revised. Additionally, the District's CDP regulations already require it to make findings of consistency with the PMP. CDP Regulations Section 10(c)(1) "Staff Review and Findings...A statement that the proposed development conforms, or does not conform, with the certified Port Master Plan." Similarly, Section 11(f)(3) ["A statement that the proposed development conforms, or does not conform, to the certified Port Master Plan."] Section 6.3.2 has been revised to require consistency findings.

January 10, 2022  
Page 4

#### UPDATE TO DISTRICT'S CDP REGULATIONS

As part of the PMPU, the District's Coastal Development Permit (CDP) Regulations, which are incorporated into the PMPU by reference and provide procedures and criteria for the issuance of CDPs in accordance with the requirements of the Coastal Act, including public hearing and noticing provisions, should also be updated, consistent with Section 30177 of the Coastal Act, which requires provisions for adequate public hearings and public participation in port planning and development decisions.

A1-10

#### LACK OF SPECIFICITY IN GLOSSARY

The definition of "Intensification" should be more detailed and address that any change or expansion that would result in a new or increased environmental or coastal resource impact would be considered intensification.

A1-11

The definition of "Major Development" and "Redevelopment" should also be more detailed and include a definition of replacement, including demolition, renovation, reinforcement, or other type of alteration, as well as identification that replacement may be calculated by linear feet, surface area, volume, or weight. In addition, an initial date to calculate cumulative redevelopment should be identified (e.g., January 1, 1977 for the Coastal Act or certification of the original PMP).

A1-12

#### ALTERNATIVES ANALYSIS

Table 6-2, 2050 Buildout Assumptions for Each Alternative, on Page 6-11 in the PEIR should be updated to provide the approximate net new acres of Recreation Open Space for both Alternatives 2 and 3, instead of a general identification that Recreation Open Space for these alternatives will be greater than 14.03 acres, which is the acreage of Recreation Open Space proposed in the PMPU, so that all of the alternatives can be compared using this criterion.

A1-13

#### SHORELINE PUBLIC ACCESS

Section 30210 of the Coastal Act requires maximum access be provided "consistent with public safety needs and the need to protect public rights, rights of private property owners and natural resource areas from overuse." However, the proposed PMPU includes planning language throughout that exempts all coastal dependent uses from providing public access to the shoreline, without meeting the public safety standard, which would reduce the amount of shoreline access throughout the bay. Further, many existing coastal dependent uses already provide shoreline access and should be required to do so into the future. In addition, existing coastal dependent uses that do not currently provide shoreline access, such as the Coronado Yacht Club, should improve public access to the shoreline as future redevelopment occurs. As such, the PMPU language should be revised to more closely resemble Section 30210 of the Coastal Act.

A1-14

### Response to Comment A1-10

This comment represents a comment about the PMPU and planning and the Coastal Act. Further, this comment refers to the Coastal Act, "Section 30177" requiring public hearings and public participation, but there is no Coastal Act section numbered 30177.

The PMPU does not propose to amend the District's CDP regulations (Clerk Document No. 19171) and the PMPU does not incorporate the CDP regulations by reference. The District's CDP regulations include provisions for adequate public hearings and public participation, including without limitation, public notices, publicly available and posted reports and agenda sheets for the Board of Port Commissioners, and consideration at a Board hearing for CDPs (a public hearing of appealable CDPs). Additionally, pursuant to the District's CDP Regulations, the District posts notices of exclusions and appealable CDPs, with the appeal period to its website, and transmits such notices of the California Coastal Commission. Section 6.2.4 of the PMPU addresses the District's public participation and public hearing process. Additionally, for amendments to the Master Plan, pursuant to Coastal Act Section 30712, the District publishes a Notice of Completion, and also provides copies of the NOC to interested persons, organizations and governmental agencies, 30-90 days in advance of a proposed action on a draft PMPA. With respect to the PMPU specifically, the District's comprehensive amendment to the certified Port Master Plan has been the primary subject of 40 Board of Port Commissioners meetings and workshops; 19 public open house events; and 458 stakeholder meetings and presentations, all of which represents an adequate opportunity for meaningful public participation in the PMPU planning process.

### Response to Comment A1-11

This comment requests a more detailed definition of the word "intensification" in the PMPU. Neither the Coastal Act, the Coastal Commission's regulations nor the certified Port Master Plan define "Intensification" or what constitutes a change in "intensity" of development or use. However, the definition of "Intensification" in the draft PMPU has been revised to clarify its meaning as follows:

"The development of a property, site or area at a higher density than currently exists, through development, redevelopment, infill and expansion or conversion of existing buildings, provided such activity increases either the floor area, height, or bulk of the existing structure by more than 10 percent, or any change or expansion of a development or use that would result in a new or increased impact to coastal resources."

## Response to Comment A1-12

This comment requests a more detailed definition of the terms “Major Development” and “Redevelopment” in the PMPU.

The definition of “Major Development” in the draft PMPU has been revised to clarify its meaning and the term “Replacement” has been added to the glossary of terms as follows:

### Major Development

From the effective date of certification this Port Master Plan Update, as specified in 14 CCR § 13632, the:

1. Cumulative modification or cumulative replacement of 50 percent or more of a single major structural component of an existing development; or
2. Cumulative modification or cumulative replacement of 50 percent or more of the sum total of all major structural components of a single existing development or multiple existing developments on an existing development site; or
3. Issuance of a term extension or cumulative term extensions, after the effective date of the Port Master Plan Amendment, that equal to fifteen (15) years or more; or
4. Granting of a new lease of more than ten (10) years; or
5. Issuance of a new Coastal Development Permit for new development.

Replacement (as used in the definition of Major Development)	Renovation, reinforcement, or alternations that shall be calculated by linear feet, surface area or volume (in the case of shoreline protection).
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Demolition has been excluded from the definition of “Redevelopment.” Although it may be part of a renovation, reinforcement or alteration, it alone is not a “replacement” of a major structural component. (Replace is defined as “(1) to restore to a former place or position; (2) to take the place of especially as a substitute or successor or (3) to put something new in the place of” by the Merriam-Webster dictionary (see <https://www.merriam-webster.com/dictionary/replace#:~:text=1%20%3A%20to%20restore%20to%20a,of%20replace%20a%20worn%20carpet>) (last visited March 16, 2022).)

### Response to Comment A1-13

This comment requests that the increased Recreation Open Space acreage identified in Alternatives 2 and 3 be quantified.

This comment states that Table 6-2 on page 6-11 of the PEIR should be updated to provide the approximate net new acres of Recreation Open Space (ROS) for Alternatives 2 and 3. Please see the response to Comment A3-6 above that explains the acreages and the reason for the PMPU's different acreages for water and land use designations, including the ROS Designation.

CEQA Guidelines Section 15126.6 provides direction on the detail necessary to include in an alternatives analysis pursuant to CEQA and for purposes of comparison and evaluation. As explained therein, "the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed." (CEQA Guidelines Section 15126.6(d)). Section 15126.6(b) explains that "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives *shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project.*" (italics added for emphasis) Furthermore, open space is not a significant environmental effect itself under CEQA. (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4<sup>th</sup> 316.)

Alternatives 2 and 3 represent CEQA alternatives to the PMPU that would reduce the extent or intensity of overall future development, through 2050, but would not necessarily decrease the size or acreage of areas designated for future development. Although it is reasonable to assume that the acreage devoted to ROS would increase under these alternatives, as shown in Table 6-2, the PEIR does not identify a specific amount of increased ROS acreage because such detailed information about alternatives does not relate to a potential significant impact and is not required by CEQA. For purposes of a comparison of alternatives under CEQA, it is sufficient that Table 6-2 of the PEIR discloses that Alternatives 2 and 3 would have more ROS acreage than proposed in the PMPU.

### Response to Comment A1-14

This comment recommends that unspecified language in the PMPU regarding shoreline access should be revised to more closely resemble Section 30210 of the Coastal Act. Section 30210, located in Chapter 3 of the Coastal Act, states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Chapter 3 of the Coastal Act and Section 30210 only apply to appealable port projects (see Coastal Act Sections 30711(a)(4), 30714(b), 30715), or wetland, estuary, or existing recreation area indicated in Part IV of the coastal plan. Pursuant to Section 30715, appealable projects include: (1) developments for the storage, transmission, and processing of liquefied natural gas and crude oil in such quantities as would have a significant impact upon the oil and gas supply of the state or nation or both the state and nation; (2) wastewater treatment facilities, except for those facilities which process wastewater discharged incidental to normal port activities or by vessels; (3) roads or highways which are not principally for internal circulation within the port boundaries. (4) office and residential buildings not principally devoted to the administration of activities within the port; hotels, motels, and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes; commercial fishing facilities; and recreational small craft marina related facilities. (5) oil refineries; and (6) petrochemical production plants. Categories of port projects outside of these appealable projects are not subject to the policies of Chapter 3 of the Coastal Act and could not be required to comply with Section 30210.

Based on the above description, the District revised the PMPU at Standards for Waterside Promenades, Section 4.3.1, as shown below.

“3. Waterside promenades shall be provided as part of any development that abuts the waterfront; however, waterside promenades are not required, ~~but are encouraged~~, for coastal-dependent maritime industrial uses, when it is infeasible pursuant to

5. below, as defined in *Table 3.1.3, Allowable Use Types for Land Use Designations* for safety and security concerns.”

Further, a new text box has been added to the PMPU with the following language (see Section 4.3.1):

Section 30212(a) from the California Coastal Act

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

January 10, 2022  
Page 5

#### SEAPORT VILLAGE

The redevelopment of Seaport Village was initially included in the Discussion Draft of the PMPU but has since been removed from the proposed PMPU. This project is of interest to the public and Commission staff, and would have significant impacts to the adjacent Embarcadero and downtown areas. As such, it is unclear how the proposed PMPU is able to comprehensively address planning in this area without the inclusion of policies that address this forthcoming redevelopment project. To avoid piecemealing, we recommend that this project be reincorporated into the PMPU.

A1-15

#### CONVERSION OF NAVY PIER TO A PUBLIC PARK

We appreciate the coordination with District and USS Midway Museum staff to develop a draft park proposal for Navy Park that would demolish the existing Head House and convert the existing parking lot to a public park; however, the PMPU should include more detailed project information, including a deadline for completion of the park.

A1-16

#### LOWER COST VISITOR-SERVING OVERNIGHT ACCOMMODATIONS

Section 30213 of the Coastal Act requires the protection, encouragement and provision, where feasible, of lower cost visitor and recreational facilities. The Commission has found that facilities providing lower cost overnight accommodations are critical to providing equitable coastal access. Moreover, the Commission has found that affordable overnight accommodations are a necessary part of providing public access and recreational opportunities for the many visitors that live further from the coast, particularly for low-income households that will experience a disproportionate barrier to accessing these amenities. The District has only one existing site that offers more affordable overnight accommodations - the Chula Vista RV Resort operated by Sun Outdoors. While RV sites may be more affordable than higher cost hotel rooms, they may not be lower cost for many when the upfront cost to buy or rent an RV is considered. Furthermore, the modular cabins located at the Sun Outdoors RV Resort cost upwards of \$300 per night and are therefore not lower cost either.

A1-17

Given the lack of lower cost overnight accommodations within the District, WLU Policies 6.2.2 and 6.2.4 should be modified to identify that the existing number of overnight accommodations should be maintained, and any future loss of lower cost overnight accommodations should be mitigated with a minimum replacement ratio of 1:1 to ensure no units are lost.

In addition, the District's recent approval of the Sunroad Hotel Project on Harbor Island included the requirement to build lower cost overnight accommodations within five years of the issuance of the Certificate of Occupancy for the project or payment of a \$100,000 in-lieu fee for 25% of the new market rate rooms, which should be added to the PMPU.

A1-18

### Response to Comment A1-15

This comment requests that the Central Embarcadero Subdistrict redevelopment be incorporated into the PMPU to avoid alleged piecemealing. Please see Master Response M-1.

### Response to Comment A1-16

This comment recommends that the PMPU include more detailed project information about the Navy Pier public park, including a deadline for completion. The comment concerns the requirements of an existing Coastal Development Permit (CDP) for the USS Midway Museum. The comment does not address the adequacy of the PEIR and does not raise an environmental concern under CEQA. Therefore, pursuant to the CEQA Guidelines Section 15088(a), the District is not required to respond to this comment.

The PMPU identifies the Navy Pier as Recreation Open Space, which allows for a park and parking. Furthermore, as indicated on page 264 of the PMPU, there is a "Special Allowance" that applies to the site. As identified in the PEIR, Chapter 3, Project Description, the PMPU "proposes to designate the entire Navy Pier as Recreation Open Space on the Embarcadero Planning District Water and Land Use Map [Figure PD3.2]." On April 12, 2022, the District and the USS Midway Museum entered into an MOU to remove the existing parking lot and replace it with recreation open space, including parking (April 12, 2022, Board Item No. 2022-0098, Clerk Document No. 74154, Filed May 20, 2022). Furthermore, the PMPU delineates the Navy Pier with a Recreation Open Space Land Use Designation, consistent with the plans for transforming the Navy Pier to recreational uses, as opposed to the current parking lot. Currently, Navy Pier is within the Coastal Commission's permitting jurisdiction and as the commenter is aware, development of the park is on a faster timetable. On February 9, 2023 the CCC approved a CDP for "Freedom Park" on Navy Pier and as established by special conditions contained in the CDP, the park must be completed within 5 years of the approval of the CDP (February 2028). Further, if the PMPU is approved and certified, Navy Pier will be within the District's coastal permitting jurisdiction. No changes have been made in the PMPU in response to this comment.

**Response to Comment A1-17**

This comment relates to Section 30213 of the Coastal Act and the PMPU's provisions for lower cost visitor-serving overnight accommodations.

While the District respectfully disagrees with the Coastal Commission staff's methodology for calculating "lower cost," the District recognizes the importance of providing lower cost visitor and recreational facilities. Consequently, WLU Policies 6.2.1 and 6.2.3 have been modified as follows:

**WLU Policy 6.2.1**

Lower cost visitor and recreational facilities, including lower cost overnight accommodations, shall be protected in the aggregate on Tidelands. The number of existing lower cost overnight accommodations should be maintained and any future loss of lower cost overnight accommodations should be mitigated. Protection of existing facilities allows for preventive maintenance, major maintenance, or facility upgrades even if temporary closure or limited public access to the facility occurs during these activities and times.

**WLU Policy 6.2.3**

Replacement of lower cost overnight accommodations occurring elsewhere on Tidelands or on an existing development site (refer to WLU Policy 6.2.2[a-b]) shall apply one of the following conditions:

- a. Must be in place before the removal of the displaced lower cost overnight accommodations; or
- b. Must compensate for the temporary loss (i.e., a lower cost overnight accommodation[s] is removed before replacement lower cost overnight accommodations are approved for use or occupancy). This may be addressed through a District-established in-lieu fee program (refer to WLU)

**Response to Comment A1-18**

This comment recommends that a requirement regarding lower cost visitor serving accommodations, recently imposed on the Sunroad Hotel Project, be added to the PMPU. This comment relates to the PMPU and does not address the adequacy of the PEIR or raise an environmental concern under CEQA.

In addition, the constitutional limitations on dedications and fees apply to the District, as well as state agencies. (*Pacific Legal Found. v. California Coastal Comm'n* (1982) 33 Cal. App. 3d 158, 163 n.1.) There are legal requirements to impose an in-lieu fee to mitigate for the opportunity loss impact of building market rate hotel rooms instead of



lower cost overnight accommodations (the impact that Coastal Commission staff has expressed to the District in the past). If the in-lieu fee constitutes a certain type of development fee, the California Mitigation Fee Act (Act) applies. (Cal. Gov't Code §§ 66000-66014, 66016-66025.) The Act includes legal steps required to establish and impose such development fees, including without limitation, establishment of a reasonable relationship between the amount of the fee and cost of the public facility attributed to the development on which the fee is imposed. (Cal. Gov't Code 66001(b).) Even if the in-lieu fee is not subject to the Act, constitutional limitations apply to any monetary exaction imposed as a condition of development whether it is of general applicability or an ad hoc fee. (*See California Bldg. Indus. Ass'n v. City of San Jose* (2015) 61 Cal. 4th 435; *Ocean Harbor House Homeowners Ass'n v. California Coastal Comm'n* (2008) 163 Cal. App. 4th 215 (applying the nexus and rough proportionality test to an ad hoc fee); *Lingle v. Chevron U.S.A. Inc.* (2005) 544 U.S. 528, (Nollan/Dolan essential "nexus" and "rough proportionality" test was not expanded to apply to facial challenges to generally applicable land use regulations or ordinances but was subject but "prescribes an inquiry in the nature of due process. . ."); *Dolan v. City of Tigard* (1994) 512 US 374, 391 (as a general rule courts apply the rational basis test for a substantive due process claim).)

For the Sunroad project, the developer voluntarily agreed to the Coastal Commission staff request for payment of the in-lieu fee to avoid an appeal by the California Coastal Commission. The District must follow an appropriate legal process in establishing the amount of the fee and the percentage requirement for new market-rate hotels. Accordingly, it is premature to add to the PMPU any specific fee amount for a specific percentage of new market rate rooms.

### **Response to Comment A1-19**

This comment recommends that the PMPU policy allowing for the establishment of an in-lieu fee for lower cost visitor and recreational facilities be deleted.

Section 30213 of the Coastal Act states: "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where *feasible*, provided. Developments providing public recreational opportunities are preferred." (Emphasis added.) In turn, "feasible" is defined by the Coastal Act as "capable of being accomplished in a successful manner within a reasonable period of time, taking into

account economic, environmental, social, and technological factors.”  
(Cal. Pub. Resource Code § 30108.)

There may be instances where it would not be feasible for a new development to provide lower cost visitor and recreational facilities and in such case, an in-lieu fee program allows those facilities to be developed elsewhere on Tidelands. This is consistent with Section 30213, which requires the provision of lower cost visitor and recreational facilities only when feasible. Therefore, no changes to WLU Policy 6.1.4 have been made.

January 10, 2022  
Page 6

#### LOWER COST VISITOR AND RECREATIONAL FACILITY IN-LIEU FEE SYSTEM

WLU Policy 6.1.4 allows for the establishment of an in-lieu fee system for lower cost visitor and recreational facilities. The allowance for an in-lieu fee system will discourage developers from providing on-site lower cost visitor and recreational facilities and result in the collection of funds that are not immediately used to provide new lower cost visitor and recreational facilities. As such, we recommend this policy be deleted and that the provision of on-site lower cost visitor and recreational facilities be required as part of and concurrent with development.

A1-19

#### PROTECTION OF RECREATIONAL FISHING AT IMPERIAL BEACH

According to news reports, the area dedicated to recreational fishing at the Imperial Beach Pier has been reduced to allow for surfing closer to the pier and additional outdoor restaurant seating at the west end of the pier. In addition, Policy PD 8.11 of the PMPU would allow for a 3,000 sq. ft. expansion of retail/restaurant space at the end of the pier, further reducing the fishing area. Since retail and restaurants are not coastal dependent uses; neither the existing nor expanded restaurant should displace fishing on the pier. As such, this policy should be deleted and the District should instead re-establish fishing on the perimeter and west end of the pier by coordinating with the restaurant tenant to remove any existing encroachments, including signage, fencing, and furniture that is not able to be used by members of the general public, and coordinating with the City of Imperial Beach lifeguards to determine if fishing on the pier near can be accommodated as it is at other local piers (e.g., Ocean Beach and Oceanside). Policy PD 8.8 of the PMPU should also be analyzed further to determine whether a 150-ft wide pier safety zone from both sides of the pier is necessary to separate fishing and surfing uses, or whether a smaller safety zone could accommodate both fishing and surfing uses.

A1-20

#### NATIONAL CITY BAYFRONT (PD 5) AND CHULA VISTA BAYFRONT (PD 6)

Commissions staff continue to recommend that the National City Bayfront and Chula Vista Bayfront planning districts should be incorporated into the PMPU to avoid future confusion and to ensure consistency. If not, language should be included in the PMPU that explains how development standards and definitions will apply in these planning districts.

A1-21

#### LACK OF SPECIFICITY ON INDIGENOUS INVOLVEMENT

Chapter 3.5 of the PMPU asserts the goal of collaborating and deepening relationships with indigenous communities as well as disadvantaged communities to improve conditions along the Tidelands and adjacent areas. The District further recognizes that the State Land Commission's and the Commission's environmental justice policies emphasize public engagement and participation as a primary goal to ensure that disadvantaged communities, as well as indigenous communities, can meaningfully participate in environmental and land use decisions. However, the PMPU does not specify areas of meaningful involvement of indigenous people throughout the document. Commission staff recommend that the District add reference to indigenous communities in the following sections to increase participation and collaboration with relevant indigenous communities

A1-22

6

### Response to Comment A1-20

This comment relates to provisions in the PMPU and existing conditions on the Imperial Beach Pier that affect recreational fishing at the Imperial Beach Pier.

The land within the PMPU was transferred to the District in 1962 in the San Diego Unified Port District Act, that Act expressly allows “[f]or all commercial...uses...snack bars, cafes, restaurants.” Should a tenant request additional restaurant square footage, the District would ensure that recreational fishing would be preserved on the pier while protecting public health, safety and welfare. No such restaurant proposal has been submitted to the District. As to the second point raised by the comment, the 150-foot wide safety zone has been in place since 1997 to protect surfers from getting entangled, injured, and hooked by angler’s lines and hooks. The City of Imperial Beach also codified this safety zone (see City of Imperial Municipal Code Section 12.60.160 [“It is unlawful to surf-fish or cast fishing lines within 150 feet of any swimmer or surfer. “Surf-fishing” is a form of shore bound angling which is conducted from the beach or surfline using fishing rods with bait or artificial lures attached by a fishing line.”]). To ensure access consistent with health, safety and welfare of surfers, PD 8.8 has not been revised.

### Response to Comment A1-21

Please see Final PEIR , Master Response M-1 regarding Seaport SD and Cumulative Development (PD5 [National City], PD6 [Chula Vista Bayfront], Pond 20, and TAMT). . The National City Bayfront (PD 5) and Chula Vista Bayfront (PD 6) are not included in the PMPU because they are each subject to plans recently adopted (National City Balanced Plan) or in the process of implementation (Chula Vista Bayfront Master Plan) specifically for those planning districts. These PDs are subject to the existing certified Port Master Plan and are excluded and not a part of the PMPU, but are found in Appendix B of the draft PMPU. Therefore, the existing PMP development standards and definitions apply to these planning districts, unless proposed changes to that PMP are adopted by the Board of Port Commissioners (Board), in the case of the National City Bayfront and Balance Plan project or were previously approved as part of the PMPA adopted by the Board, in the case of the Chula Vista Bayfront.

### Response to Comment A1-22

This comment recommends that certain provisions of the PMPU should be revised to refer to indigenous communities. The District values environmental justice and emphasizes public engagement of

disadvantaged communities and indigenous communities and Native American tribes. Accordingly, the following policies have been revised in the draft PMPU:

**ECO Policy 4.1.1**

The District shall establish and continue partnerships and collaboration with key agencies and stakeholders, including the U.S. Navy and U.S. Fish and Wildlife Service refuges, adjacent disadvantaged communities, relevant indigenous communities and tribes to enhance conservation, protection, and restoration of natural resources in and around the Bay and Tidelands. These partnerships may include combining resources and identifying complementary programming and policies to be implemented to improve the ecology of the Bay.

**EJ Policy 2.1.1**

Continue to work with partners promote and expand awareness of recreational opportunities for the people from disadvantaged communities and relevant indigenous communities and tribes to explore Tidelands.

**EJ Policy 2.1.2**

Continue to support environmental education opportunities for communities and schools in Portside and Tidelands Border Communities ~~and other disadvantaged communities,~~ and relevant indigenous communities and tribes in the region.

**EJ Policy 2.2.2**

Engage people from disadvantaged communities and relevant indigenous communities and tribes that may be impacted by upcoming activities or development on Tidelands to encourage meaningful participation in the District's planning and development decisions, including but not limited to participation in discussions to identify mitigation options for projects that may impact them.

**EJ Objective 2.3**

Increase awareness of disproportionate environmental impacts on adjacent disadvantaged communities and the potential disproportionate environmental impacts on relevant indigenous communities and tribes.

January 10, 2022  
Page 7

and tribes: ECO Policy 4.1.1, EJ Policy 2.1.1, EJ Policy 2.1.2, EJ Policy 2.2.2, and EJ Objective 2.3.

Further, Commission staff recommend the District include a Tribal Consultation Policy (for example, refer to the Tribal Consultation Policy<sup>1</sup> adopted by the Commission in 2018) and/or an additional Environmental Justice policy that is specific to indigenous involvement. This new policy should identify that if potentially significant indigenous cultural resources are encountered during ground-disturbing activities, work should be halted to avoid disturbing the materials until consultation with an indigenous representative and an archaeologist, or other specialist have evaluated the discovery, recorded any cultural resources, and identified suitable mitigation measures.

#### ENVIRONMENTAL JUSTICE AND CLIMATE RESILIENCY

In our July 31, 2019 comment letter Commission staff encouraged the District to include goals and policies that recognize the relationship between disadvantaged communities and sea level rise hazards. Climate change and sea level rise hazards will have disproportionate impacts on communities that have the least capacity to adapt, potentially further exacerbating existing environmental injustices, many of which are identified in the Environmental Justice Element of the PMPU.

Staff recommend that the District incorporate Environmental Justice considerations into Chapter 3.4, Safety and Resiliency Element. Specifically, we recommend the following additions (shown in underline) to policy language to ensure equitable outcomes for Tidelands communities:

##### 3.4.2(C)-III Adaptive Management Framework

The District proposes an adaptive management approach to address projected SLR, defined as “a process of iteratively planning, implementing, and modifying strategies for managing resources in the face of uncertainty and change” (Fifth Assessment Report of the United Nations Intergovernmental Panel on Climate Change, 2014). Adaptive management is not a new scientific concept and the District already utilizes it for many of its environmental management programs. Extending the adaptive management approach to coastal resiliency will allow the District to form strategies that help to reduce the risks associated with projected coastal hazards that may occur due to SLR, temporary coastal flooding, and increased frequency of storm events, as new information regarding climate science and/or techniques emerge. The District’s Adaptive Management Framework (refer to Figure 3.4.1, Adaptive Management Framework) is composed of three stages: (1) A Vulnerability Assessment; (2) Adaptation Planning; and (3) Strategy Implementation. This framework promotes an iterative, cyclical process whereby each stage can be continually improved as new information is collected and integrated.

<sup>1</sup> <https://documents.coastal.ca.gov/assets/env-justice/tribal-consultation/Adopted-Tribal-Consultation-Policy.pdf>

A1-22  
cont.

A1-23

A1-24

## Response to Comment A1-23

This comment recommends that the PMPU should include a Tribal Consultation Policy or other provisions specific to the discovery of indigenous cultural resources during ground-disturbing activities. Although the comment requests additional policies be added to the PMPU, the PEIR analyzed the potential impacts of the PMPU on tribal cultural resources in Section 4.4, *Cultural Resources*, under Thresholds of Significance 3 and 4. Moreover, the comment does not address the adequacy of the analysis in the PEIR.

However, EJ Policy 2.2.2 in the PMPU, aims to engage people from relevant indigenous communities and tribes that may be impacted by upcoming activities or development on Tidelands, including but not limited to participation in discussions to identify mitigation options for projects that may impact them. Further, the PEIR stated that for future development projects, “If no Native American tribes request consultation on future development projects falling under the proposed PMPU, and the District determines there is an archaeological historic resource or unique archaeological resource, future project proponents would implement **MM-CUL-2**. If one or more Native American tribes requests project notifications and requests consultation on future development projects falling under the proposed PMPU, and the District determines there is a TCR (per subdivision (c) of PRC Section 5024.1) that could be affected by a project based on AB 52 tribal consultation, mitigation measures to avoid or mitigate a significant effect on TCRs would be developed during consultation and would be included in the final environmental document for that project. If the consulting tribe or the District concludes that mutual agreement cannot be reached after making a reasonable, good-faith effort, under AB 52, the lead agency may consider the four mitigation measures described in PRC Section 21084.3(e) (**MM-CUL-3**).” Each of these mitigation measures would require District consultation with applicable Native America Tribes, as outlined in the mitigation measures.

## Response to Comment A1-24

This comment recommends that PMPU Policy 3.4.2(C)-III (Adaptive Management Framework) relating to sea level rise and adaptation should be revised to recognize the relationship between disadvantaged communities and sea level rise hazards. Although the comment requests additional policies be added to the PMPU, the PEIR analyzed the

potential impacts of the PMPU associated with sea level rise in Section 4.13, *Sea Level Rise*, and the comment does not address the adequacy of the analysis of sea level rise in the PEIR. Sea level rise and its impacts on all communities, including disadvantaged communities, as well as lessening such impacts are a priority of the District. Accordingly, Background Section 3.4.2(C)(III) has been revised as follows:

**Chapter 3.4 Safety & Resiliency Element: Background Section 3.4.2(C)(III)**

The District proposes an adaptive management approach to address projected SLR, defined as “a process of iteratively planning, implementing, and modifying strategies for managing resources in the face of uncertainty and change” (Fifth Assessment Report of the United Nations Intergovernmental Panel on Climate Change, 2014). Adaptive management is not a new scientific concept and the District already utilizes it for many of its environmental management programs. Extending the adaptive management approach to coastal resiliency will allow the District to form strategies that help to reduce the risks associated with projected coastal hazards that may occur due to SLR, temporary coastal flooding, and increased frequency of storm events, as new information regarding climate science and/or techniques emerge. The District’s Adaptive Management Framework (refer to *Figure 3.4.1, Adaptive Management Framework*) is composed of three stages: (1) A Vulnerability Assessment; (2) Adaptation Planning; and (3) Strategy Implementation. This framework promotes an iterative, cyclical process whereby each stage can be continually improved as new information is collected and integrated. Accordingly, the following has been added to the end of PMPU, Section 3.4.2(C)(III):

In line with the District’s commitment to support a healthy and resilient environment for disadvantaged communities, equity and environmental justice are important considerations within adaptive management. Refer to SR Policy 3.2.3 for more information on how environmental justice is incorporated into the District’s adaptation planning. Refer to Chapter 3.5, *Environmental Justice Element* for more information on environmental justice and associated goals, objectives, and policies. (see PMPU, revised text box)

January 10, 2022  
Page 8

In line with the District's commitment to support a healthy and resilient environment for disadvantaged communities, the proposed Adaptive Management Framework will include an Environmental Justice Element that outlines how the District will incorporate equity throughout its climate change planning and adaptation processes, including through a Social Vulnerability Assessment as part of Stage 1 (Vulnerability Assessment) of the Framework.

A1-24  
cont.

SR Policy 3.2.3 should be modified to include the need for a social vulnerability assessment and better address the need for collaboration on SLR adaptation with Portside Communities:

g. Establishes a schedule for performing future Tidelands' SLR vulnerability and social vulnerability assessments.

A1-25

h. The plan shall include an Environmental Justice Element that addresses how SLR will impact vulnerable Portside Communities, including an outreach and engagement component focused on collaborative adaptation planning with Portside Communities.

SR Objective 3.4 should be modified to reference collaboration with Portside Communities as well as partner agencies, and a new policy should be added in this section that emphasizes the need for collaboration to address environmental justice concerns associated with climate-related hazards:

**SR Policy 3.4.8** The District shall collaborate and coordinate with Portside Communities to address environmental injustices resulting from climate-related hazards within the District's jurisdiction, like SLR, and to support climate adaptation plans for Tidelands in incorporating equity frameworks to address the impacts of SLR and adaptation strategies on Portside Communities.

A1-26

Commission staff also encourages the District to acknowledge and address the relationship between climate-hazards and environmental justice in the Environmental Justice element of the PMPU. We recommend the addition of the following language addressing this relationship in the background section of the EJ Element:

3.5.2.(C)iii Healthy Environment and Community in the Context of Climate Change  
The District recognizes that as climate-related hazards increase in the future, disadvantaged communities will experience a disproportionate impact on environmental and community health. Potential impacts include reduced access to coastal resources and recreational opportunities, increased exposure to water and air pollutants that are co-located in vulnerable communities, and higher rates of infrastructure damage due to historical inequities in community investment.

A1-27

In line with the District's standard to "promote, clean air, healthy community, and environmental justice" through the PMPU, the District recognizes its capacity to further environmental justice and equity in climate adaptation planning. Through the Safety and Resilience Element and the Environmental Justice Element, the District

8

## Response to Comment A1-25

This comment recommends that SR Policy 3.2.3 of the PMPU relating to sea level rise and adaptation should be modified to include the need for a social vulnerability assessment. Although the comment requests modification of a policy in the PMPU, the PEIR analyzed the potential impacts of the PMPU associated with sea level rise in Section 4.13, *Sea Level Rise*. The comment does not address the adequacy of the analysis of sea level rise in the PEIR.

Sea-level rise and its impacts on all communities, including disadvantaged communities, as well as lessening such impacts are a priority of the District. Accordingly, Policy 3.2.3 (g) has been revised as follows and new subdivisions (h) and (i) have been added:

- g. Establishes a schedule for performing future Tidelands' SLR vulnerability assessments and social vulnerability assessments;
- h. Includes an environmental justice component that addresses how development may affect potential flooding and inundation related to sea level rise in adjacent disadvantaged communities; and
- i. Includes an outreach and engagement process that would be focused on collaborative adaptation planning with adjacent disadvantaged communities.

## Response to Comment A1-26

This comment recommends that SR Objective 3.4 of the PMPU relating to climate-related hazards should be modified and a new SR Policy 3.4.8 should be added to address collaboration on environmental justice concerns associated with climate-related hazards. Although the comment requests additional policies be added to the PMPU, the PEIR analyzed the potential impacts of the PMPU associated with climate-related hazards in Section 4.13, *Sea Level Rise*. The comment does not address the adequacy of the analysis of sea level rise in the PEIR.

Climate-related hazards and their impacts on all communities, including disadvantaged communities, as well as lessening such impacts are a priority of the District. Accordingly, SR Objective 3.4 has been revised, and the suggested policy language has been incorporated into a new

environmental justice policy, EJ Policy 3.2.5 (discussed further in response to comment A1-28) and associated text box.

#### **SR Objective 3.4**

Collaborate with partner agencies and adjacent disadvantaged communities to effectively monitor, assess, plan, and adapt for future hazards, including climate-related impacts in and around San Diego Bay  
EJ Policy 3.2.5 The District shall collaborate with the Portside Community, indigenous communities, and adjacent disadvantaged communities on District climate-related adaptation and resiliency planning to address existing and future environmental issues stemming from climate-related hazards.

Text box: Collaboration with the Portside Community, indigenous communities, and adjacent disadvantaged communities on District climate-related adaptation and resiliency planning could include, but is not limited to, climate adaptation plans for Tidelands, and incorporating equity frameworks into these planning processes.

#### **Response to Comment A1-27**

This comment recommends that the Environmental Justice element of the PMPU should be revised to include additional language regarding climate change and disadvantaged communities. Although the comment requests additional policies be added to the PMPU, the PEIR analyzed the potential impacts of the PMPU associated with climate change in Section 4.6, *Greenhouse Gas Emissions and Energy*, and with sea level rise in Section 4.13, *Sea Level Rise*. The comment does not address the adequacy of the analysis of climate change or sea level rise in the PEIR. The District acknowledges and respects the relationship between climate-hazards and all communities, including disadvantaged communities. Accordingly, the following has been added to the background section for the EJ Element:

##### **3.5.2.(C)iii Healthy Environment and Community in the Context of Climate Change**

The District recognizes that as climate-related hazards increase in the future, disadvantaged communities may experience a disproportionate impact on environmental and community health.

In line with the District's standard to "promote, clean air, healthy community, and environmental justice" through the PMPU, the District recognizes its capacity to further environmental justice and equity in climate adaptation planning. Through Chapter 3.4, *Safety and Resiliency Element* and 3.5, *Environmental Justice Element*, the District proposes to collaborate with the Portside Community, indigenous communities, and



January 10, 2022  
Page 9

proposes to work with Portside, indigenous communities, and vulnerable communities to address environmental injustices occurring because of climate change through shared goals, objectives, and policies.

In addition, we recommend adding a new policy that acknowledges the existence of environmental justice concerns in adaptation and resiliency planning for climate-related hazards:

**EJ Policy 3.2.5** The District shall collaborate with Portside Communities on all climate-related adaptation and resiliency planning to address existing and future environmental injustices, including the impacts of SLR and coastal flooding on the exposure of vulnerable communities to water and air pollutants.

#### INCLUSION IN ACCESSIBILITY

A growing area of research and policy is focused on the disproportionate environmental burdens incurred by people with disabilities. Individuals with physical, sensory, cognitive, and psychological conditions, as well as chronic illnesses, face barriers to accessing environmental resources and experience a high level of vulnerability to environmental and climate-related hazards. When disabled communities intersect with other disadvantaged communities, such as people of color, low-income people, and the elderly, these impacts are amplified. It is important that the District recognize the unique and diverse barriers faced by the disabled community. It is also essential that outreach and engagement efforts on District projects and processes incorporate feedback and input from these communities in order to better serve and support individuals with a wide range of abilities. As such, Commission staff recommend that the District more explicitly recognize the disabled community beyond Chapter 3.2 Mobility and incorporate the following within Chapter 3.5.2 Background in the Environmental Justice Element of the PMPU:

The District is committed to work on reducing the cumulative health burdens on neighboring communities and ensure fair treatment of people of all races, cultures, sexual and gender orientations, abilities, and incomes in developing, adopting, implementing, and enforcing environmental laws, regulations, and policies.

In addition, we recommend that the District consider the addition of a policy either under EJ Goal 1, or M Goal 1 under Chapter 3.2 Mobility that addresses the need for mobility options to access the Tidelands that specifically reflect the needs and experiences of the disabled community:

**EJ Policy 1.1.4** The District shall coordinate with the District's Accessibility Advisory Committee, as well as public members of San Diego's disabled community, to explore and expand public transit options that allow and encourage access to Tidelands for people with disabilities.

A1-27  
cont.

A1-28

A1-29

A1-30

adjacent disadvantaged communities to address disproportionate environmental issues stemming from climate-related hazards within the District's jurisdiction through shared goals, objectives, and policies.

### Response to Comment A1-28

This comment recommends that the District add a new policy to the Environmental Justice element of the PMPU regarding climate-related adaptation and resiliency planning in disadvantaged communities. Although the comment requests a new policy be added to the PMPU, the PEIR analyzed the potential impacts of the PMPU associated with climate change in Section 4.6, *Greenhouse Gas Emissions and Energy*, and with sea level rise in Section 4.13, *Sea Level Rise*. The comment does not address the adequacy of the analysis of climate change or sea level rise in the PEIR.

Collaboration with all stakeholders, including Portside Communities, is a priority of the District and the following policy has been added to the EJ Element:

**EJ Policy 3.2.5** The District shall collaborate with the Portside Community, indigenous communities, and adjacent disadvantaged communities on District climate-related adaptation and resiliency planning to address existing and future environmental issues stemming from climate-related hazards.

### Response to Comment A1-29

This comment recommends that the PMPU more explicitly recognize diverse communities, specifically, those covered by the Americans with Disabilities Act. The District recognizes the unique and diverse barriers faced by the disabled community and strives to address these barriers. Accordingly, the background section in the Environmental Justice Element has been revised as follows:

The District is committed to work on reducing the cumulative health burdens on neighboring communities and ensure fair treatment of people of all races, cultures, sexual and gender orientations, abilities, and incomes in developing, adopting, implementing, and enforcing environmental laws, regulations, and policies. (PMPU, Section 3.5.2, Background)

### Response to Comment A1-30

This comment recommends that the District add a new policy in the PMPU to address the need for mobility options for the disabled community. The District recognizes the unique and diverse barriers faced by those covered by the Americans with Disabilities Act and

strives to address these barriers. Accordingly, a new policy has been added, EJ Policy 1.1.4, under EJ Goal as follows:

**EJ Policy 1.1.4** The District shall coordinate with members of the public to explore and expand public transit options that allow and encourage access to Tidelands for all people.

### **Response to Comment A1-31**

This comment states it is unclear whether the mitigations measures in the PEIR are consistent with the District's Maritime Clean Air Strategy (MCAS) and Climate Action Plan (CAP) to avoid and minimize impacts to air quality. Neither the District's MCAS nor the CAP includes mitigation measures and, hence, there are no mitigation measures in those policy documents, which could be incorporated into the PEIR. However, the PEIR analyzes whether the PMPU conflicts with or obstructs implementation of the goals and objectives of the MCAS in Appendix J. The Final PEIR also provides a revised analysis of potential inconsistencies with the CAP Plan in Table 4.6-13 of Section 4.6, *Greenhouse Gas Emissions and Energy*, as modified by the Final PEIR (see Volume 2)]. The Final PEIR concluded that the PMPU, as proposed and where necessary as mitigated by measures identified in the PEIR, does not conflict with or obstruct implementation of both the MCAS and the CAP.

The MCAS is a non-binding strategic planning document, adopted by the Board of Port Commissioners (Board) on October 12, 2021, that identifies short-term and long-term goals and objectives intended to facilitate achievement of a clean, sustainable and modern seaport. The MCAS applies to the District's two marine terminals (TAMT and NCMT) and shipyards (marine industrial uses) operated by District tenants. The goals and objectives of the MCAS are aspirational, not regulatory, and are non-binding, and further, are intended to be pursued through a variety of means – both known and unknown, and subject to feasibility and technological advances. Additionally, as the MCAS is a strategic plan, implementation of the MCAS is subject to future Board actions, as well as regular check-ins on a variety of topics including feasibility of implementation. In alignment with its Vision Statement - "Health Equity for All" - the MCAS is intended to guide future District decision-making and "provide a planning framework for potential future actions that may be implemented to achieve the goals and objectives identified in the MCAS." The MCAS also recognizes that various means may be employed or pursued by the Port District to reduce emissions (including the adoption of regulatory standards, purchase of equipment, or strategic partnerships). Accordingly, an individual project does not necessarily impede or obstruct achievement of the MCAS's goals or the ability of the

Port District to consider, approve, and implement projects and/or initiatives toward achievement of the MCAS goals and objectives. The MCAS also explains, for instance, that it “is also anticipated that technological advances will result in additional options for implementation toward achievement of near-term goals and objectives.” To that end, the MCAS represents a flexible strategy to be pursued by the District, through a variety of future means, measures, projects, and initiatives and subject to specific assumptions and technological advancements. However, because the MCAS is a non-binding policy document, it is not intended to include requirements for the PMPU. The PEIR analyzes whether the PMPU conflicts with or obstructs implementation of the MCAS and CAP. Since the comment does not identify any conflicts between the PMPU and MCAS, no further response is required. Further, neither the MCAS or CAP provide for mitigation measures and no further response is needed. For further information, please see the updated MCAS inconsistency analysis in Final PEIR, Appendix J.

January 10, 2022  
Page 10

#### CONSISTENCY WITH MARITIME CLEAN AIR STRATEGY

It is unclear whether the mitigation measures included in the PEIR are consistent with the District's Maritime Clean Air Strategy (MCAS), as well as the District's Climate Action Plan to avoid and minimize impacts to air quality. Please clarify whether mitigation measures from the MCAS and Climate Action Plan are incorporated in the PEIR.

A1-31

Thank you for your consideration of the comments included above. Please note that these comments are preliminary and are not binding; Commission staff will provide additional, more detailed comments as time allows for a more comprehensive review. Also, please note that these comments have been submitted on the part of staff and the Commission itself would be the ultimate decision-making body. We look forward to continuing our coordination with District staff in a manner that is consistent with the Coastal Act. If you have any questions, please do not hesitate to contact me at the above office.

A1-32

Sincerely,

Kanani Leslie  
Coastal Program Manager

CC (copies sent via e-mail):  
Karl Schwing, Deputy Director  
Diana Lilly, District Manager  
Melody Lasiter, Coastal Program Analyst  
Sumi Selvaraj, Environmental Justice Manager  
Javier Padilla Reyes, Environmental Justice Analyst

### Response to Comment A1-32

This comment is a conclusionary comment thanking the District for consideration of the above comments and indicates that Commission staff looks forward to continuing coordination with the District. The District looks forward to continuing the long-term coordination on the PMPU.

The commenter incorporates by reference comments submitted on prior drafts of PMPU prior to circulation of the Draft EIR. Many of the comments are no longer relevant. Additionally, the comments fail to make specific comments on the Draft PEIR. CEQA Guidelines Section 15088(a) indicates that “[t]he lead agency shall evaluate comments on *environmental issues* received from persons who reviewed the draft EIR” and “shall respond to comments raising *significant environmental issues* received during the noticed comment period...” (*Emphasis added*). Section 15204(a) explains that the public should “*focus on the sufficiency of the document [i.e. the EIR] in identifying and analyzing the possible impacts on the environment* and the way in which the significant effects of the project might be avoided or mitigated.” These prior comment letters focus upon policy disagreements with, or recommendations for, the language of the PMPU itself and do not address the adequacy or contents of the Environmental Impact Report, which was prepared after the comment letters were drafted. (See *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 538 [Comments submitted before the release of the Draft EIR did not constitute comments on the adequacy of that document]; see also *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 528.)

Furthermore, a revised and updated version of the PMPU was released concurrently with the Draft EIR (Appendix N), which in many instances made modifications to address the concerns of the commenters in the attachment, as addressed below. However, the commenter does not explain what issues it believes are still relevant from these prior comments. Therefore, in accordance with CEQA, no further response is required related to these comments.

**ATTACHMENT A**

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY

GAVIN NEWSOM, Governor

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



July 31, 2019

Board of Port Commissioners  
San Diego Unified Port District  
3165 Pacific Highway  
San Diego, CA 92101

Re: Port Master Plan Update Discussion Draft Comments

Dear Chairman Bonelli and Commissioners:

Coastal Commission (Commission) staff appreciates the opportunity to review and comment on the Port Master Plan Update Discussion Draft for the San Diego Unified Port District (Port), which was received by our San Diego District Office on April 25, 2019. Commission staff has reviewed the Port Master Plan Update Discussion Draft (PMPU), dated April 2019, which consists of a complete replacement of the certified Port Master Plan (PMP), except for the National City Bayfront and Chula Vista Bayfront planning districts, and has provided preliminary comments to Port staff at four coordination meetings on May 16, June 21, July 1, and July 22 of this year. The subject letter memorializes these comments on the PMPU and includes recommendations to ensure the plan's consistency with the Coastal Act.

California Code of Regulations Title 14, Section 13636 calls for port master plan amendments to be certified in the same manner as port master plans. Section 30711 of the Coastal Act (Pub. Resources Code, Div. 20) states, in part, that a port master plan shall include all of the following: (1) the proposed uses of land and water areas, where known; (2) the projected design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body; (3) an estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact; (4) proposed projects listed as appealable in Section 30715 in sufficient detail to be able to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act; and (5) provisions for adequate public hearings and public participation in port planning and development decisions. Section 30711 further requires a port master plan to contain information in sufficient detail to allow the Commission to determine its adequacy and conformity with the Coastal Act. Section 30700 of the Coastal Act states that Chapter 8 shall govern those portions of the San Diego Unified Port District, excluding any wetland, estuary, or existing recreation area indicated in Part IV of the Coastal Plan. The entire water area under the jurisdiction of the Port of San Diego is governed by Chapter 3 policies because San Diego Bay is mapped as an estuary and wetland in Part IV of the Coastal Plan, and on the maps adopted by the Commission pursuant to Section 30710 of

A1-32  
cont.

Letter Reference	Request and Corresponding 2019 Discussion Draft PMPU Citation	Response and New 2022 Draft PMPU Citation
Letter dated July 31, 2019		
Page 2	Commenter requests that the PMPU include provisions for public hearing and public participation.	This information has been added to Chapter 6, Section 6.2.4.
Page 2	Commenter states that the PMPU lacks sufficient specificity to protect coastal resources.	Please see response to A1-3.
Page 3	Commenter states that the project list should include both appealable and non-appealable projects, and further states that the description of appealable projects in each planning district is unclear and confusing.	Please see response to A1-4. Additionally, the revised draft PMPU includes an icon that clearly delineates appealable projects under each Planned Improvement portion of each Planning District Subdistrict.
Page 3	Commenter requests states that the baywide policies should be made mandatory or be required in applicable planning districts.	Please see response to A1-8.
Page 4	Commenter requests stronger language throughout the PMPU to protect, encourage, and provide for priority uses and coastal resources.	Please see response to A1-5.

July 31, 2019  
Page 2

the Act. Section 30714 provides that the Commission shall certify a PMP if it conforms with and carries out the policies of Chapter 8 of the Coastal Act or, where a PMP provides for any of the developments listed as appealable to the Commission pursuant to Section 30715 of the Coastal Act, then that portion of the PMP must also be consistent with the Chapter 3 policies of the Coastal Act. Section 30716 requires that an amendment to a PMP meet the same standards of review.

Finally, a unique provision with the review of Port Master Plans, and any subsequent amendments, is that the Commission may not adopt suggested modifications to them, as is provided for in the review of local coastal programs. (§ 30714.) Therefore, port master plans and subsequent amendments must be either approved or denied as submitted. Thus, it is critical that our offices continue to closely coordinate throughout the PMPU process to ensure the final plan is consistent with Chapter 8, and where applicable Chapter 3 of the Coastal Act.

#### PROVISIONS FOR ADEQUATE PUBLIC HEARINGS AND PUBLIC PARTICIPATION IN PORT PLANNING AND DEVELOPMENT DECISIONS

As identified above, Section 30711 of the Coastal Act requires Port Master Plans to contain provisions for adequate public hearings and public participation in Port planning and development decisions. The PMPU does not currently contain provisions for public hearings and public participation in Port planning and development decisions and should be revised to include the provisions specified in the certified PMP and updated as appropriate in order to provide the public with information regarding public participation opportunities.

#### LACK OF SPECIFICITY TO PROTECT COASTAL RESOURCES

Commission staff is very concerned with the PMPU's lack of sufficient specificity to adequately protect coastal resources. The currently certified PMP describes, in far more detail, existing conditions and future development envisioned for each planning district; however, the PMPU does not carry forward an adequate level of detail. Further, the project lists in each planning district do not contain adequate details to determine whether the appealable projects are consistent with the Chapter 3 policies of the Coastal Act, as required by Section 30711 of the Coastal Act. For example, it is unclear where specific projects are proposed or what comprise the projects. Additional details will be needed to ensure appealable projects' consistency with Chapter 3 of the Coastal Act. Given the number of questions raised between our offices based on the present level of detail, any less specificity is going to raise questions over time. Please review the most recent PMP amendments approved by the Commission for examples of the level of detail expected in the planning district text and project lists.

In addition, the PMPU fails to include non-appealable projects in the project lists. Historically, both appealable and non-appealable projects have been listed in the certified PMP. In fact, the certified PMP states: "A listing of development projects, covering both appealable and non-appealable categories, is provided in the discussion for each of the nine Planning Districts." Other ports in California ( Port of Los Angeles and Port of Long

A1-32  
cont.

Page 4	Commenter requests formalization of an in-lieu fee, along with the identification and preservation of potential site where lower cost overnight accommodations could be developed over the next 30 years.	Please see responses to Comments A1-16 and A1-17. Additionally, potential sites for lower cost overnight accommodations are identified in three subdistricts: East Harbor Island (PD2.50), Pacific Highway Corridor (PD2.76), and North Embarcadero (PD3.23a).
Page 4	Commenter requests an accounting and explanation of the change in land and water use acreages from the PMP to the PMPU.	Please see response to A1-7.
Page 5	Commenter suggests that the most current national Tidal Datum Epoch be used for determining the Tidal Zone.	Section 2.3.3 (B) in Chapter 2 of the Draft PMPU addresses this suggestion.
Page 5	Commenter expresses concern with assigning land use designations to piers over ¼ acre in size.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed policy conforms with Section 30711 and the Coastal Act and no further

July 31, 2019  
Page 3

Beach) also list both appealable and non-appealable projects in their PMPs, although appealable projects may be listed in greater detail than non-appealable projects, in order to be able to determine their consistency with Chapter 3, as required by Section 30711(a)(4). However, Section 30711(b) requires that a PMP contain information in sufficient detail to allow the Commission to determine its adequacy and conformity with Chapter 8. The Commission has interpreted this to mean that information on non-appealable projects is also required to be included in a PMP in order to ensure those projects are consistent with Chapter 8. In addition, Section 30718 states: “For developments approved by the commission in a certified master plan, but not appealable under the provisions of this chapter, the port governing body shall forward all environmental impact reports and negative declarations prepared pursuant to the Environmental Quality Act of 1970 (commencing with Section 21000) or any environmental impact statements prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to the commission in a timely manner for comment.” Although certain categories of development may not be appealable to the Commission, they must still be approved by the Commission in the certified PMP. In order for the Commission to approve non-appealable developments, they must be included in the PMP.

Many non-appealable projects are listed in the certified PMP, including most recently the Convention Center expansion (Convention Center Phase III) and the Bayside Performance Park. The Port amended the PMP in both cases to add these non-appealable projects to the project list and include associated information in the text of the planning district to ensure that the projects were consistent with Chapter 8. As part of this process, both the Commission and the public had the opportunity to review these projects and participate in a public hearing before development decisions were made. Therefore, the Port must continue to list both appealable and non-appealable projects in the PMPU in order to be consistent with Chapter 8 of the Coastal Act.

In addition, the description of appealable projects in each planning district is unclear and confusing. This description should be revised to clarify what development categories are appealable pursuant to Section 30715. Commission staff appreciates the fact that restaurant space is identified as appealable, based on Dispute Resolution No. 6-17-0146-EDD, and that should be retained in the revised description.

#### CHAPTER 3 BAYWIDE ELEMENTS VERSUS CHAPTER 4 STANDARDS

Section 2.2.1 of the PMPU states: “The Port Master Plan does not require a development to meet every goal or policy in the baywide elements. If, when all aspects of the development are considered, substantial evidence supports a finding that the development will further the objectives of the Port Master Plan and the baywide elements, it may be deemed in conformity with the Port Master Plan. Planning districts include specific standards for developments within them. Substantial conformity with planning district standards is mandatory for any developments within such planning district.” In summary, development must support the objectives of the PMP but not necessarily be strictly consistent with all policies in the baywide elements; whereas it must be consistent with the standards in Chapter 4 of the PMPU.

A1-32  
cont.

		changes are needed. Please note that the language is now located in Policy 3.1.4(B) in the Water and Land Use Element of the Draft PMPU.
Page 5	Commenter requests clarification be added regarding the applicability of Coastal Act Section 30711(a)(4) and a map included of wetlands, estuaries and preserves.	This information has been added to Section 1.3.1 and Figure 1.2 of Chapter 1 of the Draft PMPU.
Page 5	Commenter suggests that public access should be considered when determining if repair and maintenance is appropriate for a nonconforming use or structure.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. The proposed policy conforms with Section 30711 and the Coastal Act and no further changes are needed. Please note that the policies referencing nonconforming uses and developments are now located within section 6.3.5 of Chapter 6 of the Draft PMPU.

July 31, 2019  
Page 4

Chapter 3 of the PMPU includes goals and policies for important baywide elements, including ecology, economy, environmental justice, safety and resiliency, mobility, and water and land use which are not included in the individual planning districts. These baywide policies should be made mandatory or included in the Chapter 4 planning districts for which they apply in order to ensure consistency with the Coastal Act.

#### AFFIRMATIVE LANGUAGE

In general, stronger language is needed throughout the PMPU to protect, encourage, and provide for priority uses and coastal resources, including commercial fishing, recreational boating facilities, public access and recreation, biological resources, visual resources, and lower-cost visitor and recreational facilities.

#### LOWER COST VISITOR-SERVING OVERNIGHT ACCOMMODATIONS

Based on 2017 data, less than 3% of the overnight accommodations within the Port are considered to be lower cost (237 RV sites at the Chula Vista RV Resort). As such, there is an immediate need to increase the stock of lower cost overnight accommodations within the Port, especially given its location on public tidelands. The PMPU process is the perfect opportunity to develop a policy to protect, encourage, and provide lower cost overnight accommodations within the Port, consistent with Coastal Act Section 30213 and 30221. In addition, the PMPU should include a policy that formalizes the current requirement to pay an in-lieu fee equivalent to 25 percent of the number of higher cost hotel rooms, if lower cost overnight accommodations are not included as part of a project; however, the Commission always prefers actual development rather than collection of monies. Finally, Commission staff appreciates that the Port is pursuing two projects to increase lower cost overnight accommodations (up to 1000 beds in the Pacific Highway Corridor Subdistrict and up to 500 beds in Planning Area 3 of the North Embarcadero Subdistrict); however, the PMPU should identify and preserve other potential sites or planning districts where lower cost overnight accommodations could be developed over the next 30 years.

#### LAND AND WATER USE ACREAGES

At our coordination meetings with Port staff on the PMPU, we have requested an account and explanation of the change in acreages between the certified PMP and the PMPU. Please provide this information so the proposed changes in land and water uses can be more clearly identified and analyzed. In addition, land and water use acreages for priority uses should be maintained or expanded as part of the PMPU, and accompanied by a detailed explanation for such determinations.

#### 2.2.2 USE DESIGNATIONS

This section identifies that additional uses that are currently not listed as primary uses or secondary uses may be included if compatible, similar in character, and an allowed Public Trust use. Before our office can endorse this, we must understand and the PMPU should identify the permit process for approving non-listed uses.

A1-32  
cont.

Page 5	Commenter requests revisions to the definition of “intensification of use”.	Please see response to A1-10.
Page 6	Commenter requests revisions to the definition of “major redevelopment or reconstruction”.	Please see response to A1-11.
Page 6	Commenter requests implementation measures for all policies in each element.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. The proposed elements, including their goals, objectives and policies, conform with Section 30711 and the Coastal Act and no further changes are needed.
Page 6	Commenter requests clarification that all port-related developments shall comply with Section 30708(a) of the Coastal Act and that Chapter 3 policies are the standard of review for areas within an estuary, wetland or existing recreation area.	This information has been added to Section 1.3.1 and Figure 1.2 of Chapter 1 of the Draft PMPU.
Page 6	Commenter requests that a goal be added to	A policy was added to the Draft PMPU



July 31, 2019  
Page 5

### 2.2.3 DEFINING THE LINE BETWEEN LAND AND WATER

**Tidal Zone** – The averages to determine the Mean Higher High Water line and the Mean Lower Low Water line should be calculated using the most current National Tidal Datum Epoch and measured by the geographically closest tide station.

**Pier and Platform Rule** – The existing PMP designates some large piers as land; however, Commission staff is concerned that the PMPU continues this designation for piers and platforms over one-quarter acres. Piers and platforms are located over water and should be designated as water uses. Alternatively, the Port could create a third designation for structures over water and include associated development standards for their repair and maintenance. However, this office has concerns about expanded occupation and fill of open water for a variety of environmental and planning issues. In particular, expanded platforms and/or cantilevered promenades, especially in light of sea level rise, should not be allowed to overbuild or move development towards the bay on Port leaseholds.

### 2.2.5 PORT MASTER PLAN AMENDMENTS

Section 2.2.5 states: “Amendments to the Plan must be adopted by the BPC and certified by the CCC in a manner consistent with Chapter 8 of the Coastal Act and the District’s Coastal Development Permit (CDP) regulations.” However, Section 30700 of the Coastal Act states that Chapter 8 shall govern those portions of the San Diego Unified Port District located within the coastal zone, excluding any wetland, estuary, or existing recreation area indicated in Part IV of the Coastal Plan.<sup>1</sup> In addition, Section 30711(a)(4) of the Coastal Act requires a port master plan to include “proposed projects listed as appealable in Section 30715 in sufficient detail to be able to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of this division.” As such, the PMPU should identify that the policies of Chapter 3 provide the standard of review for the parts of a PMPA located in the mapped wetland, estuary, or existing recreation area, and for appealable projects. We also recommend that a map of the wetlands, estuaries, and existing recreation areas be provided in the PMPU for clarity.

### 2.2.6 NONCONFORMING USES AND STRUCTURES

The “Purpose” section identifies that legal nonconforming uses and structures may be repaired and maintained, within appropriate parameters that address potential impacts to public health, safety and welfare. Public access should also be a consideration in determining whether repair and maintenance is appropriate.

The definition of “Intensification of Use” should be revised as follows: “Any change or expansion of a use which will result in an increase in occupancy above permitted levels; an increase in production output or throughput, if there is a permit limit on said output or throughput; a need for additional parking; or any other change or expansion that is likely

<sup>1</sup> “Coastal Plan” means the California Coastal Zone Conservation Plan prepared and adopted by the California Coastal Zone Conservation Commission and submitted to the Governor and the Legislature on December 1, 1975, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000). (§ 30102.)

A1-32  
cont.

	address ecologically sensitive lighting to Ecology Goal 1.	addressing such lighting. See ECO Policy 1.1.10.
Page 6	Commenter requests revisions to Ecology Policy 1.1 to require protection, conservation, restoration, and enhancement of coastal wetlands and nearshore habitats, and sensitive coastal flora and fauna species.	Please refer to ECO Policy 1.1.1 for the revised policy.
Pages 6 and 7	Commenter requests that additional language be added to the Ecology Policy 1.2 and the PMPU clarify what type of development is permitted on natural open space and/or sensitive coastal habitat, as well as adjacent to those areas in accordance with Coastal Act Sections 30204 and 30233.	Such language was added to a policy in the Draft PMPU and a text box was added clarifying allowable development pursuant to Coastal Act Sections 30204 and 30233. See ECO Policies 1.1.3, 1.1.6 and 1.1.7 text box immediately following.
Page 7	Commenter requests size of buffers be added to Ecology 1.4.	A policy has been added to the PMPU to address buffer sizes. See ECO Policy 1.1.5.
Page 7	Commenter request changes be made to Ecology Policy 1.6 related to mitigation credits.	Please refer to ECO Policy 1.2.1 in the Final Draft PMPU.
Page 7	Commenter requested changes to Ecology Policy 1.7.	Changes are reflected now in the Draft PMPU to address use of drought-tolerant native species. See ECO Policy 1.1.8.

July 31, 2019  
Page 6

to result in a new or increased ~~significant~~-environmental or ~~substantial~~-coastal resource impact.

The definition of “Major Redevelopment or Reconstruction” should be more detailed and include a definition of replacement (including demolition, renovation, reinforcement, or other type of alteration), as well as identify that replacement may be calculated by linear feet, surface area, volume, or weight. In addition, an initial date to calculate cumulative redevelopment should be identified (e.g., January 1, 1977 for the Coastal Act or certification of the original PMP). Finally, using 50% or more of a development site as a parameter for cumulative redevelopment has been a challenge in past Port projects; thus, Commission staff recommends using 50% increase or more in gross floor area.

### CHAPTER 3: ELEMENTS

In general, the PMPU should include implementation measures for all applicable policies in each element, such as was included in the Mobility Element.

#### 3.1 Ecology

##### General comments:

It should be clearly identified that all port-related developments shall be located, designed, and constructed so as to minimize substantial adverse environmental impacts pursuant to Section 30708(a) of the Coastal Act. In addition, it should be clear that the Chapter 3 policies are the standard of review for appealable developments and projects located within an estuary, wetland or existing recreation area. Chapter 3 of the Coastal Act provides specific policies related to the protection of the marine environment and biological resources, including Sections 30230, 30231, 30233, 30235, 30236, and 30240.

##### Comments on specific policies:

Please note that the general comments discussed in the sections above are relevant to many of the policies in this chapter. Incorporating those comments may require specific edits to several of the policies. The comments listed below are separate from and in addition to the general comments above.

1. **Ecology Goal 1.** Add a policy that identifies ecologically-sensitive lighting should be used. Lighting located adjacent to sensitive habitat areas and above water should be the minimum necessary, shielded, directed downwards, be on a sensor, and be a minimal color temperature.
2. **Ecology 1.1.** “Protection, conservation, restoration, and enhancement of coastal wetlands and nearshore habitats, and sensitive coastal flora and fauna species ~~is a~~ priority shall be required.”
3. **Ecology 1.2.** It is unclear what type of major redevelopment or new development would be permitted on natural open space areas and/or sensitive coastal habitats, including wetlands and nearshore habitats. While major redevelopment or new

A1-32  
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Page 8	Commenter requests that specific standards be included related to water quality, and requests that a specific policy related to pumpout facilities at marinas be added.	Please refer to the policies under ECO Objective 2.1 and specifically ECO Policy 2.1.10 on sewerage pumpout facilities, in the Final Draft PMPU.
Page 8	Commenter offers text changes to Economics 1.15.	Please refer to ECON Policy 2.3.14 in the Final Draft PMPU.
Page 8	Commenter offers text changes to Economics 1.17.	Please refer to ECON Policy 2.3.16 in the Final Draft PMPU.
Page 8	Commenter requests clarification to the activities that would be supported in Economics 2.4.	Please refer to ECON Policy 2.3.13 in the Final Draft PMPU, which states these opportunities would be complementary.
Page 8	Commenter requests that a similar policy to Economics 2.5 be added to support expansion of commercial fishing.	Please refer to ECON Policy 2.3.15 in the Final Draft PMPU.
Page 8-9	Commenter encourages the use of stronger language in the EJ Element, consistent with the Commission’s Environmental Justice Policy, and recommends defining the term “disadvantaged communities.”	Please refer to 3.5.1 Purpose Section of the <i>Chapter 3.5, Environmental Justice Element</i> , and the definition of “disadvantaged community” in the Glossary in the Final Draft PMPU.
Page 9	Commenter encourages goals and policies be added that recognize the relationship between sea level rise and	Please refer to Section 3.5.2(C)iii, EJ Policy 3.2.5, and Section 3.4.2(C)-III, and SR Policy 3.2.3 in the Final Draft PMPU.

July 31, 2019  
Page 7

development may be allowed adjacent to these areas or habitats with sufficient ecological buffers, only certain limited uses are permitted within environmentally sensitive habitat areas, pursuant to Section 30240. Please clarify that only resource dependent uses are allowed within environmentally sensitive areas pursuant to Section 30240 and diking, filling, or dredging of open coastal waters, wetlands, or lakes is limited to certain uses where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, pursuant to Section 30233. Also, for subsection a: "Be coordinated, sited, and designed to avoid impacts where feasible, or legally required. If infeasible, or no legal prohibition exists, minimize and mitigate impacts, in the following order of preference: on-site; elsewhere in the Bay; or in other areas with the same ~~habitat(s)~~ watershed in the Coastal Zone..." Subsection c should also identify the criteria when restoration or enhancement would be required.

4. **Ecology 1.4.** Identify a minimum ecological buffer size.

5. **Ecology 1.6.** Mitigation banks throughout the Coastal Zone should be consistent and held to similar standards. As such, the Port should either include the appropriate mitigation ratios in the PMPU and include rules that will govern how the mitigation bank operates or, alternatively and to provide flexibility, require coordination with and approval by the Executive Director of the Coastal Commission of mitigation ratios and mitigation credit releases. Commission staff would not support the use of mitigation credits for non-coastal development. "In cooperation with federal, state, and regional resource agencies, the District may create mitigation banks within its jurisdiction, in-lieu fee programs, habitat, shading and fill credit programs, and/or other conservation or restoration mechanisms, to provide compensatory mitigation opportunities. With respect to future and existing credits, priority shall first be given to District-initiated development, then coastal-dependent development, development with public benefits, ~~and if warranted, non-coastal development~~, all of which must be within the District. Credits derived from restoration or enhancement of tidally influenced habitat will only be used to mitigate impacts to tidally-influenced waters or wetlands. With respect to credits provided to projects outside the District, the same preference as outlined above shall be followed in addition to all other applicable rules and requirements governing the subject mitigation bank. However, credits will only be provided to projects within the Coastal Zone. If such credit programs are formed, as part of the application process to use such credits, third party applicants must demonstrate: that they have used good faith efforts to minimize the need for mitigation credits by reducing project impacts, and, to the extent practical, mitigate within the same development site. After demonstration of such, third party applicants shall pay a market rate fee for use of credits. BPC approval is required for the right to use any of the credits."

6. **Ecology 1.7.** "Where feasible, Require the use of drought-tolerant California native species and/or non-invasive plant species to fulfill landscaping requirements in proposed major redevelopments or developments." This edit

A1-32  
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	disadvantaged communities.	
Page 9	Commenter encourages goals and policies be added that recognize the relationship between habitat and public health.	Please refer to Section 3.5.2(C)i, EJ Policy 1.3.3, EJ Policy 2.1.2, and EJ Policy 2.1.3 in the Final Draft PMPU.
Page 9	Commenter requests the addition of policy language under EJ Goal 1.	Please refer to EJ Policy 1.2.1 and EJ Policy 1.3.2 in the Final Draft PMPU.
Page 9	Commenter requests the addition of policy language under EJ Goal 4.	Please refer to EJ Policy 2.2.2 and the textbox below the policy in the Final Draft PMPU.
Page 9	Commenter requests additional clarification and detail be added to EJ2.5.,	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed policy conforms with Section 30711 and the Coastal Act and no further changes are needed. Please note that the language is now located in EJ Policy 3.1.2, and a description of a transition zone is included in the textbox below the policy.

July 31, 2019  
Page 8

would identify that plants native to the development site or non-invasive plants must be used. In addition, this policy should be revised to clarify that drought-tolerant native species are required adjacent to wetlands, estuaries, and other sensitive habitat areas.

7. **Ecology Goal 2.** Commission staff previously reviewed an earlier draft with specific standards related to water quality. These standards should be included in the PMPU with our edits incorporated. A policy requiring pumpout facilities at marinas should also be added to protect water quality.

### 3.2 Economics

#### General comments:

Chapter 3 policies are the standard of review for appealable developments and projects located within an estuary, wetland or existing recreation area, and provide specific policies related to economics, including Section 30234 which recognizes of the economic importance of fishing activities and requires those uses to be protected.

#### Comments on specific policies:

1. **Economics 1.15.** "Promote and support the District's commercial fishing history industry and longevity as a priority coastal-dependent use and economic contributor to the District, the region, and California through such efforts as joint public-private marketing, fishing- related festivals, or other special events."
2. **Economics 1.17.** "Promote and support the District's sportfishing history industry as a priority coastal-dependent use and economic contributor to the District, the region, and California through such efforts as joint public-private marketing, fishing- related festivals, or other special events."
3. **Economics 2.4.** Please clarify what activities would be supported. Activities that would disrupt commercial fishing operations should be discouraged.
4. **Economics 2.5.** A similar policy to support the expansion of commercial fishing should be added.

### 3.3 Environmental Justice

#### General comments:

Section 30604 of the Public Resources Code also allows the issuing agency of a coastal development permit to consider environmental justice (EJ), or the equitable distribution of environmental benefits throughout the state.

**Use of terms.** Commission staff encourages the use of stronger language such as "equitable access" in references about access/programs described as being "for all communities" to ensure it is clear that different options and approaches for different

A1-32  
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Page 10	Commenter requests that additional policies be added to the PMPU once the Port's sea level rise vulnerability assessment is finalized and submitted, to address anticipated impacts of sea level rise (SLR) upon public trust resources.	Please refer to SR Policy 3.4.7 in the Final Draft PMPU.
Page 10-11	Commenter notes that all development in ports must conform to Chapter 8 of the Coastal Act and that Section 30715 provides a specific subset of development types that must conform to Chapter 3 in addition to Chapter 8 (non-appealable and appealable development, respectively). The policies in the Safety & Resiliency chapter do not distinguish between appealable and non-appealable development and commenter requests that this distinction be made in this chapter and offers examples and more context as to this reasoning.	SR Objective 3.3 in <i>Chapter 3.4, Safety and Resiliency Element</i> in the Final Draft PMPU establishes an SLR Policy Framework where different groups of policies apply to development depending on whether Chapter 3 or Chapter 8 or both apply to that development.
Page 11	Commenter requests that SR Policies 2.3, 2.6, and 2.8 be edited for consistency with the applicable Chapter 3 and Chapter 8 policies (30235	Please refer to SR Policy 3.3.9 and SR Policy 3.3.15 in the Final Draft PMPU. This element also includes a text box below SR Policy 3.3.10 which references Section

July 31, 2019  
Page 9

communities will need to be prioritized to achieve equitable outcomes. This sort of framing is also consistent with the Commission's Environmental Justice policy<sup>2</sup>. In addition, we recommend defining the term "disadvantaged communities" (i.e. term refers to the Portside Communities, Port Border Tidelines Communities, and other marginalized communities). Because the term disadvantaged communities has been defined in state law by SB 535 (de Leon), this clarification would avoid confusion.

**Sea level rise.** Climate change and sea level rise hazards will have disproportionate impacts on communities with the least capacity to adapt and may exacerbate existing environmental injustices and cumulative impacts from other environmental hazards. Commission staff encourages the Port to include goals and policies that recognize this relationship between sea level rise and disadvantaged communities.

**Habitat and public health.** "Public health and the health of natural ecosystems are inextricably intertwined, ecological impacts are felt first by disadvantaged and at-risk communities, and there is no environmental justice without a healthy environment<sup>3</sup>". We encourage the Port to include goals and policies that recognize this relationship between habitat and public health and work towards restoring the public's access to healthy ecosystems, especially in communities such as Barrio Logan, National City, and Imperial Beach which have historically been overburdened by pollution and lack of access to healthy ecosystems.

Comments on specific policies:

Please note that the general comments discussed in the sections above are relevant to many of the policies in this chapter. Incorporating those comments may require specific edits to several of the policies. The comments listed below are separate from and in addition to the general comments above.

1. **EJ Goal 1.** Add policy language that identifies that the conversion of lower or moderate cost facilities to high cost facilities is an EJ issue, and commit to no net loss of lower cost facilities in EJ communities.
2. **EJ Goal 4.** Add policy language that specifies that the Port should work with EJ communities to identify mitigation measures for projects that impact those communities.
3. **EJ 2.5.** Please clarify what is meant by "transition zones" and provide a minimum transition zone width.

<sup>2</sup> [https://documents.coastal.ca.gov/assets/env-justice/CCC\\_EJ\\_Policy\\_FINAL.pdf](https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf). Adopted March 8, 2019

<sup>3</sup> California Coastal Commission Environmental Justice Policy. Adopted March 8, 2019

A1-32  
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	and 30708(a) respectively).	30235. Note that Section 30235 does not state that a shoreline protective device would be approved only if it is the "least environmentally damaging feasible alternative."
Page 11-12	Commenter requests that SR Policies 2.3-2.7 be revised to be consistent with requirements in the Coastal Act.	These policies have been revised and/or removed and no longer bind together coastal-dependent uses, critical infrastructure, and public accessways.
Page 12	Commenter requests that missing content of the Coastal Act Section 30235 be applied to SR Policies 2.3-2.7.	Please refer to SR Policy 3.3.9 in the Final Draft PMPU. This element also includes a text box below SR Policy 3.3.10 which references Section 30235. Note that Section 30235 does not state that a shoreline protective device would be approved only if it is the "least environmentally damaging feasible alternative."
Page 12	Commenter notes that appealable coastal accessways may or may not be considered coastal-dependent.	Please refer to SR Policy 3.3.6 and SR Policy 3.3.7 in the Final Draft PMPU. In addition, please refer to SR Policy 3.3.9 and SR Policy 3.3.15 in the Final Draft PMPU. This element also includes a text box below SR Policy

July 31, 2019  
Page 10

### 3.4 Safety & Resiliency

#### General comments:

**Sea level rise and public trust resources.** The first page of the Safety & Resiliency chapter states, “The District prioritizes safety and resiliency from natural and human-caused hazards to *provide continuity of service for the Public Trust uses*, and the safety of users within the District” (emphasis added). Commission staff suggests that once the Port’s sea level rise vulnerability assessment is finalized and submitted to the State Lands Commission per AB 691, that the Port add additional policies as necessary to address anticipated impacts of sea level rise (SLR) upon public trust resources, and to ensure the continued service for public trust uses in the face of SLR.

**Appealable versus non-appealable development.** All development in ports must conform to Chapter 8 of the Coastal Act. In addition, Section 30715 of the Coastal Act provides a specific subset of development types that must conform to Chapter 3 policies in addition to Chapter 8 policies. These are often called non-appealable and appealable development types, respectively. Chapter 3 of the Coastal Act provides specific policies related to coastal hazards and SLR, including Sections 30253 and 30235 as well as many other resource protection policies.

Currently, the policies in the Safety & Resiliency chapter do not distinguish between appealable and non-appealable development; rather, the chapter provides policies on other groups of development types (see additional comment on this topic below). To carry out Sections 30714 and 30715 of the Coastal Act, the policies of this chapter should first distinguish between appealable development that must also conform to Chapter 3 in addition to Chapter 8, and non-appealable development that must only conform to Chapter 8.

For appealable development, a policy should be added clarifying that new development shall be sited to assure safety and stability and not require shoreline protective devices, consistent with Section 30253 of the Coastal Act. The language of this policy could read:

*New development shall be sited to avoid hazards, taking into account predicted sea level rise, including groundwater changes, over the anticipated life of the development. If hazards cannot be completely avoided, then development shall be sited and designed to protect coastal resources and minimize risks to life and property to the maximum extent feasible. New development that is not coastal-dependent shall assure stability and structural integrity of the development without reliance on shoreline protective devices that substantially alter natural landforms or otherwise harm coastal resources in a manner inconsistent with PMP policies or Coastal Act public access policies, and not contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.*

Another policy should state that, for appealable development, approvable shoreline protective devices must be consistent with Section 30235 – i.e., shoreline protective

A1-32  
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		3.3.10 which references Section 30235.
Page 12	Commenter notes that some but not all critical infrastructure is coastal-dependent and that proposed shoreline protection for appealable critical infrastructure would have to be fund consistent with Section 30235 and proposed protection for non-appealable development would have to be found consistent with Section 30708(a).	To avoid confusion, this term is no longer used in this context in the PMPU. Instead please refer to SR Policy 3.3.9 and SR Policy 3.3.15 in the Final Draft PMPU.
Page 12	Commenter requests clarity in how flooding and inundation are referenced.	Please refer to Section 3.4.2(B)-I, which includes flooding, inundation, and other hazards that could be exacerbated by SLR. Please refer to the policies under SR Objective 3.3.
Page 12	Commenter requests that other potential hazards related to sea level rise should be included in policies that refer to flooding and inundation.	Please refer to Section 3.4.2(B)-I, which includes a description of coastal hazards.
Page 12	Commenter requests that the PMPU identify the location of known fault lines and includes policies regarding development adjacent to fault lines.	Please refer to Section 3.4.2(B)-I in <i>Chapter 3.4 Safety and Resiliency Element</i> as well as SR Policy 1.1.6 in the Final Draft PMPU. Please also refer to Attachment 2 to the Final PEIR.

July 31, 2019  
Page 11

devices are approvable for certain development, but must be the least environmentally damaging feasible alternative, and must mitigate unavoidable resource impacts – and other resource protection policies of Chapter 3.

Adding these new suggested policies would change the context of some of the existing policies in the PMPU, so those policies should be edited to ensure they make sense alongside the new suggested policies mentioned above. For example, Policy SR 2.5 states that “maintenance, including reconstruction and expansion, of shoreline protection is allowed for coastal-dependent uses, critical infrastructure, and public access;” and while coastal-dependent uses are one of the development types with an affirmative right to shoreline protection in Section 30235, the appealable development types to which Section 30235 does *not* apply should be sited to be safe *without* reliance on shoreline protection, per Section 30253 of the Coastal Act (see additional comment on this topic below). Additionally, Policy SR 2.8 states that if managed retreat is not feasible along unprotected portions of the shoreline, protection or accommodation should be used; however, it should also be noted that if development is appealable, it would also be subject to the policies that carry out Chapter 3 of the Coastal Act, which may impact the types of strategies that can be used – i.e., whether or not shoreline protection is approvable.

**Prioritization of protection, accommodation, and retreat.** Several of the policies in the Safety & Resiliency chapter prioritize protection over accommodation and managed retreat (i.e., SR 2.3, 2.6, 2.8). However, these policies set up a potential inconsistency with both Chapter 8 and Chapter 3 of the Coastal Act, which support the identification and use of the least environmentally damaging feasible alternative.

In the case of appealable development to which Section 30235 applies, a shoreline protective device would be approved only if it is the least environmentally damaging feasible alternative. Projects to which Section 30253 applies would site development to be safe from shoreline hazards without the use of shoreline protective devices, through measures such as setbacks.

In the case of non-appealable development, Chapter 8 of the Coastal Act requires that development minimize substantial environmental impacts (Section 30708(a)), which again may lead to the identification of less environmentally damaging alternatives than shoreline protection. One well known potential impact of shoreline protective devices is their negative effect on habitats that lie seaward of the device; therefore, shoreline protection would have to be examined against Section 30708(a), and feasible alternatives to shoreline protection should be evaluated as well.

In summary, Policies SR 2.3, 2.6, and 2.8 should be edited for consistency with the applicable Chapter 3 and 8 policies described above, rather than prioritizing adaptation strategy types outright.

**Coastal-dependent uses, critical infrastructure, and public accessways.** The Safety & Resiliency chapter binds together coastal-dependent uses, critical infrastructure, and public accessways as a group of development types and refers to them in several policies (SR 2.3-2.7). Together, these five policies state that coastal-dependent uses, critical

A1-32  
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Page 13	Commenter offers text revisions to SR 1.3.	Please refer to SR Policy 1.1.1 in the Final Draft PMPU.
Page 13	Commenter requests additional information regarding hazards associated with SLR be added to the SR Goal 2 Overview.	Please refer to Section 3.4.2(B)-I in <i>Chapter 3.4 Safety and Resiliency Element</i> in the Final Draft PMPU.
Page 13	Commenter suggests that a policy be added under SR Goal 2 that requires lessees to assume the risk of developing in areas subject to current and/or future coastal hazards.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. The proposed policies conform with Section 30711 and the Coastal Act and no further changes are needed.
Page 13	Commenter offers text revisions to SR 2.1.	Please refer to the text box under SR 3.3.1 in the Final Draft PMPU.
Page 13	Commenter notes that in SR 2.4 mitigation for unavoidable adverse impacts to coastal resources should also be required.	This is a requirement pursuant to CEQA and will be addressed on a project-by-project basis.
Page 13	Commenter offers text revisions to SR 2.5.	Please refer to SR Policy 3.3.9 in the Final Draft PMPU.

July 31, 2019  
Page 12

infrastructure, and public accessways should employ protection strategies first, and then look to accommodation; additionally, they are excluded from a policy that lists managed retreat as the third option for adaptation, as well as from a policy that prioritizes living/soft shorelines as an alternative to shoreline protection.

As stated above, the Coastal Act supports the identification and use of the least environmentally damaging feasible alternative, so Policies SR 2.3-2.7 should be edited to be consistent with this requirement. Additionally, more detail is needed in these policies to specify how each of these three development types is treated within the Coastal Act; specifically:

- **Coastal-dependent uses.** Appealable coastal-dependent uses are subject to Section 30235 of the Coastal Act, which gives such uses an affirmative right to shoreline protection when the protection is the least environmentally damaging feasible alternative and when coastal resource impacts are mitigated. Policies 2.3-2.7 should be edited so that they apply the missing content of Coastal Act Section 30235 to appealable development.
- **Accessways.** Appealable coastal accessways (e.g., roads or highways which are not principally for internal circulation within the port boundaries) may or may not be considered coastal-dependent. However, in any case, shoreline protection can only be allowed where it is the least environmentally damaging feasible alternative.
- **Critical infrastructure.** Some, but not necessarily all, critical infrastructure is coastal-dependent. Proposed shoreline protection for appealable critical infrastructure (e.g., development for the storage, transmission, and processing of gas and crude oil; waste water treatment facilities, roads or highways which are not principally for internal circulation within the port boundaries; oil refineries; petrochemical production plants), would have to be found consistent with Section 30235 of the Coastal Act in order to be approved. Proposed protection for non-appealable development would have to be found consistent with Section 30708(a).

**Flooding and inundation.** Many of the policies in the Safety & Resiliency chapter refer to flooding and inundation, but they do not explicitly state that *SLR-influenced* flooding and inundation are included. For clarity, the chapter should state that wherever coastal hazards are mentioned in policy language, it includes not only present-day hazards but also hazards as they are influenced by SLR over the lifetime of the development (e.g., typically 75-100 years for commercial development) to which the policy applies.

**Other hazard types.** In addition to flooding and inundation, shoreline erosion, groundwater rise, and salt water intrusion should be included as other potential hazards which may increase as sea levels rise. These hazards should be included in the policies that refer to flooding and inundation. In addition, the PMPU should identify the location of known fault lines and include policies regarding development adjacent to fault lines.

A1-32  
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Page 13	Commenter requests that living shoreline be prioritized where feasible for all development types.	Please refer to SR Policy 3.3.4 in the Final Draft PMPU.
Page 13	Commenter offers text revisions to SR 3.2.	Please refer to SR Policy 3.2.3(a) and (f) in the Final Draft PMPU.
Page 13	Commenter requests that multiple SLR scenarios be analyzed, including those recommended by the current best available science and guidance.	Please refer to SR Policy 3.3.1(b) in the Final Draft PMPU.
Page 14	Commenter requests that the analysis include all relevant SLR-related hazards (in reference to SR 3.3).	Please refer to SR Policy 3.3.1 in the Final Draft PMPU.
Page 14	Commenter requests that the study identify threshold SLR amounts that could lead to impacts (in reference to SR 3.3).	Please refer to SR Policy 3.3.1(c) in the Final Draft PMPU.
Page 14	Commenter requests that analysis for appealable development should be performed as if any existing shoreline protective devices do not exist (in reference to SR 3.3).	Please refer to SR Policy 3.3.1(d) in the Final Draft PMPU.
Page 14	Commenter requests that studies should be prepared by a licensed civil engineer with experience in coastal processes (in reference to SR 3.3)	Please refer to SR Policy 3.3.1(a) in the Final Draft PMPU.



July 31, 2019  
Page 13

Comments on specific policies:

Please note that the general comments discussed in the sections above are relevant to many of the policies in this chapter. Incorporating those comments may require specific edits to several of the policies. The comments listed below are separate from and in addition to the general comments above.

1. **SR 1.3.** "Design coastal accessways to promote maximum feasible, safe public access..."
2. **SR Goal 2 Overview.** The Flooding subsection discusses how SLR may influence intensity and duration of coastal flooding events. This or another background section should discuss the other hazards associated with SLR, including increased height and extent of inundation, groundwater rise, saltwater intrusion, and shoreline erosion.
3. **Goal 2.** All development potentially exposed to current or future hazards, including hazards related to SLR, should be given proper notice about their potential exposure. Consider adding a policy that requires lessees to assume the risk of developing in areas subject to current and/or future coastal hazards.
4. **SR 2.1.** "...over the economic life of the structure or facility (typically 75-100 years for commercial development; and typically longer for infrastructure)."
5. **SR 2.4.** Mitigation for unavoidable adverse impacts to coastal resources should also be required.
6. **SR 2.5.** "Repair and maintenance, ~~including reconstruction and expansion~~, of shoreline protection is allowed for..."
7. **SR 2.7.** Living shorelines should be prioritized where feasible for all development types. The draft policy excludes coastal-dependent development, critical infrastructure, and public accessways from this policy, but it is appropriate to consider whether living shorelines are viable adaptation strategies for these development types as well.
8. **SR 3.2.** This policy should reference "best available science" instead of "science-guided methods."
9. **SR 3.3.** Additional detail should be included in this policy to specify the requirements of a site-specific hazard report, including the following elements:
  - Multiple SLR scenarios associated with the proposed projects anticipated development life (typically 75-100 years for most commercial development, and typically longer for infrastructure) should be analyzed, including those recommended by the current best available science and guidance. Currently, the best available science is summarized in the 2018 Coastal Commission Sea Level Rise Policy Guidance and the Ocean Protection Council 2018 State of California Sea Level Rise Guidance.

A1-32  
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Page 14	Commenter suggests the addition of a policy regarding coordination with local government planning departments.	Please refer to SR Policy 3.4.6 in the Final Draft PMPU.
Page 14	Commenter suggests revisions to SR 4.4.	Please refer to SR Policy 3.4.1 in the Final Draft PMPU.
Page 14	Commenter requests evaluation for new marinas within the Port District and minimize increase in water coverage by focusing expansion of slips to existing marinas.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed policies and planned improvements conform with Section 30711 and the Coastal Act and no further changes are needed.
Page 14	Commenter requests policy language be added specific to collaboration to establish new connections to the San Diego International Airport.	There are several locations in the Final Draft where this has been addressed. A non-exhaustive list of examples include: M Policy 1.1.18, PD2.4(b), 5.2.3(A) Vision for East Harbor Island Subdistrict, PD2.32(b), and 5.2.5(A) Vision for

July 31, 2019  
Page 14

- The analysis should include all relevant SLR-related hazards, including inundation, flooding associated with storms of various return periods including a 100-year storm, wave runup, shoreline erosion, groundwater rise, and saltwater intrusion.
- The study should identify threshold SLR amounts that could lead to impacts, such as the amount of SLR that could lead to overtopping of the proposed development.
- For appealable development subject to Section 30253, which requires development to not rely on shoreline protective devices, the analysis should be performed as if any existing shoreline protective devices do not exist.
- Studies should be prepared by a licensed civil engineer with experience in coastal processes.

10. **SR Goal 4.** Commission staff suggest including a policy calling for coordination with local government planning departments on Local Coastal Program updates, including as they address safety, coastal hazards, and SLR.

11. **SR 4.4.** Commission staff suggest identifying SLR specifically within this policy. The draft policy refers to “natural climate conditions” and “natural and human-caused hazards,” but those terms may not convey that SLR is included in those categories.

### 3.5 Mobility

#### General comments:

Chapter 3 policies are the standard of review for appealable developments and projects located within an estuary, wetland or existing recreation area, and provide specific policies related to mobility, including Sections 30212, 30212.5, 30224, and 30252.

**Marinas.** The mobility section encourages the expansion of boat slips and berthing opportunities. However, the Port should evaluate whether there is a need for new marinas within the Port district and, if so, establish criteria for their development that would result in additional opportunities for public access (e.g., including public memberships, requiring a range of slip sizes, etc.). In addition, new development should minimize the increase in water coverage baywide by focusing any expansion of recreational slips in existing marinas, as opposed to constructing new marinas.

**Connections to the Airport.** The PMPU should include policy language, specific to the San Diego International Airport, that encourages collaboration with transportation agencies, authorities, and adjacent jurisdictions to establish new connections to the airport, including the development of an intermodal transit center.

A1-32  
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		Pacific Highway Corridor Subdistrict.
Page 15	Commenter states that Mobility Goal 1 could be strengthened.	Please see the revised Mobility Goal 1 and accompanying textbox.
Page 15	Commenter requests that a policy be added that requires new development to provide a certain number of public parking spaces for coastal access.	The intent of the proposed mobility hub network is to consolidate parking spaces to maximize other coastal access space around Tidelands. Please refer to the policies under M Objective 1.3.
Page 15	Commenter offers text revisions to the Mobility Overview section and requests more detailed parameters be added regarding access restrictions.	This section was removed from subsequent drafts of the PMPU.
Page 15	Commenter requests clarification to Mobility 1.1.	Please refer to WLU 4.1.8 in the Final Draft PMPU.
Page 15	Commenter requests clarification to Mobility 1.4.	Please refer to Section 4.3.1 item 1 in <i>Chapter 4, Baywide Development Standards</i> .
Page 15	Commenter requests clarification in Mobility 2.2.	Please refer to Section 4.6.1 Item 2 in <i>Chapter 4, Baywide Development Standards</i> and the text box about Wayfinding Signage after M Policy 1.2.7.
Page 15	Commenter requests clarification to Mobility 2.4.	Please refer to M Policy 1.1.2 and M Policy 1.1.3 in the Final Draft PMPU.

July 31, 2019  
Page 15

Comments on specific policies:

Please note that the general comments discussed in the sections above are relevant to many of the policies in this chapter. Incorporating those comments may require specific edits to several of the policies. The comments listed below are separate from and in addition to the general comments above.

1. **Mobility Goal 1.** This goal could be strengthened by clarifying that the primary intent is to maintain, enhance, and expand coastal public access via multiple travel modes.
2. **Mobility 1.0.** Add a policy within this element that requires new developments to provide a certain number of public parking spaces for coastal access.
3. **Mobility Overview.** The following policies implement this goal, but do not apply where implementation is ~~infeasible due to geographic or site constraints, and/or inconsistent with~~ public safety, ~~military~~ security needs, or protection of sensitive coastal resources. These edits ensure consistency with Chapter 3 of the Coastal Act. In addition, there should be more detailed parameters regarding when access restrictions would be appropriate for safety or military security needs.
4. **Mobility 1.1.** Please clarify that this policy is not meant to prioritize private piers, docks, slips, moorings, anchorages, and platforms.
5. **Mobility 1.4.** Please clarify that 100 percent continuity and connectivity of the waterside promenade through the District should be pursued, including as part of redevelopment.
6. **Mobility 2.2.** Please clarify that wayfinding signage would be non-digital and non-commercialized.
7. **Mobility 2.4.** This policy should clarify that expansion of boat slips and berthing opportunities is encouraged within existing marinas.
8. **Mobility 2.7.** ~~“Seek opportunities to strengthen~~ connections to adjacent jurisdictions and regional facilities, across all modes of travel, where feasible.
9. **Mobility 2.9.** Please also include a policy that would require all leaseholds to develop a transportation demand management program to reduce dependence on single-occupancy vehicles.
10. **3.2. Implementation Strategies.** “...Spaces should ~~ideally~~ be situated within walking distance of the uses it serves ~~or be served by a shuttle...~~” In addition, require the fund from the fee program to be used to offset parking impacts (e.g., shuttle program, off-site parking reservoir, etc.) and cap the number of parking spaces that can be reduced by the fee.
11. **Mobility 3.7. Implementation Strategies.** “Allow for maintenance and slip modifications of existing recreational marinas to support changes to waterside

A1-32  
cont.

Page 15	Commenter offers text revisions to Mobility 2.7.	Please refer to M Policy 1.1.15 in the Final Draft PMPU.
Page 15	Commenter requests the addition of a policy to require all leaseholds to develop a transportation demand management program.	Please refer to M Policy 1.1.11 in the Final Draft PMPU.
Page 15	Commenter offers text changes to Mobility 3.2 Implementation Strategies and requests additional language be included in the policy.	These Implementation Strategies were not included in subsequent drafts of the PMPU.
Page 15-16	Commenter offers text revisions to Mobility 3.7 and adds that the policy could also require a minimum percentage of slips for small boats be maintained.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. The proposed policy conforms with Section 30711 and the Coastal Act and no further changes are needed. Please note that the language is now located in M Policy 1.3.3.

July 31, 2019  
Page 16

facilities and boating needs while still maintaining a range of slip sizes.” The policy could also require a minimum percentage of slips for small boats be maintained.

12. **Mobility 3.8.** Although a portion of a development’s parking requirements may be reduced by payment of a parking impact fee, a parking impact fee should not be allowed to satisfy all of a development’s parking requirements.

13. **Mobility Goal 3.** Add a policy encouraging shared use parking arrangements.

### 3.6 Water & Land Use

#### General comments:

Chapter 3 policies are the standard of review for appealable developments and projects located within an estuary, wetland or existing recreation area, and provide specific policies related to land and water use, including Sections 30213, 30230, and 30255, as well as many other resource protection policies.

**Wetlands and Estuaries.** The Wetland and Estuary water use designations of the certified PMP have been replaced with a water use designation of Conservation/Intertidal in the PMPU. However, the Conservation/Intertidal water use description is vague and lacks the protections provided for in the Wetland and Estuary water use designations which limit allowable uses in wetlands to restoration, nature study, or similar resource dependent activities and allowable uses in estuaries to boating facilities, intake and outfall lines, restoration work, nature study, aquaculture, or resource-dependent activities. Note that Commission staff would not support reducing the protections given to wetlands or estuaries and, as such, these water uses should be included in the PMPU (as described in the certified PMP) or the Conservation/Intertidal water use designation description should be modified to be consistent with the Wetland water use designation which is the most protective.

**Aquaculture.** The PMPU promotes a large expansion of aquaculture uses within the bay and ocean. Policy language should be included that allows only native species in aquaculture projects in order to prevent impacts to bay habitats and native populations that could occur as a result of the naturalization of non-native species. We also strongly support the use of third party, independent monitoring to assess impacts to habitat and native species that may occur as a result of increased aquaculture, as monitoring and self-reporting carried out by applicants or project proponents can raise questions about bias, transparency, and the defensibility of the results. In addition, please note that the PMPU definition of aquaculture is inconsistent with the definition contained in the Coastal Act and should be revised to identify that aquaculture does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes (see comment under Appendix A Definitions below).

A1-32  
cont.

Page 16	Commenter notes that in Mobility 3.8, a parking impact fee should not be allowed to satisfy all of a development’s parking requirements.	This policy has been deleted from subsequent drafts of the PMPU.
Page 16	Commenter requests the addition of a policy encouraging shared use parking arrangements.	Please refer to M Policy 1.3.4(b).
Page 16	Commenter notes the provisions of Chapter 3 policies and when it serves as the standard of review for development.	Noted. Thank you.
Page 16	Commenter requests that the Conservation/Intertidal water use description be revised.	Please refer to Table 3.1.4 for the description of the water use designations and Table 3.1.2 for the allowable use types within each of the water use designations.
Page 16	Commenter requests that policy language be added regarding expansion of aquaculture uses.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto, for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. The proposed policy conforms with Section 30711 and the Coastal Act and no further

July 31, 2019  
Page 17

Comments on specific policies:

Please note that the general comments discussed in the sections above are relevant to many of the policies in this chapter. Incorporating those comments may require specific edits to several of the policies. The comments listed below are separate from and in addition to the general comments above.

1. **WLU 1.1.** “Provide continuous shoreline public access unless it is ~~infeasible due to geographic or site constraints and or~~ inconsistent with public safety, ~~military security needs~~, or protection of sensitive coastal resources ~~or as otherwise specified in the subdistrict.~~” In addition, there should be more detailed parameters regarding when public access restrictions would be appropriate for safety or military security needs.
2. **WLU 1.3.** “~~Allow Reserve land~~ for visitor-serving amenities and recreational facilities near or adjacent to the shoreline.”
3. **Visual Access.** Add a policy that developments should not distract from views of the bay and ocean, including advertisements, neon signage, digital ads, and lighting that is above that necessary for security or safety.
4. **WLU 1.9.** Delete or clarify the types of recreational facilities that have priority over other lower-cost visitor facilities.
5. **WLU 1.12.** “Encourage new overnight accommodations that offer a range of ~~affordability, room types and, where appropriate,~~ are intrinsically lower cost.”
6. **Lower-Cost Visitor Serving and Recreational Facilities.** Add a policy that encourages an increase in the stock of lower-cost overnight accommodations, including micro-hotels/motels, hostels, yurts, cabins, and tent sites. Consider identifying a specific goal as part of this policy (e.g., 15-25% of total stock within the Port, minimum acreage, or minimum quantity of beds/rooms).
7. **WLU 1.13.** “~~In addition to overnight accommodations,~~ ~~Appealable~~ development shall protect, encourage and, where feasible, provide its fair share of lower-cost visitor and recreational facilities to enhance the public’s enjoyment of the Bay.” In addition, fair share should be defined (e.g., 25% of cost of development or square feet of development, etc.).
8. **WLU 1.13.c.** This section should be revised to clarify that waterside lower-cost facilities may count towards an appealable development’s contribution of lower-cost visitor and recreational facilities, which is a separate requirement that is in addition to the requirement to provide lower cost overnight accommodations as part of the development (or pay an in-lieu fee).
9. **WLU 1.13.e.** “...However, factors such as lower-cost amenities, product types of motels and hotels and other intrinsically lower-cost overnight accommodations, such as micro-hotels/motels, hostels, yurts, cabins, ~~and tent sites, and RV parks,~~

A1-32  
cont.

		changes are needed. Please note that the language is now located in ECO Policy 2.1.4.
Page 16	Commenter requests that the definition of aquaculture in the PMPU be revised.	Please see comment below regarding the definition of aquaculture.
Page 17	Commenter offers text revisions to WLU 1.1 and requests more detailed parameters regarding public access restrictions.	Please note that this policy was removed and instead refer to the updated language in the baywide development standards under 4.3 Pathway Standards.
Page 17	Commenter offers text revisions to WLU 1.3.	Please refer to WLU Policy 5.1.3.
Page 17	Commenter requests that a policy be added that development should not distract from view of the bay and ocean.	Please see WLU Policy 4.2.4.
Page 17	Commenter requests deletion of WLU 1.9, or clarification to WLU 1.9.	This policy was deleted.
Page 17	Commenter offers text revisions to WLU 1.12.	Please refer to the policies under WLU Objective 6.3.
Page 17	Commenter requests the addition of a policy regarding an increase in the stock of lower-cost overnight accommodations.	Please see the policies under WLU Objective 6.3.
Page 17	Commenter requests revisions to WLU 1.13.	Please see the policies under WLU Objective 6.1 and WLU Objective 6.2 for revised policies. Please see the definition

July 31, 2019  
Page 18

may be considered.” RV parks are not always lower-cost, as the price to own, rent, operate, maintain, and park RVs are often high.

10. **WLU 2.3.** Add minimum requirements for softscape and landscape features. This policy could also be strengthened by adding a minimum requirement for green space (e.g., lawn space that is not landscaped and can be used for picnics, sports games, etc.)
11. **WLU 2.5.** Add a definition for public amenities that includes examples, including but not limited to, restrooms, benches, picnic tables, water fountains, etc.)
12. **WLU 2.6.a.** “Public parks shall be publicly accessible for a minimum of approximately 85 percent of the year.” Please also identify the minimum number or percentage of weekend days during the peak summer months (Memorial Day to Labor Day) the parks will be publicly accessible and not dedicated to serial temporary events.
13. **WLU 3.2.** This policy should be strengthened to require maintenance, protection, and enhancement of existing public boat launch facilities. Has the Port analyzed the demand/utilization of its boat launches? If additional facilities are needed, note any areas within the Port where a new public boat launch facility could be added.
14. **WLU 3.3.** Please add minimum standards to identify the range of slip sizes (i.e., percent of small slips, define “small slips”).
15. **Baywide General Development.** Please add a policy here or in one of the elements regarding limiting increases in water coverage and only allowing projects with additional water coverage if environmental impacts are avoided or minimized and mitigated.
16. **WLU 4.6.** “Design and implement major redevelopment and new development to ~~orient~~ provide open space ~~toward the Bay and, where feasible,~~ directly adjacent to the Bay. This policy should be revised in each of the planning districts as well.
17. **WLU 4.9.** Building height standards should be identified here or in each planning district.
18. **WLU 4.10.** Delete. Cantilevered or floating walkways maybe allowed only for coastal-dependent uses, such as commercial fishing.
19. **WLU 4.23.** “~~Allow for~~ Promote the redevelopment and intensification of Commercial Fishing and Sportfishing designations to enhance economic feasibility.”
20. **Allowable Uses. Secondary Uses.** “...Secondary Uses shall be sited in a manner that reserves functional ground floor water/shoreline frontage and coastal accessway frontage for primary uses.” In addition, please provide additional

A1-32  
cont.

		for “fair share” in the Glossary.
Page 17	Commenter requests revisions to WLU 1.13c.	Please see the policies under WLU Objective 6.1 and WLU Objective 6.2 for revised policies.
Page 17-18	Commenter offers text revisions to WLU 1.13.e.	This list of examples has been deleted. Please refer to the definition of Lower Cost Visitor and Recreational Facilities for the revised language.
Page 18	Commenter requests that minimum requirements be added to WLU 2.3.	Please refer to 4.2.1 #2 under 4.2 Recreation Open Space and Activating Features Standards in the Final Draft PMPU.
Page 18	Commenter requests that a definition of “public amenity” be added that includes examples.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. The proposed definition conforms with Section 30711 and the Coastal Act and no further changes are needed. Please note that the language is located in the definition for “amenity” in the Glossary.

July 31, 2019  
Page 19

language to identify that no expansion of secondary uses will occur when primary uses are thriving.

21. **Table 3.6.2: Water Uses.** Remove Aquaculture as a secondary use in Commercial Fishing. Revise allowable uses in Conservation/Intertidal to allow Aquaculture as a secondary use and remove Blue Technology as an allowable use. Revise Recreational Berthing to remove Food Service/Restaurant as an allowable use and allow Overnight Accommodations as a secondary use only. Remove Blue Technology as a secondary use in Sportsfishing Berthing. It is unclear why Spill Response Services would be a secondary use for Commercial Fishing, but not for Recreational Berthing and Sportsfishing Berthing.

22. **Water Use Table – Notes.** Delete Note 1. The Shelter Island Planning District should have the same requirements as the Embarcadero Planning District (Note 3). We are aware that the existing CDP for Driscoll's Wharf does allow non-commercial fishing vessels to temporarily berth subject to termination upon 72-hour notice; however, it is our understanding that this method has historically failed to ensure access is provided to commercial fishing boats when needed. As such, we strongly recommend that the PMPU set forth new requirements for Shelter Island that are consistent with the rest of the San Diego Bay. Note 2 should be revised to clarify that avoidance and mitigation are necessary in all water uses; Aquaculture and Blue Technology uses may be allowed, but only where environmental impacts are avoided or minimized and mitigated.

23. **Table 3.6.3: Land Uses.** In Commercial Fishing, do not allow Food Service/Restaurant as a secondary use or Bulk Liquid Handling, Bunkering, Storage, and Pipelines as a primary use. In Maritime Services and Industrial, allow Aquaculture and Blue Technology as secondary uses only. In Recreation Open Space, allow Aquatic Center as a Secondary Use and do not allow Aquaculture and Marine Education and Training. In Sportsfishing, allow Food Service/Restaurant as secondary uses only. Allow Public Beaches as a secondary use only in Commercial Recreation and clarify that public beaches are open and free to the general public. In Recreation Open Space, allow Performance Feature or Venue as a secondary use only; do not allow Storage or Vessel/Sailing School.

24. **Land Use Table – Notes.** For Note 1, clarify that food service/restaurant is allowed if it does not conflict with sportsfishing. Delete Note 2, since aquaculture is not a use that is compatible with commercial fishing.

25. **Water and Land Use Considerations.** Reference the associated standard.

26. **Baywide Standards:**

- **5.d.** Delete. Major attractions should be compatible with the size, scale, and design of surrounding development.
- **7.c.** Revise to allow only 900 square feet of enclosed space per pavilion, consistent with Shake Shack.

A1-32  
cont.

Page 18	Commenter offers text revisions to WLU 2.6a and requests additional information be included.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed policies conform with Section 30711 and the Coastal Act and no further changes are needed. Please note that this language is now located in WLU 4.2.6.
Page 18	Commenter requests that WLU 3.2 be strengthened to require maintenance, protection, and enhancement of existing public boat launch facilities. Commenter also asks if the Port has analyzed the demand/utilization of its boat launches and suggests to note areas within the Port where a new public boat launch facility could be added.	Please see WLU Policy 3.1.5 for the revised policy.
Page 18	Commenter requests that minimum standards to identify the range of slip	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not

July 31, 2019  
Page 20

- **7.g.** Revise to clarify outdoor seating shall be available to the general public.
- **8.** Revise to identify “wayfinding programs” and not “wayfinding systems.” Delete “large-scale” from 8.c.
- **11.** Revise to require recreation open space be publicly accessible a minimum of 85 percent of the year.
- **13.a.** Explain why staff believes a 2:1 ratio should be used to satisfy Recreation Open Space requirements. Commission staff recommends consideration of a higher ratio. In addition, the acceptance of rooftop open space should be evaluated and allowed on a case by case basis.
- **14.a.** “...The following features may be located within Accessway Corridors, View Corridor Extensions, and Scenic Vista Areas, provided they maintain adequate access and do not significantly ~~fully~~ obstruct views:...” Identify that ticket booths would not be allowed.
- **14.c.** Identify the appropriate canopy height.
- **16.** Identify the baywide minimum promenade dimensions and building setbacks.
- **17.** Delete.
- **18.a.** Identify the minimum landscape buffer width.
- **18.b.** This provision minimizes the intent of a landscape buffer; any development intrusions into the buffer should be minor and limited to 25% of the buffer width. In addition, intrusions should be evaluated and allowed on a project specific basis.
- **18.c.** “This open space may not count towards any applicable minimum recreation open space for a subdistrict or planning area.” It should be clarified that this may be allowable on a project specific basis, and may not apply baywide.

A1-32  
cont.

#### CHAPTER 4: PLANNING DISTRICTS

##### General comments

1. Please explain how the number of activating features were chosen for each district.
2. In several instances, the language “at the appropriate time” is used. Please include more detailed parameters throughout to identify the appropriate time.

	sizes be added to WLU 3.3.	limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. The proposed policies conform with Section 30711 and the Coastal Act and no further changes are needed. Please note that similar language is located in: M Policy 1.1.2, M Policy 1.1.3, and M Policy 1.3.3.
Page 18	Commenter requests that a policy be added to limit increases in water coverage and only allowing projects with additional water coverage if environmental impacts are avoided or minimized or mitigated.	Please refer to ECO Policy 1.1.4, as well as select planned improvements listed in the subdistrict, which state “provided there is no unmitigated increase in shading or fill.”
Page 18	Commenter offers text revisions on WLU 4.6 and requests that it be revised in each of the planning districts as well.	Please refer to Section 4.2.1 Item 1 under 4.2 Recreation Open Space and Activating Features Standards.
Page 18	Commenter requests that building height standards be identified in WLU 4.9 or in each planning district.	Where applicable, Public Realm Standards in each subdistrict identify height standards.



July 31, 2019  
Page 21

#### Shelter Island (PD 1)

##### General comments:

**Protection of the boat launch facility and small water craft landings.** Language should be included that describes the boat launch facility and small water craft landings in this district. In addition, policy language should be added to protect these amenities.

**Parking.** Commission staff is concerned with the number of policies that seem to suggest parking would be removed from this district, as parking in and around Shelter Island today is heavily utilized. In addition, many visitors to Shelter Island recreate by boating, fishing, and picnicking, all of which would likely require a car to park, even in the future. While we appreciate policies that would connect the Port's shuttle to the district, the Port should provide adequate parking for the general public, including boat trailers. Although the existing parking reservoir may be reconfigured, an equivalent amount of public parking should be provided. In addition, the parking lot directly adjacent to the boat launch should be protected in its current configuration to provide convenient parking for boat trailers and others utilizing the launch as an access point into the bay.

**Encroachments.** Commission staff continues to be concerned with the number and extent of encroachments of private residential properties along the Bessemer trail. Specifically, many homes have landscaping that extends into Port tidelands and in many cases either blocks access through the tidelands or gives the appearance the land is private. The PMPU should include a mechanism for removal of the encroachments in the near-term, especially given the erosion already occurring on the trail, in order for the trail to be relocated landward and continue to provide access to the public.

**Houseboats.** Residential uses of boats are not traditional uses encouraged by the public trust and do not appear to be an allowable use under Section 87 of the Port Act. The PMPU should include a baywide policy that establishes that boats may not be used as private residences.

**La Playa Piers.** Commission staff supports the removal of the docks and piers in La Playa, except of the La Playa Yacht Club pier, within two years of certification of the PMPU. Alternatively, if the Port wishes to retain the piers, the piers (including their docks) should be available for public use at all times. Either action would be consistent with the Commission's action on the certification of the PMP in 1982 that required: "The Board of Port Commissioners shall not renew the existing leases on the five privately owned piers in the La Playa and adjacent Kellogg Beach areas that extend out from the tidelands into the yacht Basin near Shelter Island. At the termination of the existing leases in 1986 the Board of Port Commissioners shall either: a) make the piers available for public use; or b) cause them to be removed. Any piers retained which create a severe impediment to lateral shoreline access shall be modified to correct this situation. Signs indicating availability for public use shall be posted on any piers retained." However, Commission staff does not support the retention of the piers with the existing public access restrictions (i.e., the Nichols Street pier is entirely private and the other four piers contain private docks).

A1-32  
cont.

Page 18	Commenter requests deletion of WLU 4.10.	This policy has been deleted.
Page 18	Commenter offers text revisions to WLU 4.23.	Please see WLU Policy 5.3.4 and WLU 5.3.5 for the revised policy.
Page 18-19	Commenter offers text revisions on Secondary Uses section and requests that additional language be provided to identify that no expansion of secondary uses will occur when primary uses are thriving.	Please refer to WLU Policy 1.1.3.
Page 19	Commenter requests changes to Commercial Fishing allowable use types.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed allowable land use type conforms with Section 30711 and the Coastal Act and no further changes are needed. Please see Table 3.1.2 for the Allowable Use Types for Water Use Designations.
Page 19	Commenter requests changes to	Section 30711 of the Coastal Act specifies the contents of a port master

July 31, 2019  
Page 22

**Marine Uses in Planning Area 1.** Commission staff does not support a reduction, removal, or reconfiguration of the Marine Sales and Services land use designation as proposed in Planning Area 1. Marine Sales and Services are coastal dependent uses and should be located directly adjacent to the areas they serve. Therefore, please maintain the existing Marine Sales and Services land use designation along both sides of Shelter Island Drive in the certified PMP.

Comments on specific policies:

Please note that the general comments discussed in the sections above are relevant to many of the policies in this chapter. Incorporating those comments may require specific edits to several of the policies. The comments listed below are separate from and in addition to the general comments above. It should be noted that many of the same policies occur in multiple planning districts; in order to avoid redundancy, these changes are recommended to the same policies in the other planning districts.

1. **PD 1.9 and 1.10.** Commission staff supports these policies and believes they should be incorporated baywide. A policy should be added that addresses legal encroachments, including that they should not impede public access or create the impression of private land, and that encroachments should be phased out in the near-term.
2. **PD 1.13.** In subsection b, revise the requirement for accessway corridors to provide an accessway corridor every 1000 ft. In subsection d, many of the subdistricts use 65 percent visual porosity instead of 50 percent; 65 percent visual porosity should be a baywide minimum to protect coastal views.
3. **PD 1.25.** This is an appealable project description and not a policy. More detailed policy language regarding this project should be included here.
4. **PD 1.30.** "No new private residential or quasi-private residential/public piers or docks are permitted."
5. **PD 1.32.** The La Playa Trail is already experiencing erosion: "The La Playa Trail shall be protected for the benefit of natural resources and public coastal access. ~~As the event erosion occurs, if~~ The La Playa Trail shall be maintained, ~~and if feasible, allow for relocation of the trail and relocated~~ landward towards the District's jurisdictional boundary ~~as erosion occurs.~~"
6. **PD 1.37.** "Enhance the Talbot Street trailhead, with activating features such as additional seating, public art, and shade structures, while still protecting public views."
7. **PD 1.43.** Commission staff supports this policy and requests that the policy also identify that the promenade would extend across the yacht club parcel as well.
8. **PD1.53.** Delete "potential" to strengthen language.

A1-32  
cont.

	Conservation/Intertidal allowable use types.	plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed allowable land use type conforms with Section 30711 and the Coastal Act and no further changes are needed. Please see Table 3.1.2 for the Allowable Use Types for Water Use Designations.
Page 19	Commenter requests changes to Recreational Berthing allowable use types.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed allowable land use type conforms with Section 30711 and the Coastal Act and no further changes are needed. Please see Table 3.1.2 for

July 31, 2019  
Page 23

9. **PD 1.62.** Delete and replace with a policy consistent with the Embarcadero Planning District requirements.

#### Harbor Island (PD 2)

##### Comments on specific policies:

Please note that the general comments discussed in the sections above are relevant to many of the policies in this chapter. Incorporating those comments may require specific edits to several of the policies. The comments listed below are separate from and in addition to the general comments above. It should be noted that many of the same policies occur in multiple planning districts; in order to avoid redundancy, these changes are recommended to the same policies in the other planning districts.

1. **PD 2.2.** Revise the requirement for accessway corridors to provide an accessway corridor at least every 1000 ft.
2. **PD 2.11.** Commission staff supports this policy and recommends that this be a baywide policy to protect public views and access.
3. **East Harbor Island Planning Area.** In order to avoid confusion in the future, "approximately" should be deleted from the Recreation Open Space requirement of 12.4 acres.
4. **PD 2.33.** Commission staff supports this policy and requests that this policy be included in other planning districts.
5. **PD 2.48.** ~~"Allow for Encourage~~ the development of lower cost overnight accommodations with a mix of commercial uses within the Commercial Recreation land use designation near the District's Administration Building."
6. **Appealable Projects Pacific Highway Corridor Subdistrict.** Identify that the 1000 new beds would be lower-cost.

A1-32  
cont.

#### Embarcadero (PD 3)

##### General comments:

**Commercial Fishing.** Strengthen language related to commercial fishing under Planning District Characteristics to be consistent with Section 30234 of the Coastal Act which requires that facilities serving the commercial fishing industry be protected and, where feasible, upgraded and does not allow a reduction of existing commercial fishing harbor space unless the demand for those facilities no longer exists or adequate substitute space has been provided.

**Offices.** Offices are only allowed for uses permitted by the public trust doctrine. This should be clarified by adding a definition of office.

		the Allowable Use Types for Water Use Designations, and please note that Overnight Accommodations was removed as an allowable use type in Table 3.1.2.
Page 19	Commenter requests changes to Sportfishing Berthing allowable use types.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed allowable land use type conforms with Section 30711 and the Coastal Act and no further changes are needed. Please see Table 3.1.2 for the Allowable Use Types for Water Use Designations.
Page 19	Commenter notes that the water use designations that allow Spill Response Services are unclear.	Please see Table 3.1.2 for the revised Allowable Use Types for Water Use Designations.
Page 19	Commenter requests that commercial fishing requirements are consistent baywide, in	Please see Section 3.1.7 Additional Requirements Item 1 in <i>Chapter 3.1, Water and Land Use Element</i> for baywide

July 31, 2019  
Page 24

**G Street Mole.** Given that commercial fishing uses are proposed to be relocated to G Street Mole, the specific land uses for that area should be designated as part of the PMPU to ensure they are compatible and complementary to commercial fishing. Therefore, the currently proposed Planning Area should not include the G Street Mole. Commission staff recommends that a larger portion of the mole be designated for commercial fishing in order to provide adequate turnarounds and a buffer for the commercial fishing facilities. In addition, access to and from the mole is already constrained, and the ability of fishermen to easily access the site should not be further obstructed by allowing a variety of uses or intensifying the mole beyond its current operations.

Comments on specific policies:

Please note that the general comments discussed in the sections above are relevant to many of the policies in this chapter. Incorporating those comments may require specific edits to several of the policies. The comments listed below are separate from and in addition to the general comments above. It should be noted that many of the same policies occur in multiple planning districts; in order to avoid redundancy, these changes are recommended to the same policies in the other planning districts.

A1-32  
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1. **PD 3.9.** The PMPU should identify specific limits on temporary activities and experimental programming. Both terms should also be defined.
2. **PD 3.12.** Bike lanes on roads should not qualify as Recreation Open Space, since bike lanes are part of roadways/streets.
3. **PD 3.18.** Identify building height limits.
4. **PD 3.19.** Clarify how maintaining the architectural scale and height consistent with existing adjacent development would occur (e.g., structural setbacks, setbacks, buffers, etc.).
5. **PD 3.22 and 3.25 Regional Mobility Hubs.** Identify the anticipated timeline for implementation of mobility hubs, potential locations, and how parking would conform with what is being replaced. Also, PD 3.22 should be revised to allow mobility hubs within one-quarter to one-half mile walking distance of major attractions, given that this area is currently served by a summer shuttle, FRED shuttle, trolley service, etc.
6. **PD 3.25.** Include this policy as a baywide Element and reference the first coastal roadway instead of Harbor Drive.
7. **PD 3.28.** Only temporary activating features should be located on the pier, and not permanent pavilions. Soft surfaces should be green space and not include decomposed granite.
8. **PD 3.29.** Additional hotel rooms should be listed as a project. More detailed policy language related to a hotel expansion should be identified here.

	reference to Note 1 on the Water Use Table.	commercial fishing requirements.
Page 19	Commenter requests Note 2 in the Water Use Table should be revised to clarify that avoidance and mitigation are necessary in all water uses and notes that Aquaculture and Blue Technology uses may be allowed, but only where environmental impacts are avoided or minimized and mitigated.	Please refer to ECO Policy 1.1.4.
Page 19	Commenter requests changes to Commercial Fishing allowable land use types.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed allowable land use type conforms with Section 30711 and the Coastal Act and no further changes are needed. Please see Table 3.1.3 for the Allowable Use Types for Land Use Designations.
Page 19	Commenter requests changes to Maritime	Section 30711 of the Coastal Act specifies the

July 31, 2019  
Page 25

9. **PD 3.31.** This policy references utilization of the Grape Street Piers for commercial fishing, but the water area is shown as industrial berthing. Please clarify.
10. **PD 3.39.** The development of a Local Gateway Mobility Hub is not an adequate trigger for removing parking and converting Navy Pier to a public park. Please refer to the commitments detailed in the certified PMP, as well as in the associated lease agreement and CDP, and develop a more immediate timeline for relocation of parking and construction of the park. The current use of Navy Pier for parking is unpermitted and is considered a violation. The resolution of this violation should be prioritized by both the Port and the U.S.S. Midway Museum as part of the PMPU process, or sooner. Any interim solution should maximize recreation open space; the proposal for a minimum of one-acre is not adequate.
11. **PD 3.42.** The conversion of Navy Pier to a park is mitigation for the visual resource impacts of the Midway and elevated overlooks would further obstruct views of the bay; therefore, please delete this policy. In addition, a high-level view of the Bay already exists from the adjacent Midway.
12. **Figure PD 3.5.** Revise to remove the cantilevered promenade.
13. **PD 3.46.** Office space should not be included in a Regional Mobility hub.
14. **PD 3.54.** This policy should be modified to require Bayfront circulator stops.
15. **PD 3.59.** Delete. Cantilevered areas should be evaluated on a case by case basis and only considered for coastal-dependent uses. If cantilevered areas are determined to be appropriate, they should not count towards required Commercial Fishing land use acreage.
16. **PD 3.61.** How much existing recreation open space is there within the subdistrict in the certified PMP? The PMPU should avoid any net loss of recreation open space.
17. **PD 3.64.** "On the G Street Mole, bayside physical and visual access should be provided ~~where feasible. If such access is infeasible, emphasis shall be placed on visual access.~~ Current blockage of 37 percent is permitted to remain, but total visual blockage shall not exceed 50 percent and only if the increase in view blockage is to further enable the Commercial Fishing land use." Clarify whether the 50 percent blockage was determined based on a site-specific analysis of the commercial fishing facilities proposed to be relocated on G Street Mole. For example, if the additional commercial fishing facilities would only result in a 5 percent increase in view blockage, this policy should be revised to not exceed 42 percent, instead of 50 percent.
18. **PD 3.65.a.** The certified PMP identifies there are 5.4 acres of Commercial Fishing designated land areas in the Embarcadero planning district, which should be maintained and protected. According to discussions with Port staff, the amount of

A1-32  
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	Services and Industrial allowable use types.	contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed allowable land use type conforms with Section 30711 and the Coastal Act and no further changes are needed. Please see Table 3.1.3 for the Allowable Use Types for Land Use Designations.
Page 19	Commenter requests changes to Recreation Open Space allowable use types.	Please see Table 3.1.3 for the revised Allowable Use Types for Land Use Designations.
Page 19	Commenter requests changes to Sportfishing allowable use types.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed

July 31, 2019  
Page 26

land designated for Commercial Fishing is smaller than that figure due to a GIS error. Please provide an accounting and identify how Commercial Fishing areas will be maintained and protected.

19. **PD 3.65.b.** Remove aquaculture and restaurants as an allowable secondary use, since these uses are not compatible with commercial fishing. In addition, add turnaround areas for commercial fish trucks.
20. **PD 3.66.** Sportsfishing berthing should not be allowed off the G Street Mole since there is not adequate space for landside support operations for both commercial fishing and sportsfishing. Thus, this policy should be deleted.
21. **PD 3.69.** Identify limits to programming. How does the proposed 5 acre open space area compare to the existing contiguous park space in this subdistrict?
22. **PD 3.74.** Delete. Commission staff does not support cantilevered promenades. Development should be moving landward, not seaward.
23. **PD 3.87.** Revise this policy to include more specificity, as included in the existing PMP. Provisions should include those related to public access, sea level rise, lighting, maximum capacity and event restrictions, improvements to the remainder of the park, and mitigation for the loss of park space.
24. **Table PD 3.2.** Identify the amount of rooftop open space and clarify that this number includes only the area approved for the Convention Center. Note that Commission staff continues to have reservations regarding the utility and function of rooftop open space. Based on preliminary calculations, approximately 63.9 acres of Recreation Open Space is provided for in the certified PMP compared to 58.8 acres in the PMPU. Please clarify how much Recreation Open Space is included in the certified PMP compared to what is proposed in the PMPU; no net loss of Recreation Open Space would be supported.

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#### Working Waterfront (PD 4)

##### Comments on specific policies:

Please note that the general comments discussed in the sections above are relevant to many of the policies in this chapter. Incorporating those comments may require specific edits to several of the policies. The comments listed below are separate from and in addition to the general comments above. It should be noted that many of the same policies occur in multiple planning districts; in order to avoid redundancy, these changes are recommended to the same policies in the other planning districts.

1. **Planning District Characteristics.** Identify that priority uses take precedent over aquaculture and blue technology.
2. **PD 4.3.** Clarify that parking should occur on-site or at a dedicated offsite parking reservoirs so that parking at Cesar Chavez Park is maintained for park users.

		allowable land use type conforms with Section 30711 and the Coastal Act and no further changes are needed. Please see Table 3.1.3 for the Allowable Use Types for Land Use Designations.
Page 19	Commenter requests changes to the land use designations where Public Beaches are allowed and requests clarifications that they are open and free to the general public.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed allowable land use type conforms with Section 30711 and the Coastal Act and no further changes are needed. Please see Table 3.1.3 for the Allowable Use Types for Land Use Designations, as well as the definition for "Public Beach" in the Glossary.
Page 19	Commenter requests changes to Recreation Open Space allowable use types.	Regarding "Performance Venue" as a primary use in Recreation Open Space, please refer to Section 3.1.7 in the Water and Land Use

July 31, 2019  
Page 27

3. **PD4.11.** Although shoreline protection may be allowed for coastal-dependent uses, for appealable projects, the shoreline protective device must be consistent with the Chapter 3 policies of the Coastal Act (i.e., must be the least environmentally damaging feasible alternative, must mitigate unavoidable resource impacts, etc.) and approvals of shoreline protection devices for non-appealable development must be consistent with Chapter 8 of the Coastal Act which requires that development minimize substantial environmental impacts (Section 30708(a)), which again may lead to the identification of a less environmentally damaging alternative to shoreline protection.
4. **PD 4.18.** "Protect Cesar Chavez Park and the Cesar Chavez Pedestrian Pier from temporary coastal flooding and inundation through adaptive shoreline strategies such as continued maintenance and ~~enhancement~~ repair of existing shoreline protection."
5. **PD 4.19.** "Partner with transportation authority agencies and rail owners and operators to facilitate linkages from Cesar Chavez Park to the Barrio Logan Trolley Station, ~~where feasible~~."
6. **PD 4.23.** We strongly support this policy and recommend it is included as a baywide policy.
7. **PD 4.24.** Revise terms to be consistent with defined "activating commercial features" and "activating recreational features."

#### National City Bayfront (PD 5)

##### General comments:

This planning district should be incorporated into the PMPU to avoid future confusion and to ensure consistency.

#### Chula Vista Bayfront (PD 6)

##### General comments:

This planning district should be incorporated into the PMPU to avoid future confusion and to ensure consistency.

#### South Bay (PD 7)

##### General comments:

**Incorporation of Parcel A, B, C, and Pond 20.** The Port is currently preparing an EIR for the Pond 20 parcel and three adjacent parcels (Parcel A to the west of Pond 20, Parcel B to the south, and Parcel C to the east), to consider future land use designations as well as analyzing the establishment of a mitigation bank on the Pond 20 parcel. Port staff has

A1-32  
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		Element #4. Please note that Table 3.1.3 includes the Allowable Land Use Types for Land Use Designations, and not "Storage" is no longer listed as a standalone allowable use type.
Page 19	Commenter requests that Note 1 for the Land Use Table be clarified that food service/restaurant would be allowed if it does not conflict with sportfishing.	Please note that Note 1 refers to commercial fishing, which is a high priority, coastal-dependent use in the California Coastal Act. Please refer to WLU Policy 5.3.1.
Page 19	Commenter requests that Note 2 be deleted from the Land Use Table.	Please see Table 3.1.3 for the revised Allowable Use Types for Land Use Designations.
Page 19	Commenter requests that the Water and Land Use Considerations reference the associated standard.	It is unclear what standard the commenter is referred to, based on this please refer to 3.1.5 Allowable Use Regulations #5.
Page 19	Commenter requests deletion of Standard 5.d.	This standard has been deleted from subsequent drafts of the PMPU.
Page 19	Commenter requests revision to Standard 7.c. to allow only 900 square feet of enclosed space per pavilion.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master

July 31, 2019  
Page 28

indicated that the EIR will analyze the potential for ‘Commercial Recreation’ and ‘Wetlands’ designations for Parcel C, including the site near the Imperial Sands Mobile Home Park, which is currently used as parking by residents. Public access to the site should be considered as part of any future development projects. Commission staff encourages the Port to incorporate these plans into the PMPU process in order to provide a comprehensive update, especially as it relates to the provision of additional public access to the coast.

Comments on specific policies:

Please note that the general comments discussed in the sections above are relevant to many of the policies in this chapter. Incorporating those comments may require specific edits to several of the policies. The comments listed below are separate from and in addition to the general comments above. It should also be noted that many of the same policies occur in multiple planning districts; in order to avoid redundancy, these changes are recommended to the same policies in the other planning districts.

1. **PD 7.4.** Consider including a map in the appendix showing the alignment of the Bayshore Bikeway.

**Imperial Beach Oceanfront (PD 8)**

Comments on specific policies:

Please note that the general comments discussed in the sections above are relevant to many of the policies in this chapter. Incorporating those comments may require specific edits to several of the policies. The comments listed below are separate from and in addition to the general comments above. It should also be noted that many of the same policies occur in multiple planning districts; in order to avoid redundancy, these changes are recommended to the same policies in the other planning districts.

1. **PD 8.1.** Please evaluate whether the 150-foot-wide pier safety zone on either side of the pier is required and needed, or if it could be reduced in width.
2. **PD 8.5.** “Maintain and improve public access to the shoreline, oceanfront, and Imperial Beach Municipal Pier through wayfinding signage, safe accessways, and adequate lighting that is environmentally sensitive.” [e.g. minimum necessary, shielded, directed downwards, be on a sensor, and be a minimal color temperature]
3. **PD 8.14.** Clarify the timing of redevelopment of the Palm Avenue and Elkwood Avenue parking lots. An equivalent number of public parking spaces should be provided for prior to or concurrent with the redevelopment of these lots.
4. **PD 8.16.** Add a policy that identifies that continuous public access along the exterior perimeter of the pier will be maintained. In addition, add a policy that prohibits additional restaurants on the pier.

A1-32  
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		plan’s conformance with Chapter 3 and 8 of the Act. The proposed development standard conforms with Section 30711 and the Coastal Act and no further changes are needed. Please note that the language is now located in 4.2.3(B) 1a under 4.2 Recreation Open Space and Activating Features Standards.
Page 20	Commenter requests that Standard 7.g. be revised to clarify that outdoor seating shall be available to the general public.	Please refer to 4.2.3(B) 3b under 4.2 Recreation Open Space and Activating Features Standards.
Page 20	Commenter offers text revisions to Standard 8.	Regarding use of the term “wayfinding systems,” please refer to the standards under 4.6.1 Wayfinding Signage. Regarding use of the term “large-scale,” Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the



July 31, 2019  
Page 29

#### Silver Strand (PD 9)

##### Comments on specific policies:

Please note that the general comments discussed in the sections above are relevant to many of the policies in this chapter. Incorporating those comments may require specific edits to several of the policies. The comments listed below are separate from and in addition to the general comments above. It should also be noted that many of the same policies occur in multiple planning districts; in order to avoid redundancy, these changes are recommended to the same policies in the other planning districts.

1. **PD 9.18.** Commission staff supports the development of public restroom facilities at Grand Caribe Shoreline Park. This policy should be revised to clarify that the restroom facilities will be developed concurrently with expansion of the park.

#### Coronado Bayfront (PD 10)

##### Comments on specific policies:

Please note that the general comments discussed in the sections above are relevant to many of the policies in this chapter. Incorporating those comments may require specific edits to several of the policies. The comments listed below are separate from and in addition to the general comments above. It should also be noted that many of the same policies occur in multiple planning districts; in order to avoid redundancy, these changes are recommended to the same policies in the other planning districts.

1. **PD 10.1.** ~~“Allow for~~ Provide water access for a variety of vessels, including but not limited to kayaks, water taxis, ferries, transient boating use, and pleasure craft.”
2. **PD 10.16.** Commission staff supports this policy and requests similar policies in other planning districts.
3. **PD 10.17.** Revise to be consistent with the language in the certified PMP which does not preclude public access to the shoreline around the golf course. In addition, the promenade should be extended as part of major redevelopment and new development to provide a continuous waterfront promenade, including along the golf course, as well as the Coronado Yacht Club. Figure PD10.3 should be revised to include walkways extending along the shoreline in these areas.

A1-32  
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		Act. The proposed development standard conforms with Section 30711 and the Coastal Act and no further changes are needed. Please note that the language is now located in Section 4.6.2 2 under 4.6 Signage Standards.
Page 20	Commenter requests that Standard 11 be revised.	Please refer to WLU Policy 4.2.6.
Page 20	Commenter recommends consideration of a higher ratio to satisfy Recreation Open Space requirements in Standard 13.a., and requests that acceptance of rooftop space should be evaluated and allowed on a case by case basis.	The referenced standard was removed. Please refer to 4.2.1 5f under 4.2 Recreation Open Space and Activating Features Standards in <i>Chapter 4, Baywide Development Standards</i> .
Page 20	Commenter offers text revisions to Standard 14.a. and requests that ticket booths not be allowed within Accessway Corridors, View Corridor Extensions, and Scenic Vista Areas.	The phrase with suggested revisions from the commenter was deleted from subsequent drafts of the PMPU, please refer to 4.4 View Standards in <i>Chapter 4, Baywide Development Standards</i> for the revised language.
Page 20	Commenter requests that the minimum canopy height be identified in Standard 14.c.	Please refer to 4.4.3 6b under 4.4 View Standards in <i>Chapter 4, Baywide Development Standards</i> .
Page 20	Commenter requests that Standard 16 identify baywide minimum promenade dimensions and building setbacks.	Promenade dimensions and building setbacks are specified within a subdistrict’s public realm standards, per

July 31, 2019  
Page 30

#### APPENDIX A DEFINITIONS

Please add the following definitions:

**Public or General Public.** Include identification that the general public does not include paying customers.

**Fill.** Consistent with the Coastal Act, "Fill" means earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area. (§ 30108.2)

Please revise the following definitions:

**Activating Features.** Pavilions should be separated out of the definition of "Activating Features" and defined separately with limits on the size and number of pavilions allowed.

**Aquaculture.** The definition in the PMPU is not consistent with the definition under the Coastal Act and includes other uses that are not considered aquaculture and are therefore not priority uses under the Coastal Act. As such, the definition should be revised to maintain consistency with Section 30100.2 of the Coastal Act:

*"Aquaculture" means a form of agriculture as defined in Section 17 of the Fish and Game Code. Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit-issuing decisions governed by this division.*

Note that Section 17 of the Fish and Game Code defines aquaculture:

*"Aquaculture" means that form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. "Aquaculture" does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes, however, these species continue to be regulated under Chapter 2 (commencing with Section 2116) of Division 3. [emphasis added]*

**Best Available Science.** The definition should identify that the most up-to-date projections should be used.

**Blue Technology.** Revise to clarify that only coastal-dependent uses and activities are allowed. Warehouse-type space with ancillary offices to conduct applied research, equipment development, scientific testing and research, software development, and other similar activities are not necessarily coastal-dependent, since they do not require to be sited on or adjacent to the Bay to be able to function.

**Development or New Development.** Revise to clarify that development is "in or under water" consistent with Section 30106 of the Coastal Act.

A1-32  
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		4.3.1 1a under 4.3 Pathway Standards and 4.5.2 1 under 4.5.2 Standards for Setbacks and Stepbacks, respectively, in <i>Chapter 4, Baywide Development Standards</i> .
Page 20	Commenter requests that Standard 17 be deleted.	This standard has been deleted from subsequent drafts of the PMPU.
Page 20	Commenter requests that minimum landscape buffer widths be identified.	This standard has been deleted from subsequent drafts of the PMPU.
Page 20	Commenter requests changes to Standard 18.b. to limit intrusions into a landscape buffer to 25% and notes that intrusions should be evaluated and allowed on a project specific basis.	This standard has been deleted from subsequent drafts of the PMPU.
Page 20	Commenter requests text revisions to Standard 18.c. to avoid establishing it as a baywide standard.	This standard has been deleted from subsequent drafts of the PMPU.
Page 20	Commenter requests how the number of activating features were chosen for each planning district.	The initial approach to identify the number of activating features and/or pavilions in each subdistrict is based on an analysis for the PMPU Discussion Draft. Specifically, activating features should be dispersed throughout Recreation Open Space (ROS) within a 1/4 quarter mile walking distance from each other.

July 31, 2019  
Page 31

**District Tidelands or Tidelands.** Revise to clarify that acquired tidelands and exchanged lands are considered District Tidelands, and subject to the District's permitting jurisdiction after being incorporated into the certified PMP through a PMP amendment.

**Ecological Buffer.** Minimum ecological buffers should be identified. Typically, a wetland buffer is a minimum of 100 ft. and a riparian or upland habitat buffer is a minimum of 50 ft.

**Living Shorelines.** The definition should be revised to clarify that Living Shoreline projects are not one of the allowed uses within Conservation/Intertidal areas. Given that a pilot project for a living shoreline is currently being pursued in a Conservation/Intertidal area, we recommend that this project be added to the project list for that planning district and that specific provisions are included in the PMPU to ensure the project's consistency with Chapters 3 and 8 of the Coastal Act.

**Lower Cost Visitor and Recreational Facilities.** Revise the section on public art, museums or exhibits to clarify that entry is free or lower-cost. Remove the following phrase from the definition: "overnight accommodations with kitchenettes, free Wi-Fi, free or reduced cost breakfast, and free parking" since these factors do not mean that the facility is lower-cost. Add a definition of Lower Cost Overnight Accommodations that includes accommodations that are intrinsically lower cost, such as micro-hotels/motels, hostels, yurts, cabins, and tent campsites.

**Major Redevelopment or Construction.** The PMPU should identify the date that the cumulative demolition, modification, renovation, retrofit, or replacement begins as the effective date of the Coastal Act (January 1, 1977) and include gross square floor area as a standard for the 50% as it relates to structures. In addition, the PMPU should include examples of what "modification" and "replacement" could mean.

**Marine Education and Training.** Revise to identify that these training programs will be state or federal government technical training.

**Overnight Accommodations.** Clarify why the Port has referenced the 180 day limitation since timeshares and fractional ownerships were not found to be consistent with the public trust.

**Mitigation Banking.** "A wetland, stream, or other aquatic resource area that has been restored, established, enhanced, or (in certain circumstances) preserved for providing compensation for unavoidable impacts to aquatic resources permitted under Section 404 of the Clean Water Act, the Coastal Act, or a similar other applicable state or local wetland regulation. A mitigation bank may be created when a government agency, corporation, nonprofit organization, or other entity undertakes these activities under a formal agreement with a regulatory agency." Identify what "in certain circumstances" would include.

Thank you again for the opportunity to review and comment on the proposed update to the Port Master Plan. Please note that these comments have been submitted on the part of staff and the Commission itself would be the ultimate decision-making body. These

A1-32  
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(An important distinction is activating features should be *within* 1/4 mile of each other - not 1/4 mile *apart*. This is a point to emphasize this because we have heard it phrased as "minimum distance from each other.") In fact, they can be clustered. And, in the case of Planning District 3, we would anticipate that there would be multiple clusters of activating features (think: ice cream kiosk next to a swingset). While preparing the Revised Draft PMPU, the Port took a deeper look at the existing development, geography, and geometry of the ROS and adjacent areas in each planning district. Considering these development constraints, the number of activating features is the maximum recommended to "activate" an area (whether dispersed or placed in small clusters) without overwhelming the ROS. For the North Embarcadero Subdistrict of Planning District 3, the amount proposed is based on feedback from

July 31, 2019  
Page 32

comments are based on our initial review and are not binding; the Commission and staff may have further comments or identify additional issues over time. We look forward to continuing our coordination with Port staff to update the Port Master Plan in a manner that is consistent with the Coastal Act. If you have any questions or require further clarification, please do not hesitate to contact me at the above office.

Sincerely,



Melody Lasiter  
Coastal Program Analyst  
California Coastal Commission

A1-32  
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CC (via email):

Lesley Nishihira, San Diego Unified Port District  
Anna Buzaitis, San Diego Unified Port District  
Karl Schwing, California Coastal Commission  
Deborah Lee, California Coastal Commission  
Kanani Leslie, California Coastal Commission

		the Board of Port Commissioners regarding the need for increased activation of Navy Pier, additional features were included. As you see in the latest draft of the PMPU, activating features include pavilions (commercially-run and not commercially-run). The number of pavilions are intentionally limited so they don't dominate the area. For planned lower intensity ROS areas such as West Shelter Island and West Harbor Island, pavilions as a subset of all activating features is approximately less than 50 percent. For planned higher intensity ROS areas, such as North Embarcadero, pavilions as a subset of all activating features may be more than 50 percent.
Page 20	Commenter requests for more detailed parameters for identifying "the appropriate time" when that language is used.	This phrase has not been utilized in the Planning District sections of subsequent drafts of the PMPU.
Page 21	Commenter requests that language be included to describe the boat launch facility and small water craft landings, and that	Please see PD1.24, PD1.25, and PD1.26.

	policy language be added to protect them.	
Page 21	Commenter expresses concern with the amount of parking that may be available with the proposed planned improvements and requests that adequate parking be provided for the general public and boat trailers.	Please see PD1.37 for the revised development standard pertaining to parking for West Shelter Island.
Page 21	Commenter requests that the PMPU include a mechanism for removal of encroachments, especially in related to Bessemer trail.	Please see the textbox under 6.3.5(C) 2 for information on encroachments in Chapter 6.
Page 21	Commenter requests that the PMPU include a baywide policy that establishes that boats may not be used as private residences.	Please refer to Section 3.1.2(A) in the Water and Land Use Element.
Page 21	Commenter supports the removal of the docks and piers in La Playa, with the exception of the La Playa Yacht Club Pier or the alternative to make them available for public use at all times. Commenter also notes that they do not support retention of the piers with the existing public access restrictions.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed planned improvements conform with Section

		30711 and the Coastal Act and no further changes are needed. Please note that the language is now located in PD1.1, PD1.2, and PD1.3.
Page 22	Commenter requests that the Marine Sales and Services land use designation along both side of Shelter Island Drive be maintained.	Please see Figure PD1.2 for the proposed land use designations in the Shelter Island Planning District in the Final Draft PMPU.
Page 22	Commenter supports PD1.9 and PD1.10 and requests that a policy be developed to apply them baywide.	Please note that they were deleted from this Planning District and instead see the textbox under 6.3.5(C) 2 for information on encroachments in Chapter 6.
Page 22	Commenter requests that PD1.13b be revised to provide an accessway corridor at least every 1000 feet, and that 1.13d be revised so that 65 percent visual porosity be the baywide minimum.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed baywide development standards conform with Section 30711 and the Coastal Act and no further changes are

		needed. Please note that the language is now located in Section 4.3.3 (A) under 4.3.3 Standards for Walkways in <i>Chapter 4, Baywide Development Standards</i> . Please also note that “visual porosity” is no longer a development standard in the PMPU.
Page 22	Commenter requests more detailed information be added to PD1.25.	This planned improvement was removed. Please see PD1.31 and PD1.53, which do not plan for additional hotel rooms in the Shelter Island Planning District.
Page 22	Commenter offers revised text changes to PD1.30.	Please see PD1.3 for the revised planned improvement.
Page 22	Commenter notes that the La Playa Trail is already experiencing erosion and offers text revisions to PD1.32.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. The proposed planned improvement conform with Section 30711 and the Coastal Act and no further

		changes are needed. Please note that the language is now located in PD1.14.
Page 22	Commenter offers revised text changes to PD1.37.	Please see PD1.16 for the revised planned improvement.
Page 22	Commenter supports PD1.43 and requests that it identify that a promenade would extend across the yacht club parcel as well.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed promenades in this Planning District conform with Section 30711 and the Coastal Act and no further changes are needed. Please note that the Planning Area in this Planning District was not included in the subsequent drafts of the PMPU, however Figure PD1.4 shows the proposed Coastal Access: Views and Pathways for Shelter Island.
Page 22	Commenter suggests text revisions to PD1.53.	Please see PD1.55 in the Final Draft PMPU for the revised planned



		improvement. In addition, please refer to the policies under WLU Objective 5.3 in <i>Chapter 3.1, Water and Land Use Element</i> and ECON Policy 2.3.14 and ECON Policy 2.3.15 in <i>Chapter 3.6, Economics Element</i> .
Page 23	Commenter requests that PD1.62 be deleted and replaced with a planned improvement consistent with the Embarcadero Planning District requirements.	Please see Section 3.1.7 Additional Requirements Item 1 in <i>Chapter 3.1, Water and Land Use Element</i> for baywide commercial fishing requirements.
Page 23	Commenter requests that PD2.2 be revised to provide an accessway corridor at least every 1000 feet.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed baywide development standards conforms with Section 30711 and the Coastal Act and no further changes are needed. Please note that the language is now located in Section 4.3.3 (A) under 4.3.3 Standards for Walkways

		<i>in Chapter 4, Baywide Development Standards.</i>
Page 23	Commenter supports PD2.11 and recommends that it be a baywide policy.	This planned improvement has been deleted. Please also note that “visual porosity” is no longer a development standard in the PMPU.
Page 23	Commenter requests the deletion of “approximately” for the Recreation Open Space requirement in the East Harbor Island Planning Area.	This Planning Area has been removed from the latest drafts of the PMPU.
Page 23	Commenter supports PD2.33 and requests that it be included in other planning districts.	Hand-launched non-motorized watercraft launch areas, both existing and potential, are identified in Shelter Island, Harbor Island, Silver Strand, and Coronado Planning Districts.
Page 23	Commenter offers suggested text revisions on PD2.48.	Please refer to PD2.76 for the revised planned improvement.
Page 23	Commenter requests that the proposed number of beds in the Pacific Highway Corridor Subdistrict be identified as lower-cost.	Please refer to PD2.76 for the revised planned improvement.
Page 23	Commenter requests that language be strengthened related to protection of commercial fishing space.	Please note that the “Planning District Characteristics” sections have been removed from the more recent drafts of the PMPU. For baywide policies related to commercial fishing,

		please refer to the policies under WLU Objective 5.3, in <i>Chapter 5.1, Water and Land Use Element</i> and ECON Policy 2.3.14 and 2.3.15, as well as the associated text box in <i>Chapter 3.6, Economics Element</i> .
Page 23	Commenter requests clarification about office space and consistency with the Public Trust Doctrine.	Please refer to Section 3.1.2(A) in the Water and Land Use Element.
Page 24	Commenter requests that the proposed Planning Area in the Central Embarcadero Planning District not include G Street Mole, and that a larger portion of the G Street Mole be designated for commercial fishing.	This Planning Area was removed. Please see Master Response M-1 and A1-15 above regarding the Seaport SD and the Central Embarcadero Subdistrict.
Page 24	Commenter requests that the PMPU identify limits on temporary activities and experimental programming and that both terms be defined.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed planned improvements and terms conforms with Section 30711 and the

		Coastal Act and no further changes are needed. Please note that the term “experimental programming” has been removed from the Final Draft PMPU.
Page 24	Commenter requests that bike lanes on roads not qualify as Recreation Open Space.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. The proposed Recreation Open Space designated areas conform with Section 30711 and the Coastal Act and no further changes are needed.
Page 24	Commenter requests that building heights be identified for this planning district.	Please refer to PD3.37, 3.38 and 3.52 for identified structure heights.
Page 24	Commenter requests clarification on how maintaining the architectural scale and height consistent with existing adjacent development would occur.	Please refer to the Development Standards sections for each of the subdistricts (5.3.2(D) for North Embarcadero, 5.3.3(D) for Central Embarcadero, and 5.3.4(D) for South Embarcadero). In

		addition, <i>Chapter 4, Baywide Development Standards</i> includes baywide standards if not specifically stipulated in a subdistrict.
Page 24	Commenter requests more information for the implementation of mobility hubs and the distance from major attractions to mobility hubs.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed planned improvement conforms with Section 30711 and the Coastal Act and no further changes are needed. Please note that the language is now located in PD3.4 and PD3.5. Please refer to Table 4.1 in <i>Chapter 4, Baywide Development Standards</i> for information on the location of mobility hubs in proximity to nearby attractions.
Page 24	Commenter requests that PD3.25 be included as a baywide Element that references the first	Please refer to the policies listed under WLU Objective 3.1 and WLU Objective 3.2.

	coastal roadway instead of Harbor Drive.	
Page 24	Commenter requests that only temporary activating features should be located on the pier and not permanent pavilions in PD3.28. Commenter also notes that soft surfaces should be green space and not include decomposed granite.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed planned improvement conforms with Section 30711 and the Coastal Act and no further changes are needed. Please note that the language is now located in several chapters within the Final Draft PMPU. PD3.10c provides information on soft surfaces; PD3.18 directs development of the Window to the Bay Pier; baywide development standards listed under Section 4.2.3 Standards for Activating Features, including pavilions, provide baywide standards for activating features and pavilions, and in particular 4.2.3(B) 2d states that "pavilions shall not be located on

		the Window to the Bay pier.”
Page 24	Commenter requests that the additional hotel rooms included in PD3.29 be listed as a project and that more details should be identified.	Please refer to PD3.26 for the revised planed improvement.
Page 25	Commenter requests clarification between the designations and PD3.31 regarding commercial fishing at the Grape Street Piers.	The piers are designated with Commercial Fishing as the land use designation and the surrounding water areas are designated as Industrial Deep-Water Berthing.
Page 25	Commenter notes the commitments for converting Navy Pier to a public park.	Please refer to A1-15 above.
Page 25	Commenter requests the deletion of PD3.42.	Please refer to PD3.3 for the revised planned improvement.
Page 25	Commenter requests that Figure PD 3.5 be revised to remove the cantilevered promenade.	Please refer to A1-15 above.
Page 25	Commenter notes that office space should not be included in a Regional Mobility Hub, in reference to PD3.46.	Please refer to PD3.4 in the Final Draft PMPU for the revised planned improvement.
Page 25	Commenter requests modification of PD3.54 to require Bayfront circulator stops.	Please refer to PD3.45 in the Final Draft PMPU for the revised planned improvement.
Page 25	Commenter requests deletion of PD3.59.	This planned improvement has been deleted. Please see Master Response M-1

		and A1-15 above regarding Seaport SD Project and the Central Embarcadero Subdistrict.
Page 25	Commenter asks how much existing Recreation Open Space there is in the certified PMP, and notes that the PMPU should avoid a net loss of Recreation Open Space.	Please see A1-7 above regarding acreage comparisons between the certified PMP and what is proposed in the PMPU. Please also refer to WLU Policy 4.1.1 in <i>Chapter 3.1, Water and Land Use Element</i> regarding no net loss of recreation open space.
Page 25	Commenter offers suggested revisions to PD3.64.	This planned improvement has been deleted. Please see Master Response M-1 and A1-15 above regarding Seaport SD Project and the Central Embarcadero Subdistrict.
Page 25-26	Commenter requests accounting of acreage for Commercial fishing designated land areas and identification of how these areas will be maintained and protected.	Please see A1-7 above regarding acreage comparisons between the certified PMP and what is proposed in the PMPU. Please refer to the policies under WLU Objective 5.3
Page 26	Commenter requests removal of aquaculture and restaurants as allowable secondary uses in PD3.65b.	This planned improvement has been deleted. Please see Master Response M-1 and A1-15 above regarding Seaport SD Project and the Central



		Embarcadero Subdistrict.
Page 26	Commenter requests deletion of PD3.66.	This planned improvement has been deleted. Please see Master Response M-1 and A1-15 above regarding Seaport SD and the Central Embarcadero Subdistrict.
Page 26	Commenter requests additional information be added to PD3.69.	This planned improvement has been deleted. Please see Master Response M-1 and A1-15 above regarding Seaport SD and the Central Embarcadero Subdistrict.
Page 26	Commenter requests deletion of PD3.74.	This planned improvement has been deleted. Please see Master Response M-1 and A1-15 above regarding Seaport SD and the Central Embarcadero Subdistrict.
Page 26	Commenter requests additional information be added to PD3.87.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master

		plan's conformance with Chapter 3 and 8 of the Act. The proposed planned improvement conforms with Section 30711 and the Coastal Act and no further changes are needed. Please note that this planned improvement is now PD3.53.
Page 26	Commenter requests additional information be added to Table 3.2 regarding rooftop Recreation Open Space and expresses reservations about the utility and function of rooftop Recreation Open Space. Commenter also requests a comparison of how much Recreation Open Space is included in the certified PMP to how much is proposed in the PMPU.	Please see the revised information and footnote for Recreation Open Space in Table PD3.1. Please see A1-7 above regarding acreage comparisons between the certified PMP and what is proposed in the PMPU. Please also refer to WLU Policy 4.1.1 in <i>Chapter 3.1, Water and Land Use Element</i> regarding no not loss of recreation open space.
Page 26	Commenter requests additional information be added to the "Planning District characteristics" section to identify that priority uses take precedent over aquaculture and blue technology.	Please refer to <i>Chapter 3.1, Water and Land Use Element</i> regarding how water and land uses are categorized, specifically within the Tables 3.1.2 and 3.1.3. The Planning District Characteristics are no longer a section in the Final Draft PMPU.
Page 26	Commenter requests clarification in PD4.3 that parking should occur on-site or at dedicated	Please see 4.23 regarding parking solutions specifically within the Harbor Drive

	parking reservoirs so that parking at Cesar Chavez Park is maintained for park users	Industrial Subdistrict. In addition, please see M Policy 1.3.4 in <i>Chapter 3.2, Mobility Element</i> , which is a baywide policy regarding how permittees shall identify vehicular parking to serve the development's use.
Page 27	Commenter provides additional information on how shoreline protective devices may be allowed	In response to a comment above regarding the structure of <i>Chapter 3.4, Safety and Resiliency Element</i> , this planned improvement was deleted and instead the policies in that element apply.
Page 27	Commenter provides specific text changes to PD4.18.	In response to a comment above regarding the structure of <i>Chapter 3.4, Safety and Resiliency Element</i> , this planned improvement was deleted and instead the policies in that element apply.
Page 27	Commenter provides specific text changes to PD4.19.	Changes are reflected in the Final Draft PMPU and this planned improvement is now PD4.13.
Page 27	Commenter supports PD2.3 and suggests it be a baywide policy.	Please see WLU Policy 4.1.1 in <i>Chapter 4.1 Water and Land Use Element</i> for the baywide policy developed in response to this comment.

Page 27	Commenter requests consistent use of terms in PD4.24 for “activating commercial features” and “activating recreational features”	This planned improvement was deleted. Please see <i>Chapter 5.4 Working Waterfront, 5.4.3(A) Vision</i> for the Cesar Chavez Park Subdistrict and the planned improvements included under <i>5.4.3(C)-I Landside Access</i> and <i>5.4.3(C)-II Coastal Access</i> for more information. Please refer to Table 3.1.5 in the Water and Land Use Element for how “activating features” either “commercial or non-commercial” are described.
Page 27	Commenter requests that National City Bayfront and Chula Vista Bayfront be incorporated into the PMPU.	Please see response to A1-20 above.
Page 27 and 28	Commenter requests incorporation of the plans for future development on Parcel C of the Wetland Mitigation Bank at Pond 20.	Pond 20 and the adjacent parcels are not incorporated into the PMPU. Additionally, there is no requirement that the PMP be amended all at once. In fact, the California Coastal Act, allows for portions of the PMP be amended separately (see Cal. Pub. Resource Code Sections 30715, 30716 (allowing for a portion of a port master plan to be certified and amended)).

Page 28	Commenter requests consideration to include a map in the appendix showing alignment of the Bayshore Bikeway.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed planned improvement and coastal access and mobility maps conform with Section 30711 and the Coastal Act and no further changes are needed.
Page 28	Commenter requests additional information regarding the pier safety zone in PD8.1.	Please see response to A1-19 above.
Page 28	Commenter suggests text changes to PD8.5.	This planned improvement has been revised in response to this comment. Please note that this policy is PD8.9 in the Final Draft PMPU.
Page 28	Commenter requests clarification in PD8.14 on timing of redevelopment of Palm Avenue and Elkwood Avenue parking lots, and requests that an equivalent number of public parking spaces be	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port

	provided prior to or concurrent with redevelopment of these lots.	master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed planned improvement conforms with Section 30711 and the Coastal Act and no further changes are needed. Please note that the language is now located in 8.12, and PD8.1 includes development of a Connector Mobility Hub.
Page 28	Commenter requests the addition of a policy to maintain continuous public access along the exterior perimeter of the pier.	Changes are reflected in PD8.7.
Page 28	Commenter requests the addition of a policy that prohibits additional restaurants on the pier.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed planned improvement conforms with Section

		30711 and the Coastal Act and no further changes are needed. Please note that the language is now located in PD8.11.
Page 29	Commenter requests revisions to PD9.18 to clarify that restroom facilities will be developed concurrently with expansion of the park.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan's conformance with Chapter 3 and 8 of the Act. The proposed planned improvement conforms with Section 30711 and the Coastal Act and no further changes are needed.
Page 29	Commenter suggests text changes to PD10.1.	To address this comment, this planned improvement was removed and the language was integrated into <i>Chapter 5.10 Coronado Bayfront, 5.10.2(A) and 5.10.3(A)</i> , which are the visions for both subdistricts. In addition, the planned improvements within <i>5.10.2(C)-II Coastal Access for North Coronado and 5.10.3(C)-</i>

		<i>II Coastal Access</i> for South Coronado provide for water access for a variety of vessels – consistent with the suggested text changes.
Page 29	Commenter supports PD10.16 and requests that similar language be included in other planning districts.	To address this comment, this planned improvement was removed from this planning district and integrated into <i>Chapter 3.6, Economics Element</i> ECON Policy 2.4.1, the description of Recreation Open Space as a land use designation in <i>Chapter 3.1, Water and Land Use Element</i> , and the <i>Chapter 4, Baywide Development Standards, 4.2 Recreation Open Space and Activating Features Standards</i> . Please note that instead of the use of “non-programmed” the Draft PMPU utilizes the term “passive.”
Page 29	Commenter requests the addition of language consistent with the certified PMP to not preclude public access around the golf course and to extend the continuous waterside promenade around the golf course and the Coronado Yacht Club.	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with



		Chapter 3 and 8 of the Act. The proposed planned improvement conforms with Section 30711 and the Coastal Act and no further changes are needed. Please note that the language is now located in PD10.17 for North Coronado and PD10.35 – PD10.37 for South Coronado. The figure that depicts the waterside promenades in this planning district is Figure PD10.4.
Page 30	Commenter requests the addition of the definition of “public or general public” to the Glossary	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. No further changes are needed.
Page 30	Commenter requests the addition of the definition of “fill” to the Glossary	This definition was included in the Revised Draft PMPU and the Draft PMPU, and will continue to be included in the Draft Final PMPU.
Page 30	Commenter requests changes to the definition	Section 30711 of the Coastal Act specifies the

	of “Activating Features” with respect to pavilions	contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. The proposed definition conforms with Section 30711 and the Coastal Act and no further changes are needed. Please note that <i>Section 4.2.3(B) Pavilions</i> in <i>Chapter 4, Baywide Development Standards</i> includes standards specific to pavilions on Tidelands.
Page 30	Commenter requests changes to the definition of “Aquaculture”	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. The proposed definition of “aquaculture” has been

		<p>revised as follows: Section 30100.2 of the CCA refers to Section 17 of the Fish and Game Code for the definition of “aquaculture.” This Plan relies upon this Fish and Game Code definition, as interpreted by the California Department of Fish and Wildlife: “Aquaculture” means that form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. “Aquaculture” does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes, however, these species continue to be regulated under Chapter 2 (commencing with Section 2116) of Division 3 of the Fish and Game Code.</p> <p>No further changes are needed. Please note that</p>
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		the language is located in the Glossary of the PMPU.
Page 30	Commenter requests changes to the definition of “Best Available Science”	Please see SR Policy 3.2.3 and SR Policy 3.3.1 in <i>Chapter 3.4, Safety and Resiliency Element</i> , which require the consideration or use of “best available science” for future adaptation plans and site-specific reports that address project sea level rise.
Page 30	Commenter requests changes to the definition of “Blue Technology”	Please see <i>Chapter 3.1, Water and Land Use Element</i> for a revised description for “Marine Technology” (updated from “blue technology”), which describes how certain marine technology uses may be coastal-related.
Page 30	Commenter requests changes to the definition of “Development or New Development”	Please see the Draft PMPU, Glossary for the revised definition that reflects this comment.
Page 31	Commenter requests changes to the definition of “District Tidelands or Tidelands”	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the

		Act. The proposed definition conforms with Section 30711 and the Coastal Act and no further changes are needed. Please note that the definition is located in the Glossary and this definition is from the Port Act.
Page 31	Commenter requests changes to the definition of “Ecological Buffer”	Please see ECO Policy 1.1.5 for information on minimum ecological buffer widths in <i>Chapter 3.3, Ecology Element</i> .
Page 31	Commenter requests changes to the “Living Shorelines” definition	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. The proposed definition conforms with Section 30711 and the Coastal Act and no further changes are needed.
Page 31	Commenter requests changes to the definition of “Lower Cost Visitor and Recreational Facilities”	Please see the Draft PMPU, Glossary for the revised definition that reflects this comment.

Page 31	Commenter requests the addition of a definition for “Lower Cost Overnight Accommodations”	Please refer to the revised definition of “Lower Cost Visitor and Recreational Facilities,” which includes more information about the definition of lower cost overnight accommodations.
Page 31	Commenter requests changes to the definition of “Major Redevelopment or Construction” and the addition of examples for “modification” and “replacement”	Please see A1-11 for updates to the definition of “Major Development” and “Replacement.” Additionally, definitions for “Modification” and “Modification (or Replacement) of Structural Component Cumulative Threshold to be Major Development” were added to the Draft PMPU.
Page 31	Commenter requests changes to the definition of “marine education and training”	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. The proposed definition conforms with Section 30711 and the Coastal Act and no further changes are

		needed. Please note that this use type has been revised to “Marine-Related Industry Training” and the description is located in <i>Chapter 3.1, Water and Land Use Element</i> .
Page 31	Commenter requests changes to the definition of “overnight accommodations”	Section 30711 of the Coastal Act specifies the contents of a port master plan including, but not limited to, the topic areas that need to be covered and level of specificity needed in a draft port master plan or amendment thereto for the Coastal Commission to consider a port master plan’s conformance with Chapter 3 and 8 of the Act. The proposed definition, which includes examples of “overnight accommodations” that do not include “timeshares and fractional ownerships” conforms with Section 30711 and the Coastal Act and no further changes are needed.
Page 31	Commenter requests changes to the definition of “mitigation banking”	Please refer to the revised definition in the Glossary of the Final Draft PMPU.
Page 32	Commenter concludes letter and notes that the comments submitted are	

	based upon an initial review and are not binding.	
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**ATTACHMENT B**

STATE OF CALIFORNIA—THE NATURAL RESOURCES AGENCY

GAVIN NEWSOM, Governor

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



November 25, 2020

Board of Port Commissioners  
San Diego Unified Port District  
3165 Pacific Highway  
San Diego, CA 92101

Re: Coastal Commission Comments on Revised Draft Port Master Plan Update

Dear Chair Moore and Commissioners:

Coastal Commission (Commission) staff appreciates the opportunity to review and provide preliminary comments on the Revised Draft Port Master Plan Update (PMPU) for the San Diego Unified Port District (Port), which contains revisions to the first draft PMPU dated April 2019. Notice of the Revised PMPU was emailed to Commission staff on October 20, 2020. The PMPU consists of a complete replacement of the certified Port Master Plan (PMP), except for the National City Bayfront and Chula Vista Bayfront planning districts. Our July 31, 2019 letter provided comments on the draft PMPU dated April 2019 and included recommendations to ensure the plan's consistency with the Coastal Act. While we appreciate that some modifications were made in the Revised PMPU to address these comments, many of our recommendations were not reflected in the Revised PMPU but are still important; thus, our previous comment letter is included as Attachment A and incorporated herein, in addition to the following comments.

**PUBLIC REVIEW PERIOD**

During review of the April 2019 draft PMPU, Commission staff and the public were given a 90-day review period. However, for the Revised PMPU, the public review period was limited to only four weeks, which is not enough time for the public or Commission staff to review the revised plan. Given the complexity of the revisions, length and importance of the PMPU, in addition to the request by the Port that we prioritize review of Navy Pier, additional time is needed to review the revised planning document. As such, we request that the Board consider extending the review period for the Revised PMPU an additional 30-60 days to ensure there is adequate public participation in this significant port planning process.

**PORT MASTER PLAN AMENDMENT REQUIREMENTS**

California Code of Regulations Title 14, Section 13636 calls for port master plan amendments to be certified in the same manner as port master plans. Section 30711 of the Coastal Act (Pub. Resources Code, Div. 20) states, in part, that a

A1-32  
cont.

Letter Reference	Request and Corresponding 2020 Revised Draft PMPU Citation	Response and New 2022 Draft PMPU Citation
Letter dated November 25, 2020		
Page 1	Commenter requests an extended public review period.	Please refer to A1-2 above.
Page 1-2	Commenter outlines requirements for port master plan amendment (pursuant to the California Coastal Act) and requests that their office and District staff coordinately closely on the PMPU process, including adding the PMPA as a standing agenda item to monthly coordination meetings.	Please refer to A1-2 above.
Page 2-3	Commenter states that the Revised PMPU does not include sufficient specificity.	Please refer to A1-3 and A1-4 above.
Page 3	Commenter requests that Seaport Village be reincorporated into the PMPU.	Please refer to A1-14 above.
Page 3	Commenter requests that the future plans for Navy Pier be included in the PMPU once those plans are finalized.	Please refer to A1-15 above.

November 25, 2020  
Page 2

port master plan shall include all of the following: (1) the proposed uses of land and water areas, where known; (2) the projected design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body; (3) an estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact; (4) proposed projects listed as appealable in Section 30715 in sufficient detail to be able to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act; and (5) provisions for adequate public hearings and public participation in port planning and development decisions. Section 30711 further requires a port master plan to contain information in sufficient detail to allow the Commission to determine its adequacy and conformity with the Coastal Act. Section 30700 of the Coastal Act states that Chapter 8 shall govern those portions of the San Diego Unified Port District, excluding any wetland, estuary, or existing recreation area indicated in Part IV of the Coastal Plan. The entire water area under the jurisdiction of the Port of San Diego is governed by Chapter 3 policies because San Diego Bay is mapped as an estuary and wetland in Part IV of the Coastal Plan, and on the maps adopted by the Commission pursuant to Section 30710 of the Act. Section 30714 provides that the Commission shall certify a PMP if it conforms with and carries out the policies of Chapter 8 of the Coastal Act or, where a PMP provides for any of the developments listed as appealable to the Commission pursuant to Section 30715 of the Coastal Act, then that portion of the PMP must also be consistent with the Chapter 3 policies of the Coastal Act. Section 30716 requires that an amendment to a PMP meet the same standards of review.

Finally, a unique provision with the review of Port Master Plans, and any subsequent amendments, is that the Commission may not adopt suggested modifications to them, as is provided for in the review of local coastal programs. (§ 30714.) Therefore, port master plans and subsequent amendments must be either approved or denied as submitted. Thus, it is critical that our offices closely coordinate throughout the PMPU process to ensure the final plan is consistent with Chapter 8, and where applicable Chapter 3 of the Coastal Act. As such, we recommend that the PMPU be added as a standing item to the agenda of our monthly coordination meetings with Port staff.

#### LACK OF SPECIFICITY TO PROTECT COASTAL RESOURCES

As stated above, Section 30711 requires a port master plan amendment to contain information in sufficient detail to allow the Commission to determine its adequacy and conformity with the Coastal Act. However, the Revised PMPU fails to correct the previous draft's lack of sufficient specificity to adequately protect coastal resources. As discussed in our July 2019 comment letter, the currently certified PMP describes existing conditions and future development envisioned for each planning district in far more detail; however, the Revised PMPU does

A1-32  
cont.

November 16, 2020 Letter (incorporated into Attachment B – noted as November 17, 2020 letter in the comment)	Commenter provides specific comments on Navy Pier preliminary designs.	Please refer to A1-15 above.
Page 4	Commenter requests that language from Section 30210 of the Coastal Act be included in the PMPU with regard to shoreline public access.	Please refer to A1-13 above.
Page 4	Commenter requests that the Conservation/Intertidal water use designation description be modified with more protective language.	Please refer to Table 3.1.4 in the Water and Land Use Element for the revised Conservation/Intertidal water use designation description.
Page 4	Commenter requests that the ECO Policy 1.1.3 be revised to establish a minimum 100 ft buffer, and that depending on site-specific conditions a reduced 50 ft buffer could be considered.	Please refer to ECO Policy 1.1.5 in the Final Draft PMPU.
Page 4-5	Commenter offers text revisions to WLU Policy 6.2.2.	Please refer to A1-16 above.
Page 5	Commenter offers text revisions to WLU Policy 6.2.4.	Please refer to A1-16 above.

November 25, 2020  
Page 3

not carry forward an adequate level of detail. Further, the project lists in each planning district do not contain adequate details to determine whether the appealable projects are consistent with the Chapter 3 policies of the Coastal Act, as required by Section 30711 of the Coastal Act. For example, it is unclear where specific projects are proposed or what the projects entail. In addition, many of the policies/appealable projects include the language "modify or replace in kind". It is unclear what modification would consist of in these instances and, as such, the language should be revised to indicate the specific modifications that are proposed. Additional details will be needed to ensure that appealable projects are consistent with Chapter 3 of the Coastal Act.

#### SEAPORT VILLAGE

Seaport Village has been removed from the Revised PMPU. This project is of interest to the public and Commission staff, and would have significant impacts to the adjacent Embarcadero and downtown areas if implemented. As such, it is unclear how the Revised PMPU is able to comprehensively address planning in this area without the inclusion of policies that address this future project. To avoid piecemealing, we recommend that this project be reincorporated into the PMPU.

#### NAVY PIER

Commission staff recently reviewed a draft park proposal for Navy Pier that would convert the existing parking lot to a public park in two phases. Phase 1 would be completed by the USS Midway Museum and include demolition of the Head House and construction of a park in its place, a 10-foot-wide pedestrian connection along the northern extent of the pier, and an open view area on the western end of the pier. Phase 2 would be completed by the Port and include the conversion of the remainder of the pier to a park with 1.25 acres, or 25% of the pier, maintained as parking. In our November 17, 2020 letter to Port staff, we made several recommendations including that the Port establish deadlines for the completion of both phases and commit to allocating Navy Pier parking revenues to fund construction of Phase 2. In addition, the Phase 1 park space should be expanded and/or maximized and the parking reduced in order to provide additional park space on the western portion of the pier, and the eastern park boundary should be moved north, adjacent to the promenade, and both the ingress and egress be located on the south side of the pier to provide a more contiguous park space and unobstructed route from the eastern park to the western end of the pier during Phase 1. Parking in Phase 2 should be moved to the southern perimeter of the pier in order to further open up views across the pier. Finally, we recommend that concessions not be included at this time and that the Scenic Vista Area on the Midway deck be maintained. Once the project design is finalized, the subject project should be included in the PMPU as well as deadlines for each phase to ensure the park is constructed as soon as possible. Our November 2020 comment letter is included as Attachment B and incorporated herein.

A1-32  
cont.

Page 5	Commenter requests that WLU Policy 6.1.4 be deleted.	Please refer to A1-18 above.
Page 5	Commenter requests PD8.11 be deleted and that the District should instead re-establish fishing on the perimeter of the pier.	Please refer to A1-19 above.
Page 5-6	Commenter requests that National City Bayfront and Chula Vista Bayfront be incorporated into the PMPU or that language should be included in the PMPU that explains how development standards and definitions will apply in these planning districts.	Please refer to A1-20 above.

Additionally, many of the comments are repeated in the commenter's January 10, 2022, comment letter, in which case, please refer to responses A1-1 through A1-32 above.

In some instances, the comments contradict each other. For example, under the header "Chapter 3 Baywide Elements versus Chapter 4 Standards", the July 31, 2019 comment letter, the commenter requests that policies found in Chapter 3 of the April 2019 Discussion Draft PMPU be made mandatory in the Planning Districts. Contrary to this comment, the commenter's January 10, 2022 letter, under the headlining "Conformance with the Elements" the commenter request that the Elements be made mandatory unless findings that the development as conditioned is consistent with applicable policies – not all policies.

November 25, 2020  
Page 4

#### **SHORELINE PUBLIC ACCESS AND COASTAL DEPENDENT USES**

Section 30210 of the Coastal Act requires maximum access be provided "consistent with public safety needs and the need to protect public rights, rights of private property owners and natural resource areas from overuse." Goal IX of the certified PMP states that the Port will "insure physical access to the bay except as necessary to provide for the safety and security, or avoid interference with waterfront activities." However, the Revised PMPU includes planning language throughout that exempts all coastal dependent uses from providing public access to the shoreline, without meeting the public safety standard, which would reduce the amount of shoreline access throughout the bay. Further, many coastal dependent uses already provide shoreline access and should be required to do so into the future. As such, the language should be revised to closely resemble Section 30210 of the Coastal Act above.

#### **CONSERVATION/INTERTIDAL ALLOWABLE USES**

As indicated in our July 31, 2019 comment letter, the Wetland and Estuary water use designations of the certified PMP have been replaced with a water use designation of Conservation/Intertidal in the PMPU. However, the Conservation/Intertidal water use description is vague and lacks the protections provided for in the Wetland and Estuary water use designations which limit allowable uses in wetlands to restoration, nature study, or similar resource dependent activities, and allowable uses in estuaries to boating facilities, intake and outfall lines, restoration work, nature study, aquaculture, or resource-dependent activities. Commission staff would not support reducing the protections given to wetlands or estuaries and, as such, these water uses should be included in the PMPU as described in the certified PMP or the Conservation/Intertidal water use designation description should be modified to be consistent with the Wetland water use designation, which is the most protective of the certified water use designations.

#### **WETLAND BUFFER**

Eco Policy 1.1.3 requires development to establish and maintain ecological buffers of a minimum of 50 feet adjacent to wetland and nearshore sensitive habitats and allows buffers to be reduced if the habitat is degraded, nonfunctioning, and of poor quality; developed; or located immediately adjacent to existing development. However, to preserve and protect these environmentally sensitive areas, and maintain consistency with historical Coastal Commission actions, a minimum 100 ft. buffer should be required. Depending on site-specific conditions, a reduced buffer could be considered; however, the minimum buffer should be 50 ft. and require approval from the resource agencies.

#### **LOWER COST VISITOR-SERVING OVERNIGHT ACCOMMODATIONS**

Based on 2017 data, less than 3% of the overnight accommodations within the Port are considered to be lower cost (237 RV sites at the Chula Vista RV Resort).

A1-32  
cont.

November 25, 2020  
Page 5

As such, the existing number of overnight accommodations should be maintained and any future loss of lower cost overnight accommodations should be mitigated with a replacement ratio of 1:1 to ensure no units are lost. As such we recommend the following, with additions underlined and deletions in ~~strikeout~~:

- WLU Policy 6.2.2 Replacement of lower cost overnight accommodations shall be provided (in order of priority) based on feasibility: a. On the existing development site; or b. Elsewhere on Tidelands; or c. Through contribution to a District established in-lieu fee program, if created, and the in-lieu fees are contributed before commencement of construction of new higher cost overnight accommodations and, prior to the displacement of any lower cost overnight accommodations.
- WLU Policy 6.2.4 Lower cost overnight accommodations displaced through new development, redevelopment, demolition, or closure shall be replaced with lower cost overnight accommodations at a ratio to be determined by a lower cost overnight accommodation offset program, but no less than 1:1.

#### **LOWER COST VISITOR AND RECREATION FACILITY IN-LIEU FEE SYSTEM**

WLU Policy 6.1.4 allows for the establishment of an in-lieu fee system for lower cost visitor and recreation facilities. We are concerned that allowing for in-lieu fees will discourage developers from providing on-site lower cost visitor and recreation facilities and result in the collection of funds that are not immediately used to provide additional lower cost visitor and recreation facilities. As such, we recommend this policy be deleted.

#### **PROTECTION OF RECREATIONAL FISHING AT IMPERIAL BEACH PIER**

According to recent news reports, the area dedicated to recreational fishing at the Imperial Beach Pier has been reduced to allow for surfing closer to the pier and additional outdoor restaurant seating. In addition, Policy PD 8.11 would allow for a 3,000 sq. ft. expansion of dedicated restaurant space at the end of the pier further reducing the fishing area. Since restaurants are not coastal dependent uses, neither the existing or expanded restaurant should displace fishing on the pier. As such, this policy should be deleted and the Port should instead re-establish fishing on the perimeter of the pier by coordinating with the restaurant owner to remove any existing encroachments including signage, fencing, and furniture that is not able to be used by members of the general public, and coordinating with the City Lifeguards to determine if fishing on the pier near surfers can be accommodated as it is at other local piers (Ocean Beach and Oceanside).

#### **NATIONAL CITY BAYFRONT (PD 5) AND CHULA VISTA BAYFRONT (PD6)**

We continue to believe that these planning districts should be incorporated into the PMPU to avoid future confusion and to ensure consistency. If not, language

A1-32  
cont.

November 25, 2020  
Page 6

should be included in the PMPU that explains how development standards and definitions will apply in these planning districts.

Thank you again for the opportunity to review the proposed update to the Port Master Plan. Please note that these comments are preliminary and are not binding; Commission staff will provide additional comments as time allows for a more comprehensive review. Also, please note that these comments have been submitted on the part of staff and the Commission itself would be the ultimate decision-making body. We look forward to continuing our coordination with Port staff to update the Port Master Plan in a manner that is consistent with the Coastal Act. If you have any questions, please do not hesitate to contact me at the above office.

Sincerely,



Melody Lasiter  
Coastal Program Analyst  
California Coastal Commission

A1-32  
cont.

Attachments:

- A. July 31, 2019 Port Master Plan Update Discussion Draft CCC Comments
- B. November 17, 2020 CCC Comments on Revised Park Plan for Navy Pier

CC (via email):

Lesley Nishihira, San Diego Unified Port District  
Anna Buzaitis, San Diego Unified Port District  
Karl Schwing, California Coastal Commission  
Deborah Lee, California Coastal Commission  
Kanani Leslie, California Coastal Commission  
Diana Lily, California Coastal Commission

## 2.4.2 Comment Letter A2: California Department of Fish and Wildlife



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Marine Region  
1933 Cliff Drive, Suite 9  
Santa Barbara, CA 93109  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



Letter  
A2

January 19, 2022

Mr. Dennis Campbell, Senior Planner  
San Diego Unified Port District, Planning Department  
P.O. Box 120488  
San Diego, California 92112-0488  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

**San Diego Port Master Plan Update (PMPU), Draft Program Environmental Impact Report (Draft PEIR), SCH# 2017031070**

Dear Mr. Campbell:

The California Department of Fish and Wildlife (Department) received a Notice of Availability of a Draft Program Environmental Impact Report (Draft PEIR) for the San Diego Unified Port District's (District) Port Master Plan Update (PMPU) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the PMPU that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide biological impact and mitigation comments regarding those aspects of the PMPU that the Department by law may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### DEPARTMENT ROLE

The Department is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, Section 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines Section 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, Section 1802.) Similarly for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

*Conserving California's Wildlife Since 1870*

### Response to Comment A2-1

The District appreciates CDFW's interest in the proposed project as well as the expertise offered by CDFW. As discussed on page 4.3-83 of the Draft PEIR, "CDFW is the State agency that manages native fish, wildlife, plant species, and natural communities for their ecological value and their benefits to people. CDFW oversees the management of marine species through several programs, some in coordination with NMFS and other agencies." As indicated by CDFW in comment A2-1, among these programs is the Marine Life Protection Act and the Marine Life Management Act. Section 4.3.3.2 of the PEIR has been updated to include a brief description of both laws. No additional environmental-related issues are raised in this introductory comment that require a response from the District.

A2-1

Dennis Campbell, Senior Planner  
 San Diego Unified Port District  
 January 19, 2022  
 Page 2 of 13

adversely affect fish and wildlife resources. The Department is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California, and ensuring fisheries are sustainably managed under the Marine Life Management Act. Pursuant to our jurisdiction, the Department has the following comments and recommendations regarding the PMPU.

#### PROGRAM DESCRIPTION SUMMARY

**Proponent:** San Diego Unified Port District (District)

**Objective:** The Draft PEIR for the PMPU are programmatic documents for the proposed planning districts and policies. There are no currently proposed development or maintenance projects, but there are plans for development in each planning district. The programmatic documents are for District guidance in planning for future development and maintenance projects. The finalized PEIR and PMPU documents will enable a streamlined CEQA project review process. The District's future project planning will be based on proposed planning districts, elements, and policies. The proposed PMPU objectives are related to District managed land, submerged land and tideland uses, planning, development, and maintenance. The main objectives of the proposed PMPU are as follows:

- Create an integrated Port Master Plan (PMP) for the District that governs the use, design, and improvement of public trust lands in accordance with Section 30711 of the California Coastal Act (CCA), the Public Trust Doctrine, and the San Diego Unified Port District Act (Port Act).
- Within the District's PMPU area, create standards for new development which serve to enhance and blend development with the surrounding character and other land and tidelands uses.
- Streamline the project review and entitlement process for implementation of the PMP.
- Allow for an intensity and diversity of development that provides on-going and sustainable District revenues as required by the Port Act and Public Trust Doctrine.
- Provide an interconnected mobility network that encourages a range of travel modes.
- Create and maintain recreation open space opportunities including physical and visual access to the water.
- Provide opportunities for creating waterfront attractions for visitors while protecting and restoring the environment through the proactive management of sensitive biological resources and ensuring coastal access around San Diego Bay.

**Location:** San Diego Unified Port District encompassing San Diego Bay (Bay) submerged lands, tidelands uplands, and harbors (City of San Diego, San Diego County, California).

**Timeframe:** To be determined for each future project.

A2-1  
cont.



Dennis Campbell, Senior Planner  
San Diego Unified Port District  
January 19, 2022  
Page 3 of 13

#### Marine Biological Significance

The Bay, which is 12 miles long and 1 to 3 miles wide, is the third largest natural bay in California. The existing Bay waters, seagrass beds, shorelines, wetlands, estuary, and salt ponds provide diverse habitats for thousands of resident and migratory marine fish, invertebrates, sea turtles, marine mammals, and bird species. The Bay waters and shorelines provides important fish nursery and bird nesting habitats. Bay open water is locally important for foraging habitat of many protected and listed endangered or threatened multiple bird species and the East Pacific (DPS) green sea turtles (*Chelonia mydas*). Extensive seagrass beds in the Bay provide spawning and nursery grounds for state and federally managed fish and invertebrates such as California halibut (*Paralichthys californicus*), spotted sand bass (*Paralabrax maculatofasciatus*) and barred sand bass (*Paralabrax nebulifer*), northern anchovies (*Engraulis mordax*) and the California spiny lobster (*Panulirus interruptus*). Sensitive habitats, fish, and wildlife are vulnerable to coastal development and project construction and operational impacts.

#### COMMENTS AND RECOMMENDATIONS

The Department offers the following comments and recommendations for the Draft PEIR to assist the District in adequately identifying and/or mitigating potentially significant, direct, and indirect fish and wildlife impacts from future planned projects as described in the PMPU.

#### I. Future Project Level Impacts and Other Considerations

##### Comment #1 Dredging, Pile Driving and Removal Impacts and Sound Criteria

Under the proposed PMPU there will be future planned dock, pier, wharf, and marina installation projects. These projects will include pile driving installations and/or pile removals which may generate significant underwater sound pressure levels causing temporary or permanent impacts to fish and other marine life. Impacts may include a startled response in fish resulting in fish temporarily leaving the safety of their normal essential habitats to avoid construction noise. In some situations, pile driving or pulling sound pressure waves can cause fish barotrauma injury or mortality if not mitigated to tolerable noise levels. The Department relies on guidance from the Fisheries Hydroacoustic Working Group for setting sound pressure level safety criteria for fish resources, and for pile driving projects. The agreed upon criteria consists of sound pressure levels (SPL) of 206 decibels (dB) peak and 187 dB (or 183 dB for fish less than 2 grams body weight) accumulated sound exposure level (SEL) for all listed fish within a project area. Impacts to marine organisms from underwater sound are influenced by the SELs, SPLs, sound frequency, and depth and distance from the sound output source. Additional information on in water sound level criteria can be found at: <https://dot.ca.gov/programs/environmental-analysis/biology/hydroacoustics>

Dredging, pile driving or pulling may generate temporary increased water turbidity impacts. Turbidity plumes may temporarily reduce or block essential underwater light for primary producers that use photosynthesis for growth and survival. This can cause

A2-2

## Response to Comment A2-2

The PMPU PEIR provided a detailed discussion of the existing biological environmental setting in Section 4.3.2. This comment is informational in nature and does not raise an environmental issue that requires a response from the District.

## Response to Comment A2-3a

The PEIR analyzed impacts associated with noise from in-water construction associated with future development projects, including construction activities that would disturb the Bay floor, such as pile driving, dredging, and pile removal, and which may have an impact on fish and other marine wildlife. This included disclosure of significant impacts associated with Level A harassment (i.e., injury) and Level B harassment (i.e., altered behavior)) on marine wildlife resources (Section 4.3.4.4 of the PEIR, Threshold 1, Impact-BIO-3 beginning on page 4.3-90). Level A harassment is defined as the potential to injure marine mammals, and Level B is defined as the potential to cause disruption of behavior patterns, including migration, breathing, nursing, breeding, feeding, and sheltering (PEIR p. 4.3-81). Table 4.10-14 of the PEIR provides an overview of representative construction scenarios and Table 4.10-18 provides the typical noise levels from those scenarios. In addition, further clarification is provided in Section 4.3, *Biological Resources*, to indicate the significance criteria currently used to determine underwater noise impacts on marine mammals, fish, and sea turtles, which are consistent with the comment's recommendation.

A2-3a

The PEIR proposed MM-BIO-3 to address impacts to marine mammals, fish, sea turtles, and other marine life associated with construction noise. This measure has been revised to indicate the experience level of the biological monitor and to require vibratory hammer pile driving to reduce in-water sound levels. Further, the revisions require in-water sound level monitoring for fishes and compliance with the Interim Criteria for Injury to Fish regarding acceptable Sound Exposure Levels. Please see the Final EIR, Volume 2, Section 4.3, Mitigation Measure MM-BIO-3.

## Response to Comment A2-3b

The comment indicates that dredging and pile driving or pulling may generate temporary increases in water turbidity. The PEIR analyzed impacts associated with turbidity from in-water construction and Bay floor disturbance, including dredging, pile removal, and pile driving, on fish and other marine life in Section 4.3, under Threshold 1 of the Draft

PEIR, starting on page 4.3-94 and identified potential significant impacts as Impact-BIO-4. Text has been added to the PEIR which indicates other types of activities that would potentially result in increased turbidity.

Dennis Campbell, Senior Planner  
San Diego Unified Port District  
January 19, 2022  
Page 4 of 13

temporary reduced marine life productivity during turbid conditions due to the reduced light levels. Turbidity can also cause temporary reduced ability of fish to forage and avoid predators.

Removal of creosote timber piles may result in broken piles and pile stub at or above the mud line. A timber pile stub that is left at the mudline may potentially remain in eelgrass habitat, prevent eelgrass expansion within the footprint of each cut pile, and potentially continue to leach creosote contaminants into the environment.

**Recommendation:** The Department recommends that future projects include an analysis of anticipated in water SPLs and SELs. If anticipated sound levels of future projects exceed the Interim Criteria for Injury to Fish [peak SEL of 206 decibels (dB) and accumulated SEL of 187 dB SEL threshold for fish over 2 grams, and 183 dB for fish under 2 grams], (Interim Criteria 2008), then sound level monitoring should be done during pile driving and/or pile removal activities. If monitoring indicates sound level exceedances of Interim Criteria have occurred, work should cease immediately and additional mitigation measures should be implemented to reduce SPL and SEL levels below criteria thresholds.

**Mitigation Measures:** To avoid or minimize in water sound impacts to fish from pile driving, the Department recommends the Final PEIR, MM-BIO-3, include, at a minimum, the following mitigation measures:

- In water sound level monitoring should be conducted if the analysis of anticipated SPLs and SELs exceed acceptable levels described in the Interim Criteria for Injury to Fish.
- To reduce in water sound levels during pile driving all piles should be driven with a vibratory hammer to the maximum extent feasible. If an impact hammer is required, additional sound attenuation, such as a wood cushion block and/or air bubble curtain, should be utilized.
- The Department recommends avoiding the use of treated wood piles. Fish and Game Code §5650 states that it is unlawful to deposit into, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, or bird life (FGC §5650(6)). The Department considers any wood treated with ACZA, CCA, ACQ to be deleterious materials. The PMPU should consider the use of piles made of alternative materials such as plastic, concrete, or steel to the maximum extent feasible. If use of plastic, concrete, or steel piles is not feasible, all wood piles should be wrapped with a benign material to prevent waters of the Bay from direct contact with the treated wood. Additionally, all wrapped wood piles that may be subject to contact with docks, floating debris and/or boats, should be inspected on a yearly basis to confirm the integrity of the wrap and to repair any damaged areas.

**Mitigation Measure:** The Department recommends timber pile extractions use the vibratory extraction methods to the maximum extent feasible. Recommended secondary options may include direct pull and cutting at least two feet below the mudline. Care should be taken to avoid rocking the piles during removal to minimize turbidity and

A2-3a  
cont.

A2-3b

A2-3c

As indicated on page 4.3-99:

“Temporary increases in turbidity could also result from waterside construction activities that involve bottom sediment disturbance. This could occur during activities such as pile driving, pile removal, dredging, incidentally accidentally during vessel contact with bottom substrate, and by propeller wash in shallow water (see **Impact-WQ-1** in Section 4.8, for a discussion of water quality impacts from turbidity). In general, increased turbidity could limit the ability of California least terns and other sensitive fish-foraging avian species to locate prey. Additionally, disruption to eelgrass can occur due to increased turbidity. Prolonged increases in turbidity can reduce primary productivity associated with eelgrass because the turbid water prevents sunlight from reaching this primary producer and sensitive species. These impacts are considered significant (**Impact-BIO-4**).

Continuing on page 4.3-100, the Draft PEIR states:

“Turbidity generated by in-water construction activities (**Impact-BIO-4**) can be reduced by implementing various measures required under **MM-BIO-4**. These include contractor education and implementation of BMPs during in-water construction. Vessel operators would be instructed regarding the impacts of propeller wash with regards to erosion-the movement of sediment and suspension of fine particulates; this will allow vessel operators to adjust operations when possible in ways that lessen impact. All vessels would be required to use depth sounders or mapping with tidal heights that are routinely checked to ensure vessels are positioned to avoid shallow water areas. Finally, when construction involves necessary bottom disturbance such as dredging or pile driving, silt curtains would be in place around the activity to limit the spread of any turbidity generated during the bottom-disturbing activity. In addition to **MM-BIO-4**, implementation of **MM-WQ-1** through **MM-WQ-3**, as described in Section 4.8, would also address potential water quality impacts on marine resources by requiring monitoring of turbidity, implementation of BMPs, and application of silt curtains during construction-related sediment disturbance. As such, implementation of **MM-BIO-4** and **MM-WQ-1** through **MM-WQ-3** would reduce impacts to less than significant. Potential impacts associated with turbidity and bottom disturbance that might reduce the extent of eelgrass habitat are identified under Threshold 2 (refer to **Impact-BIO-10**) and the associated mitigation measures are provided as **MM-BIO-10**.”

As indicated in the excerpt above, MM-BIO-4, MM-WQ-1, MM-WQ-2, and MM-WQ-3 would reduce turbidity-related impacts from in-water

Dennis Campbell, Senior Planner  
San Diego Unified Port District  
January 19, 2022  
Page 5 of 13

potential redistribution of contaminated sediments. If the timber pile should break off at or above the mudline or cannot be removed, the pile should be cut, at a minimum, 2 feet below the mud line.

**Comment #2 Native Eelgrass and Shallow Water Habitat Impacts**

Eelgrass (*Zostera marina*) and (*Zostera pacifica*) habitat which is mostly found in shallow water habitats in the Bay has been identified as a special aquatic site and given protections by the Clean Water Act. The Magnuson-Stevens Fishery Conservation and Management Act (MSA) identifies it as a Habitat Area of Special Concern. Eelgrass habitat within shallow waters is an important habitat for many species of marine fish, invertebrates, sea turtles, marine mammals, and is frequently used for fish-foraging areas by state fully protected seabirds such as the California least tern and various other sensitive or special status birds. Additionally, shallow Bay water habitat is essential for photosynthesis required for phytoplankton, algae, and eelgrass plant growth. Therefore, shading of eelgrass and overwater structure covering shallow Bay water may cause adverse impacts to eelgrass habitat, reduced high quality habitat areas for fish, birds, and various sensitive wildlife as well as reduced primary production in Bay waters. The potentially significant impacts discussed above should be avoided, minimized, and mitigated if necessary. If mitigation is required, the Department and other resource and permitting agencies should be included. Eelgrass mitigation measures and compensation should be guided by the California Eelgrass Mitigation Policy (CEMP), (NOAA 2014).

Permanent operational impacts may occur from dredging and pile installations resulting in hydrological changes and fill of Bay waters. Dredging, pile driving, or pile removals may cause adverse direct losses and damage to eelgrass habitat or unvegetated eelgrass habitat. These activities may also generate potentially adverse, indirect and/or temporary sedimentation or burial of eelgrass habitat. Sedimentation may cause eelgrass habitat degradation and/or direct losses due to a buildup of sediment (silt) on top of eelgrass plants. Dredging may also permanently convert shallow depth eelgrass habitat to deeper depths which may not be suitable for optimal eelgrass growth.

**Recommendation:** For future Bay water fill and dredging projects that permanently impact shallow Bay water and eelgrass habitats, the Department recommends compensatory mitigation be implemented prior to in water project construction to avoid temporal impacts.

**Recommendation:** For unavoidable permanent losses of eelgrass and shallow Bay water habitat due to Bay shading, overwater structure, fill or dredging, the Department recommends development of a master eelgrass and shallow Bay water habitat Mitigation, Monitoring and Reporting Plan (MMRP). The MMRP could use generic language revised as necessary for future proposed projects within the PMPU planning districts. The master MMRP should include a generic list of best available science-based compensatory mitigation measures for permanent habitat impacts. The master MMRP should be developed in collaboration with the Department and other agencies and included in the Final PEIR.

A2-3c  
cont.

A2-4a

activities, including turbidity-related impacts on marine habitat and wildlife, to less than significant. Please also see response to Comment A2-3c as it relates to avoiding rocking of piles to minimize turbidity.

## Response to Comment A2-3c

The comment also raises the issue of removing creosote timber piles and the potential for broken piles. The comment suggests that a timber pile stub that is left as a result of pile removal may remain in eelgrass habitat, which could prevent eelgrass expansion within the footprint of each cut pile and would potentially leach creosote contaminants into the environment. The PEIR analyzes this issue in Section 4.8, “Hydrology and Water Quality”, under Threshold 1. The analysis specific to the potential future removal of creosote piles starts on page 4.8-50 and a potential impact is identified as Impact-WQ-1. To reduce potential impacts associated with the removal of creosote piles, MM-WQ-7 would be required to ensure the best practices are employed during their removal. Moreover, MM-WQ-7 has been updated to prioritize vibratory extraction methods over direct pull, ensure rocking of piles does not occur during extraction, and to require cutting any creosote piles which were not successfully removed in their entirety to at least 2 feet below the mud line (instead of 1 foot), consistent with the recommendation from CDFW. As such, MM-WQ-7 has been revised in the Final EIR, Volume 2, Chapter 4.8, Hydrology and Water Quality. Please see MM-WQ-7 as revised.

## Response to Comment A2-4a

The comment recommends compensatory mitigation for eelgrass habitat in shallow water habitats prior to in-water construction to avoid temporal impacts. MM-BIO-10, which requires compensatory mitigation for impacts on eelgrass, is required once it can be determined how much eelgrass will be permanently impacted. MM-BIO-10 includes impacts from shading and direct loss and is guided by the California Eelgrass Mitigation Policy (CEMP) consistent with the comment’s recommendation. In addition, MM-BIO-10 includes detailed steps to ensure eelgrass surveys are conducted during appropriate windows, mitigation ratios are consistent with the CEMP, preconstruction surveys are conducted, post-construction surveys are completed and reports are submitted to the District and pertinent agencies, and long-term post construction surveys are conducted to confirm impacts were successfully identified and no long-term impacts will occur such as from additional shading and vessel movements. As such, it is necessary to determine the extent of the effect on eelgrass pre-construction to determine mitigation requirements. Further, the FPEIR

addresses mitigation for overwater shading and fill within shallow water through the future implementation of both MM-BIO-7 and MM-BIO-11.

Dennis Campbell, Senior Planner  
San Diego Unified Port District  
January 19, 2022  
Page 6 of 13

**Recommendation:** If future projects propose transplanting of eelgrass for eelgrass compensatory mitigation, restoration, or mitigation banks, a Scientific Collecting Permit (SCP) from the Department will be required prior to harvest and transplanting activities. The SCP may include conditions such as donor bed surveys, limits on number and density of turions collected, methods for collection and transplanting, notification of activities, and reporting requirements. Please visit the Department's SCP webpage for more information: <https://wildlife.ca.gov/Licensing/Scientific-Collecting>.

**Mitigation Measure:** To avoid and minimize potentially significant eelgrass and unvegetated eelgrass habitat impacts within or adjacent to a project area, include protective pile and dredging construction methodologies to reduce water turbidity and sedimentation. The Department recommends the Final PEIR include the following turbidity and sedimentation mitigation measure for dredging, pile driving and/or pile pulling:

- To contain turbidity and sedimentation to the smallest area during construction, install silt curtain barriers around dredging footprints and piles or use coffer dam methodologies as applicable.

#### Comment #3 Invasive Species Impacts

Disturbance of the bottom sediments from dredging and pile construction may redistribute non-native species that compete with native species. This could cause widespread adverse impacts to the marine ecosystem. The invasive algae *Caulerpa taxifolia* is listed as a federal noxious weed under the U.S. Plant Protection Act and while deemed eradicated in 2006 is monitored for potential future emergence. Another invasive algae species found recently in Newport Bay is *Caulerpa prolifera*, which is also a potential threat to the native marine ecosystem.

The Department recommends including a mitigation measure detailing a pre-construction *Caulerpa spp.* survey to identify potential existence of invasive *Caulerpa spp.* as described in the Caulerpa Control Protocol <https://www.fisheries.noaa.gov/west-coast/habitat-conservation/aquatic-invasive-species-west-coast>. If *Caulerpa spp.* are found, do not disturb the species and contact the Department and National Marine Fisheries Service within 24 hours as described in the Caulerpa Control Protocol.

#### Comment #4 California Least Tern, DEIR Section 4.3

The California least tern (*Sterna antillarum browni*) is a species listed as endangered under the Federal Endangered Species Act (ESA), California Endangered Species Act (CESA), and designated a California Fully Protected (FP) species under the Fish and Game Code. FP species may not be taken or possessed at any time and must be completely avoided by all future project impacts. Although Mitigation Measure BIO-1 (MM-BIO-1), Mitigation Measure BIO-2 (MM-BIO-2), Mitigation Measure BIO-4 (MM-BIO-4), and Mitigation Measure BIO-7 (MM-BIO-7) in the Draft PEIR address some potential concerns pertaining to California least tern, they do not adequately avoid impacts to the species.

Sand dunes and beaches around the Bay provide suitable nesting habitat for California

A2-4b

A2-4c

A2-5

A2-6

The comment also recommends the District develop a master mitigation monitoring and reporting plan for unavoidable and permanent losses of eelgrass and shallow water habitat impacts. However, additional mitigation is not required because implementation of MM-BIO-10 would reduce the potential significant impacts of future development projects to less than significant. In addition, as a mitigation measure identified in a program EIR and included in the MMRP for the PMPU, MM-BIO-10 applies to all future development projects and thus has the effect of a master mitigation measure. MM-BIO-10 also provides that a project specific mitigation plan must be in place prior to issuing permits for any individual development project, which can account for specific site conditions, circumstances, and proposed changes by the project. This ensures adherence to the CEMP and allows for additional resource agency consultation during the permit process which would include evaluation of any mitigation plan. Because the comment neither refers to MM-BIO-10 nor identifies any way in which it is insufficient, no further response is possible.

### Response to Comment A2-4b

The comment indicates that a Scientific Collecting Permit (SCP) is required from CDFW for eelgrass harvesting and transplanting activities. The District is aware of the SCP requirement and requires that its contractors have the required SCP. All CDFW permit requirements will be met. As noted in the PEIR, compliance is assumed for existing mandatory regulations because they are required by law. (Draft PEIR, Chapter 4, *Environmental Analysis*, p. 4-2.)

### Response to Comment A2-4c

The comment recommends installation of silt curtain barriers around dredging and piles or use of coffer dam methods as applicable. The Draft PEIR identified impacts related to turbidity with Impact-BIO-4 (see Section 4.3, Biological Resources) and Impact-WQ-1 (see Section 4.8, Hydrology and Water Quality). To fully mitigate turbidity-related impacts, including turbidity-related impacts on marine habitats and wildlife, MM-BIO-4, MM-WQ-1, MM-WQ-2, MM-WQ-3, and MM-BIO-10 would all be required. Specifically, MM-BIO-4, MM-WQ-2, and MM-WQ-3 require the installation of silt curtains around construction activities that would disturb the Bay floor, including pile driving and dredging.

Dennis Campbell, Senior Planner  
San Diego Unified Port District  
January 19, 2022  
Page 7 of 13

least tern, and there are annual breeding colonies documented in multiple locations around the Bay. Least tern forage within the Bay and in the adjacent open ocean. As indicated in the Draft PEIR, foraging behavior could be impacted by construction-induced noise from in-water activities such as pile driving, as well as increased turbidity from in-water activities. Noise disturbance may lead to nest abandonment and hatch failure, or direct mortality of chicks. Installation of overwater structures would also result in a permanent reduction of foraging habitat for least tern.

As written, MM-BIO-1, MM-BIO-2, MM-BIO-4, and MM-BIO-7 are not sufficient to ensure that least terns, if present, would be avoided by the Project.

MM-BIO-1 indicates that when the District determines that future projects may impact foraging habitat for California least tern, a qualified biological monitor will be retained during nesting season (April 1 to September 15). If the monitor determines that noise-producing activities are impacting foraging behavior of least tern, the project proponent shall take specific actions which may include halting or reducing intensity of pile driving, placing sound dampening panels on pile driving equipment, or restricting pile driving to periods when sensitive avian species are not present.

MM-BIO-2 requires construction noise measures to reduce noise impacts on sensitive marine-dependent avian species. For projects that the District determines will have the potential to disturb nesting marine-dependent avian species, required mitigation measures include: a nesting bird survey by the on-site biologist within 500' of the noise-generating activity within 1 week prior to the start of construction, buffer areas of 500' for raptors and 300' for non-raptors, establishment of a baseline ambient sound level, and daily noise monitoring; if levels exceed 10 dBA above baseline and species behavior is modified, construction may be halted or noise reduction measures will be implemented.

MM-BIO-4 implements Best Management Practices (BMPs) to reduce turbidity during in-water construction that may disturb sediment. BMPs include contractor education for vessel operations, and deployment of a turbidity curtain around pile driving.

MM-BIO-7 requires site-specific environmental review for future development projects that may result in the loss of open water habitat or shading. Actions may include consultation with appropriate resource agencies, acquisition of necessary permits, and inclusion of one or more mitigation measures. Specific mitigation measures may include: removal of an amount of existing overwater coverage within the Bay that has a 1:1 equivalent of the project coverage, restoration or creation of wetland or eelgrass habitat within the Bay at a 1:1 ratio for wetlands or 1.2:1 ratio for eelgrass habitat, purchase of saltmarsh wetland or overwater coverage credits at a mitigation bank, purchase of credits from the District's shading credit program, inclusion of a shading analysis, and retaining a qualified biologist to conduct eelgrass surveys.

Appendix G of CEQA guidelines states that impacts to listed species would be considered significant. California least terns are both ESA- and CESA-listed, as well as

A2-6  
cont.

## Response to Comment A2-5

As indicated on page 2 of the Caulerpa Control Protocol, Version 5, October 20, 2021, the San Diego Bay is not on the list of waterbodies with prior or current Caulerpa presence and the District is not aware of any occurrences of Caulerpa in the San Diego Bay. However, as indicated in the District's Integrated Natural Resources Management Plan (jointly prepared by the U.S. Navy), Caulerpa surveys are required for activities disturbing Bay substrates as part of the USACE permitting process (INRMP 2013, page 4-65).

For clarifying purposes, MM-BIO-4 has been modified in the Final EIR, Volume 2, Chapter 4.3. Please see the revisions in response to this comment, which include the requirement to obtain all applicable permits from Federal and State agencies for in-water construction, prior to the commencement of in-water construction and when applicable, require the performance of a Caulerpa survey, as part of the permit process. These changes are also reflected in the MMRP.

Additionally, the PMPU contains a policy that would require educating the public about water quality risks from invasive species and measures to avoid spreading (ECO Policy 1.1.16). As such, the PMPU is consistent with the requirement to conduct Caulerpa surveys as part of the in-water construction permitting process. In addition to clarifying within MM-BIO-4 that Caulerpa surveys are required for activities that propose to disturb Bay sediments, the PEIR now includes a summary of the Caulerpa Control Protocol and the history behind its development.

## Response to Comment A2-6

This comment discusses potential impacts to the California least tern and the mitigation measures identified in PEIR Section 4.3, *Biological Resources*, that would reduce the impacts to less than significant. The comment summarizes MM-BIO-1, MM-BIO-2, MM-BIO-4 and MM-BIO-7 and makes the general allegation that they are insufficient, but does not identify any specific aspect of those measures which is insufficient to reduce impacts below significance. Where the mitigation measures identified in an EIR reduce potential significant impacts to less than significant, a lead agency is not required to consider additional measures recommended in comments. *Clover Valley Foundation v City of Rocklin* (2011) 197 Cal.App.4th 200, 245 ["Substantial evidence indicates the City has analyzed the project's impacts on views, and has proposed feasible mitigation measures to minimize those impacts. That is sufficient for CEQA."].)

Nonetheless, several of the recommendations provided in this comment related to California least tern have been incorporated into MM-BIO-1 and MM-BIO-2. Please note that the District does not believe three site visits separated by two weeks to identify any nesting least tern is necessary to determine presence. The nesting locations of the least tern within and surrounding the San Diego Bay are well documented and are not present within 500 feet of the large majority of the PMPU area. Therefore, the currently proposed mitigation requirement to perform a preconstruction survey for nesting birds, including least tern is sufficient to avoid a significant impact that would result if a nest was destroyed or harassed from construction activities. Please see the revisions provided in the Final EIR, Volume 2, Chapter 4.3. These changes are also reflected in the MMRP.

The comment does not indicate how mitigation measures MM-BIO-4 and MM-BIO-7 are not sufficient. Therefore, no changes to these mitigation measures have been made in response to this comment.

Regarding California Brown Pelican, please see the response to Comment A2-7.



Dennis Campbell, Senior Planner  
San Diego Unified Port District  
January 19, 2022  
Page 8 of 13

FP per Section 3511 of the Fish and Game Code. Although the PMPU proposes measures to reduce potential impacts to least terns, it does not ensure that the take would be avoided.

**Recommended Potentially Feasible Mitigation Measure(s)**

**To reduce impacts to less than significant:** To avoid take, incidental or otherwise, of California least tern, the District shall implement a tern-specific mitigation measure that will avoid or minimize in water construction impacts. In addition to the measures already discussed in the Draft PEIR, the following language shall be incorporated:

- a. to completely avoid impacts to California least tern, pile driving shall be conducted outside of least tern nesting season (April 1 to September 15). If the least tern nesting season cannot be avoided, then a California least tern monitoring and avoidance plan shall be prepared by the District for review and approval by the Department and the US Fish and Wildlife Service (collectively the Wildlife Agencies), prior to the beginning of construction activities;
- b. when construction activities will occur within 500 feet of suitable California least tern nesting habitat, a qualified biologist shall conduct surveys prior to activity initiation. Surveys shall consist of three visits separated by two weeks, starting April 1 prior to ground disturbance, pile driving, or construction activities. The results of the surveys shall be reported to the District, and the Wildlife Agencies shall be notified if nesting least terns are documented on-site or within 500' of Project impacts. No work shall begin until the Wildlife Agencies are notified, and a 500' buffer is established;
- c. a qualified biological monitor shall remain on-site during all construction activities that occur within, or adjacent to, suitable nesting habitat for least tern during nesting season. The monitoring schedule may be modified with Wildlife Agencies' approval; and,
- d. if nesting California least terns are detected, the District shall establish a 500-foot no operations buffer around any active nests. The buffer shall remain in place until the nest has fledged or is no longer active.

**Comment # 5 California Brown Pelican, Draft PEIR, Section 4.3**

California brown pelican (*Pelecanus occidentalis californicus*) are a FP species. As indicated in the prior comment, FP species may not be taken or possessed at any time and must be completely avoided by all future project impacts. The Mitigation Measures in the Draft PEIR do not adequately avoid impacts to this species.

California brown pelican are frequently observed foraging in the Bay. As noted in the Draft PEIR, there is high foraging potential anywhere that schooling fish species can be found. California brown pelican commonly rest along riprap or structures found along the Bay shore. Potential direct and indirect impacts to brown pelican foraging may result from noise disturbance and increased turbidity resulting from in-water activities, such as pile driving. Direct loss of foraging habitat may occur from installation of over water structures.

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A2-7

## Response to Comment A2-7

California Brown Pelicans are not known to nest in the Bay but nest on offshore islands (Anacapa and Santa Barbara Island in California). They forage and roost within the Bay with foraging over open water on schooling fish in addition to feeding on fishing waste from fishing vessels. The PEIR's mitigation measures as revised, adequately mitigate for potential impacts to brown pelicans. Mitigation Measures MM-BIO-1 and MM-BIO-2 would apply to future projects to avoid significant impacts to California Brown Pelican and have been modified to ensure clarity of the required mitigation. In addition, as indicated in response to Comment A2-6, MM-BIO-1 has been clarified to include biological monitoring for any sensitive species when work is being conducted in suitable foraging habitat. In addition, as indicated in response to Comment A2-3, MM-BIO-3, which requires monitoring during in-water pile driving, has been clarified to indicate that monitoring extends to California Brown Pelican, as well. Please see the response to Comment A2-3.

## Response to Comment A2-8

Please refer to PMPU, page 104, ECO Policy 1.1.15 and the related text box for discussion on possible future additions to EOA:

"The ecological opportunity areas identify approximate locations for potential shallow subtidal and intertidal habitat restoration, creation, or enhancement. An example of shallow subtidal habitat restoration, creation, or enhancement includes sediment augmentation to support eelgrass, and an example of intertidal habitat restoration, creation, or enhancement includes living shorelines, such as a native oyster reef. The ecological opportunity areas may also support other nature-inspired solutions that would improve the adaptive capacity and ecological benefit of the adjacent shoreline with a co-benefit of protecting coastal uses, particularly along shorelines that are armored under baseline conditions. The ecological opportunity areas identified in Figure 3.3.2 are approximate locations and sizes, and through the lifetime of this Plan, more areas may be identified. Figure 3.3.2 Ecological Opportunity Areas illustrates a "snapshot in time" as of certification of this Plan or an initial identification of these ecological opportunity areas.

Should new future EOAs be designated, the District will determine what, if any, analyses are required. As part of the criteria to add any EOAs, the District would consider the potential changes that may occur over time from sea level rise and the role the future EOA could play in the protection of Bay habitat or infrastructure. The District anticipates any

Dennis Campbell, Senior Planner  
San Diego Unified Port District  
January 19, 2022  
Page 9 of 13

As written, the Mitigation Measures are not sufficient to ensure that impacts to California brown pelican, if present, would be avoided by future projects. As outlined in the prior comment, MM-BIO-1 requires that a biological monitor remain on site during nesting season, and that the project proponent shall take specified actions if sensitive species are identified. MM BIO-2 requires construction noise measures to reduce impacts to sensitive marine-dependent avian species. MM-BIO-4 implements BMPs to reduce turbidity from in-water construction. MM BIO-7 requires site-specific environmental review for future development projects that may result in loss of open water habitat or create shading.

Appendix G of CEQA guidelines states that impacts to listed species would be considered significant. California brown pelican are state FP per Section 3511 of the Fish and Game Code. Although the PMPU proposes measures to reduce potential impacts to California brown pelican, it does not ensure that take would be avoided.

#### Recommended Potentially Feasible Mitigation Measure(s)

**To reduce impacts to less than significant:** To avoid take, incidental or otherwise, of California brown pelican, the District shall implement a brown pelican-specific mitigation measure that will avoid or minimize impacts to foraging habitat. In addition to the measures already discussed in the DEIR, the following shall be incorporated:

- a. a California brown pelican monitoring and avoidance plan shall be prepared by the project proponent, for review and approval by the Wildlife Agencies, prior to the beginning of construction activities; and,
- b. when conducting work within suitable foraging habitat, a biological monitor shall be on-site during construction to ensure that any CESA-listed species are not agitated, killed, or injured.

## II. General Comments

### Ecological Opportunity Areas

The Department reviewed the EOA section of the Draft PEIR (Appendix J, Page 104). ECO Policy 1.1.15. The policy states; "*The District shall identify various ecological opportunity areas within water use designations that have shallow subtidal or intertidal habitat that may benefit from additional restoration or enhancement, or additional nature-based shoreline stabilization.*" The Department recommends that ECO Policy 1.1.15 be revised or additional new policies created and included in the Final PEIR:

- The Department understands new EOA identifications will be ongoing and recommends the new EOAs identified in the future be incorporated into Figure 3.3.2, map of EOAs. The revised EOA maps should be made available to the Department.
- The Department recommends sea level rise and climate change vulnerability be analyzed for each new EOA identified. The analysis should include how the habitat may change over time due to sea level rise and climate change. If the

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A2-8

such future efforts may include consultations with resource agencies, when applicable. Because the comment relates to a policy in the PMPU and does not raise an environmental issue related to the PEIR, no further response is required.

## Response to Comment A2-9

The District appreciates the important role CDFW plays in the establishment of mitigation banks in the State of California. In compliance with Section 33 CFR 332.8, Mitigation Banks and In-Lieu Fee Programs, any District-proposed mitigation banks would be submitted to the U.S. Army Corps of Engineers (USACE). Pursuant to Section 332.8(b), an Interagency Review Team (IRT) will be established to review the proposal. CDFW could be included as a member of the IRT given the agency's role as a State of California trustee agency for natural resources. ECO Policy 1.2.1 of the PMPU, which acknowledges federal and state agency approval, is aligned with the USACE's mitigation banking process. ECO Policy 1.2.1 states:

"In cooperation with regional, State, and federal resource agencies, the District shall develop a mitigation credit program, subject to agency approval, to improve habitat quality and compensate for unavoidable wetland losses through the protection, restoration, and creation, ~~and~~ enhancement of wetland habitats as follows:

- a. The mitigation credit program may consist of the creation of, or use of mitigation banks, in-lieu fee programs, eelgrass mitigation areas or other mitigation offset measures on Tidelands. With respect to future and existing mitigation credits, use of credits shall be given priority in the order listed below for the following types of development:
  1. District led and initiated development on Tidelands;
  2. Coastal-dependent development on Tidelands by a third-party applicant;
  3. Coastal development on Tidelands that provides a public benefit; or
  4. Other development.

Credits derived from restoring ~~or enhancing~~ tidally influenced habitat shall first be used to mitigate impacts on tidally influenced waters or wetlands, ~~whenever~~ feasible.

- b. As part of the application process to use such credits, third-party applicants must demonstrate that they have used good-faith efforts to minimize development impacts, and, to the extent feasible, mitigate within the same development site. After demonstration of a mitigation need, applicants shall pay a fee for use of credits as

Dennis Campbell, Senior Planner  
San Diego Unified Port District  
January 19, 2022  
Page 10 of 13

Bay EOA is specifically identified and chosen to enhance protection of Bay habitat or infrastructure from climate change, this should be specifically identified on district planning maps and on Figure 3.3.2.

#### Mitigation Banks

The Department reviewed Appendix J proposed ECO Policy 1.2.1 (mitigation credit program). The Department recommends that the District consult with the Department and other applicable agencies when the District chooses to develop the mitigation credit program, as stated in the proposed policy. The District should also consult with the Department on specific mitigation bank proposals for eelgrass and other Bay habitats. The Department should be consulted on decisions related to whether natural Bay habitat areas including eelgrass could be used for a mitigation bank. Additionally, the Department recommends going through the CDFW mitigation bank process. More information on the CDFW mitigation banking process can be found at: <https://wildlife.ca.gov/Conservation/Planning/Banking/Guidelines>.

#### Aquaculture

The Draft PEIR identifies aquaculture as a future activity but does not specify designs or specific purposes for future shellfish aquaculture facilities and equipment. When marine aquaculture operations are proposed in the future, the District should consult with the Department and provide complete and detailed information about the purpose, design, locations, and aquaculture species. The Department recommends including the following steps, at a minimum, for planning future aquaculture facilities:

- The Final PEIR should detail the mechanism by which the District plans to move forward with aquaculture on granted tidelands.
- Collaborate early and often with the Department and other agencies on appropriate designs and locations to avoid and minimize negative impacts to marine fish, native shellfish, wildlife, and natural habitats such as eelgrass and estuary habitat.
- Include aquaculture avoidance and minimization strategies for protecting marine resources and water quality impacts.
- A Department issued aquaculture registration will be required annually for any future aquaculture operations. More information on the Department's aquaculture permitting process can be found at: <https://permits.aquaculturematters.ca.gov/Permit-Guide>.

#### Artificial Reef and Hard Structure

The Draft PMPU identifies living shorelines and eco-friendly building materials meant to attract marine species. The Department has authority over artificial reef or hard structure installations meant to attract marine life for habitat purposes, including Statutory/Legislative Authority, Trustee and Responsible Agency Status under CEQA and the Marine Life Management Act, and an advisory role to other agencies. The Department has additional authority pursuant to Fish and Game Code Section 6420-6425 which established the California Artificial Reef Program (CARP) in 1985. The program was created to investigate the potential to enhance declining species through

established by the District. District approval is required for the right to use any of the credits.

Additionally, on page 107 of the PMPU, a text box provides additional background about mitigation banks and the federal and state agencies that generally approve their establishment:

A mitigation bank can be used to protect, restore, ~~and create, and enhance~~ wetland, intertidal and shallow subtidal habitats and eelgrass. Credits would be established to compensate for unavoidable wetland losses, with a long term goal of increasing the quality and abundance of wetland, intertidal and shallow subtidal habitats and eelgrass. Purchase of mitigation bank credits must occur in advance of development, when the compensation cannot be achieved at the development site or would not be as ecologically beneficial. Mitigation banking assists in the consolidation of small, fragmented wetland mitigation projects into large, contiguous habitat with much higher wildlife habitat values. Mitigation banks are generally approved by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, ~~and U.S. Environmental Protection Agency~~, National Marine Fisheries Service, California Coastal Commission, and Regional Water Quality Control Board and should be coordinated with State Water Resources Control Board wetlands permitting procedures adopted in 2019.

As such, the District anticipates CDFW's participation and reviewing role, when impacts to CDFW trust resources are impacted, in the formation of approved mitigation banks on Tidelands and within the San Diego Bay.

### Response to Comment A2-10

The District currently consults with CDFW while implementing aquaculture operations and will continue to do so in the future. As the comment indicates, the PEIR and the PMPU identified aquaculture as a permissible use consistent with the existing water and land use designations.

The comment indicates that the PMPU does not specify designs or specific purposes for future shellfish aquaculture facilities and equipment. While no specific aquaculture uses are proposed at this time, the PMPU does provide guidance of the purpose of aquaculture uses throughout the document, as well as defining it for District purposes on page 386 of the PMPU as follows:

"Section 30100.2 of the CCA refers to Section 17 of the Fish and Game Code for the definition of 'aquaculture.' This Plan relies upon this Fish

and Game Code definition, as interpreted by the California Department of Fish and Wildlife:

‘Aquaculture’ means that form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. ‘Aquaculture’ does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes, however, these species continue to be regulated under Chapter 2 (commencing with Section 2116) of Division 3 of the Fish and Game Code.”

Moreover, the Aquaculture Facilities and Operations land use type would allow for:

“Uses and facilities for the propagation, cultivation, maintenance, and harvest of aquatic plants and animals, such as species offloading and transshipment. Coastal-related aquaculture facilities and operations are facilities for aquaculture operations that do not necessarily have to be adjacent to the water, such as closed-system recirculating water systems (seawater or freshwater) and office space for aquaculture operations.”

It is important to point out that the PMPU is a long-term planning document that provides water and land use policy direction on District tidelands, for several decades. Planning guidance contained within the PMPU with respect to aquaculture includes, for example, ECO Policy 2.1.4, which states that “Aquaculture, as interpreted by the California Department of Fish and Wildlife, is encouraged in Tidelands areas using species and sustainable practices that are approved by the in accordance with California Department of Fish and Wildlife processes and that do not degrade surrounding natural resources and minimize substantial environmental impacts. Future aquaculture operations may be subject to additional regulatory requirements, such as project- or site-specific monitoring and reporting.” In addition, ECO Policy 1.1.12 indicates that “Science-based management practices shall be used on Tidelands to guide water, sediment, and natural resource decisions” where Science-based management is defined in the PMPU as “a suite of programs, conditions, or criteria to protect and enhance ecosystems.” This policy applies to aquaculture to indicate that any future aquaculture activities would need to have beneficial ecosystem effects. When combining the implementation of aquaculture with the use of species and sustainable practices approved by CDFW, the PMPU demonstrates that the goal of any future implementation plan for aquaculture programs and projects will be to avoid damage to the local ecosystem.

The District plans to move forward with aquaculture projects on granted tidelands by subjecting proposals for site-specific future aquaculture

projects to the rigorous planning and environmental review required of all new development within the District's jurisdiction. This process would include early and frequent collaboration with the Department and other agencies on appropriate design and locations to avoid or minimize negative impacts to marine fish, native shellfish, wildlife and natural habitats such as eelgrass and estuary habitat, as well as aquaculture avoidance and minimization strategies for protecting marine resources and water quality impacts. Future aquaculture projects also would be required to comply with all applicable federal, state and local laws and regulations, including any applicable permitting or registration requirement of the Department.

Finally, the District acknowledges the importance of coordination with CDFW about the purpose, design, locations, and aquaculture species for future aquaculture projects. Because the PMPU already includes policies outlining that any future aquaculture projects proposed would need to be consistent with CDFW's approved species and sustainable practices, and because aquaculture would be designed to avoid damage to the local ecosystem with the potential to result in beneficial effects in accordance with the PMPU, no changes to the PMPU or PEIR are required as a result of this comment.

### **Response to Comment A2-11**

The District acknowledges the comment and looks forward to coordinating with CDFW on innovative strategies for living shorelines, as well as to improve climate resiliency, while also improving marine habitat.

Dennis Campbell, Senior Planner  
San Diego Unified Port District  
January 19, 2022  
Page 11 of 13

the placement of artificial reefs and is currently unfunded with no identified source of funding. The CARP does not consider reef or hard structure placement for habitat mitigations, seawalls, or revetments, dampening effects of sea level rise, improved diving opportunities, and habitat restorations. Until the Department develops a scientifically based statewide artificial reef plan, it is unable to support any proposed new artificial reef or artificial habitat regardless of intent.

#### ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Information on submitting data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

#### FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by Department. Payment of the fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

#### Conclusion

The Department appreciates the opportunity to comment on the Draft PEIR. If you have any questions or comments, please contact Region 7 Loni Adams, Environmental Scientist, at 858-204-1051 or [Loni.Adams@wildlife.ca.gov](mailto:Loni.Adams@wildlife.ca.gov). Region 5 Jessie Lane, Environmental Scientist, at 858-636-3159 or [Jessie.Lane@wildlife.ca.gov](mailto:Jessie.Lane@wildlife.ca.gov).

Sincerely,



Craig Shuman, D. Env  
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A2-11  
cont.

A2-12

A2-13

A2-14

## Response to Comment A2-12

The District concurs with this comment and will continue to report the special-status species and natural communities detected during project surveys to the CNDDDB.

## Response to Comment A2-13

The District is aware of the required filing fee and, consistent with the requirements set forth in Section 711.4 of the Fish and Game Code, will pay the filing fee once the Notice of Determination is provided to the County Clerk's office for posting.

## Response to Comment A2-14

The District appreciates CDFW's continued coordination on the Draft PMPU, as well as its comments on the PEIR. The District looks forward to future coordination with CDFW on matters related to a healthy and sustainable ecosystem within the San Diego Bay.

Dennis Campbell, Senior Planner  
San Diego Unified Port District  
January 19, 2022  
Page 12 of 13

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Dennis Campbell, Senior Planner  
San Diego Unified Port District  
January 19, 2022  
Page 13 of 13

Administration.

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## 2.4.3 Comment Letter A3: California Department of Justice

ROB BONTA  
Attorney General



June 3, 2022

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RE: Port Master Plan Update and Draft Environmental Impact Report

Dear Mr. Campbell:

The California Attorney General's Office (AGO) has reviewed the San Diego Unified Port District's (Port or Port District) Draft Environmental Impact Report (DEIR) for the Port's Master Plan Update. The Port Master Plan Update (PMPU) is the master planning document that will establish development standards for the Port's tidelands jurisdiction around San Diego Bay for the next 30 years, including development in port-related industrial areas adjacent to the environmental justice communities<sup>1</sup> of Barrio Logan and West National City, neighborhoods that already suffer disproportionate pollution impacts (Portside Communities).

The AGO respectfully submits these comments to recommend additional analysis of local emissions reductions plans expressly applicable to Port operations.<sup>2</sup> Specifically, we recommend that the Port conduct additional analyses to evaluate the PMPU and DEIR's consistency or inconsistency with the local community emissions reductions plan and the Port's Maritime Clean Air Strategy. We further recommend that the Port clarify how the PMPU and DEIR interact with regional planning documents for the National City and Chula Vista bayfronts. Finally, we urge

<sup>1</sup> Environmental justice is defined by U.S. EPA as the "fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to development, implementation, and enforcement of environmental laws, regulations and policies." (U.S. EPA, "EPA-300-B-1-6004, EJ 2020 Action Agenda: The U.S. EPA's Environmental Justice Strategic Plan for 2016-2020," at p. 1 (Oct. 2016).) For the purposes of this letter, the term "environmental justice community" refers to a community of color, or community experiencing high rates of poverty, that is overburdened by environmental pollution and the accompanying harms and risks because of past or current unfair treatment.

<sup>2</sup> The Attorney General submits these comments per to his independent power and duty to protect the environment and natural resources of the State. (Cal. Const., art. V, § 13; Gov. Code §§ 12511, 12600-12612; *D'Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.)

A3-1

### Response to Comment A3-1

The comment is a multi-part introduction that indicates that the California Attorney General's Office (AGO) has reviewed the PMPU PEIR, summarizes the PMPU, and summarizes the AGO's specific recommendations that follow in greater detail further in the letter.

A summary of the specific recommendations include:

- Conducting additional analyses to evaluate the PMPU and Draft PEIR's consistency or inconsistency with the local community emissions reductions plan (CERP) and the District's MCAS. (See responses to Comments A3-8 through A3-10)
- Clarify how the PMPU and Draft PEIR interact with regional planning documents for the National City and Chula Vista bayfronts (See Comment A3-11)
- Adopt additional mitigation measures and project features to more fully protect Portside Communities. (See Comment A3-12 through A3-15)

The comment was submitted on June 3, 2022, however, the Draft PEIR comment period ended on January 10, 2022, approximately six months prior to these comments being received. The District did not grant an extension of time to the AGO to submit comments beyond the review period, between November 8, 2021 and January 10, 2022. The District provided just over 60 days for State agencies and members of the public to review the Draft PEIR and provide comments. That comment period was approximately 15 days more than the required 45 days required by CEQA. Further, based on the CEQA Guidelines, the District was not required to extend the comment period beyond those 60 days (CEQA Guidelines, Section 15105(a)). Consequently, responses to comments are not required by CEQA. (CEQA Guidelines § 15088(a)). Nevertheless, the District has prepared responses to these comments.

The AGO also commends the District for its "significant efforts it has already undertaken to develop more sustainable operations". The AGO "acknowledges the Port's contributions to the [CERP]" and "adoption of the visionary [MCAS]" as well as the "Port's commitments to phase-in to zero-emission fleets, infrastructure, and watercraft; install shore power at marine terminals; and enhance open space in the Portside Communities, such as Pepper Park in National City." The District appreciates the AGO's interest in the PMPU and its associated PEIR. This is a multi-part introductory comment that provides an overview of the AGO's more detailed comments that follow. Specific responses to the

more detailed comments are provided below, which include responses to Comments A3-8 through A3-15.

As outlined in greater detail below, many of the comments incorrectly assume that the PMPU would affect cargo operations, and therefore, propose a number of measures related thereto. However, cargo throughput is not affected by the PMPU, and instead is controlled by previous approvals, including the 2016 Tenth Avenue Marine Terminal (TAMT) Redevelopment Plan, the plan's certified Final Program EIR, and mitigation monitoring and reporting program. The PMPU is not changing land uses or cargo operations for TAMT. It is not the purpose of this PEIR to reanalyze the impacts of the unamended portions of the Master Plan. Additionally, the TAMT plan already includes MM-AQ-6 Electric Cargo Handling Equipment Upgrades, TAMT MM-AQ-7, Annual Inventory Submittal and Periodic Technology Review. Similarly, all new PMPU development is required to obtain 100% renewable electricity by 2030, and recent 2022 amendments to the California Energy Code require on-site renewable energy and energy storage for many different types of commercial, retail, offices, warehouses, convention centers, hotels and similar uses. Cargo transported by rail would also be subject to newly adopted rules from the California Air Resources Board (CARB) in Resolution 23-12, including the In-Use Locomotive Regulation (13 Cal. Code Regs. §§ 2478 et seq.)

(<https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/fsor.pdf>). Under this new regulation, starting in 2030, (1) only locomotives less than 23 years old would be able to be used in California, (2) Switchers operated by Class I, Class III, industrial and passenger locomotive operators with an original engine build date of 2030 and beyond would be required to operate in a Zero Emission (ZE) configuration to operate in California, (3) Passenger locomotives with an original engine build date of 2030 and beyond would be required to operate in a ZE configuration to operate in California, (4) Class I line haul locomotives with an original engine build date of 2035 and beyond would be required to operate in a ZE configuration to operate in California. For information describing the feasibility of transitioning to ZE locomotives by 2030, please see Initial Statement of Reasons (ISOR), Appendix F (CARB, September 20, 2022):

<https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/appf.pdf>. While CARB recently pulled submittal of the regulations to the Office of Administrative Law on July 21, 2023, CARB has indicated that it will be resubmitting the regulations at a subsequent date (CARB 2023).

June 3, 2022  
Page 2

the Port to adopt additional mitigation measures and project features as part of the PMPU and DEIR in order to more fully protect the Portside Communities.

We commend the Port on the significant efforts it has already undertaken to develop more sustainable operations. We acknowledge the Port's contributions to the local community emissions reduction plan and applaud its adoption of a visionary Maritime Clean Air Strategy. We are encouraged by the Port's commitments to phase-in to zero-emission fleets, infrastructure, and watercraft; install shore power at marine terminals; and enhance open space in the Portside Communities, such as at Pepper Park in National City. We offer these comments to supplement those efforts and to ensure the Port's plans for the next 30 years will work toward meaningfully improving the quality of life of neighboring communities.

#### **I. BACKGROUND**

##### **A. The Port Master Plan Update and Draft EIR**

The PMPU is a 30-year plan establishing water and land use policies to govern the Port's tidelands jurisdiction. The tidelands are divided into 10 planning districts around San Diego Bay. The PMPU's policies address six planning elements, including environmental justice, in all but two of the 10 planning districts. The two districts excluded from the PMPU are the National City Bayfront and the Chula Vista Bayfront, both of which have separate land use plans that are pending or were recently adopted by the Port. (DEIR, p. 3-2.)

The DEIR finds that the PMPU would have significant and unavoidable impacts in several areas, including air quality, even with mitigation applied. The DEIR concluded that the PMPU would cause cumulative emissions of various pollutants in excess of thresholds, and contribute to resulting adverse health effects. (DEIR, pp. ES-19; ES-23—ES-24.) The DEIR further found that the PMPU would generate greenhouse gas (GHG) emissions inconsistent with statewide reduction targets and increase vehicle miles traveled. (*Id.* at pp. ES-73; ES-119—ES-121.)

To address these impacts, the DEIR includes mitigation measures, including installation of electric vehicle charging infrastructure; requiring 100% renewable electricity by 2030; transitioning the Port's fleet to zero-emission vehicles (ZEVs) by 2030; requiring off-road equipment to use Tier-4 engines and use zero-emission equipment when available; phasing in electric harbor craft and dredgers by 2025; and regularly evaluating new zero-emission vehicles and equipment. (DEIR, pp. ES-12—ES-121.)

##### **B. Environmental Setting**

The Port's jurisdiction encompasses the tidelands around San Diego Bay, including portions of the cities of San Diego, Coronado, National City, Chula Vista, and Imperial Beach; San Diego County; industrial and military properties; and San Diego International Airport. (DEIR, pp. 2-2 - 2-3.) In 2018, the California Air Resources Board (CARB) identified the Portside Communities as communities experiencing disproportionate pollution burdens per

A3-1  
cont.

A3-2

A3-3

The commenter is also directed to Master Response M-1 *District Response to Seaport SD and Cumulative Development (PD5, PD6, Pond 20, and TAMT) Related Comments*.

### **Response to Comment A3-2**

This comment summarizes the PMPU and the PMPU area. The comment also summarizes the significant and unavoidable determinations made in the areas of air quality and GHG emissions and the mitigation measures to reduce significant air quality and GHG impacts. Aside from providing a general summary of the significance determinations contained within the PEIR, the comment does not raise an environmental issue. Therefore, pursuant to CEQA Guidelines Section 15088, no response is necessary.

June 3, 2022  
Page 3

Assembly Bill 617, Health and Safety Code section 44391.2 (AB 617). The neighborhoods comprising the Portside Communities are Barrio Logan, West National City, Logan Heights, and Sherman Heights, and include over 50,000 residents.<sup>3</sup> These communities experience “a variety of air pollution sources such as the Port of San Diego, highly industrialized areas, and high truck traffic, including the Interstates 5 and 15.”<sup>4</sup> The Portside Communities contain residential areas, 24 schools, 16 daycare facilities, and two hospitals.<sup>5</sup>

According to CalEnviroScreen 4.0,<sup>6</sup> the Barrio Logan, Logan Heights, and Sherman Heights neighborhoods score in the 91st to 96th percentiles statewide for pollution burdens. CalEnviroScreen scores Barrio Logan specifically in the 96th percentile or above statewide for exposure to diesel particulate matter (diesel PM), impaired waters, toxic releases, hazardous waste, and groundwater threats. It also finds that Barrio Logan residents suffer from asthma at rates higher than 95% of other Californians. A majority of these communities identify as Hispanic, with a significant number identifying as Black.

The pollution burdens on West National City residents are not much better. National City is the poorest city in San Diego County.<sup>7</sup> CalEnviroScreen ranks this area in the 97th percentile for pollution exposure. Residents are in the 91st to 99th percentiles for exposure to groundwater threats, hazardous wastes, cleanup sites, solid waste, and diesel PM. The community suffers from asthma more than 85% of residents statewide, and infants are more likely to have low birth weight than 84% of other Californians. West National City is very diverse, with residents identifying as Hispanic, Black, and Asian/Pacific Islander.

In December 2021, the Port released a draft diesel PM cancer risk assessment for its two marine terminals. The assessment found that 82% of Barrio Logan’s cancer risk is driven by diesel PM emissions from the Tenth Avenue Marine Terminal, while 99% of West National City’s cancer risk is driven by the National City Marine Terminal. (Diesel PM HRA, p. 7, Table 2.) The cancer risk in Barrio Logan is driven by emissions from cargo handling equipment, ocean-going vessels, ferries, and rail activities. (*Id.* at p. 16, Table 5.) In West National City, cancer risk is driven by rail activities and ocean-going vessels. (*Ibid.*)

Although the communities living at the Chula Vista bayfront are not included within the

<sup>3</sup> Community Emissions Reduction Plan, Portside Environmental Justice Neighborhoods, p. 5 (July 2021) (hereafter, CERP).

<sup>4</sup> CARB, Community Air Protection Program, Portside Environmental Justice Neighborhoods, <<https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program/communities/portside-environmental-justice>> [last accessed Feb. 3, 2022] (hereafter, CERP).

<sup>5</sup> *Ibid.*

<sup>6</sup> CalEnviroScreen is a tool created by the Office of Environmental Health Hazard Assessment that considers environmental, health, and socioeconomic information to produce scores and rank every census tract in the state. A census tract with a high score is one that experiences a much higher pollution burden than a census tract with a low score.

<sup>7</sup> CERP, *supra*, note 3 at p. 14.

A3-3  
cont.

## Response to Comment A3-3

This comment summarizes the environmental setting described in the PMPU PEIR, discusses the Portside Communities (Barrio Logan, West National City, Logan Heights, and Sherman Heights) and Chula Vista, provides statistics from CalEnviroScreen related to the negative existing environmental conditions in these communities, and summarizes findings from the District’s MCAS health risk assessment (HRA). The comment is informational in nature and does not raise an environmental issue related to the PEIR’s analysis of the proposed project. Therefore, pursuant to CEQA Guidelines Section 15088, no response is necessary.

June 3, 2022  
Page 4

Portside Communities as identified by CARB, they are similarly impacted by pollution. Per CalEnviroScreen, the census tracts at the Chula Vista bayfront rank from 70%-90% for pollution exposure. The census tract closest to National City scores at 91%, with the main drivers being exposure to traffic, groundwater threats, hazardous waste, and cleanup sites. The community also experiences poverty, linguistic isolation, and unemployment. Residents identify as Hispanic, White, Black, and Asian/Pacific Islander.

**C. Emission Reduction Plans for the Port and the Portside Communities**

**1. The Community Emissions Reduction Plan (CERP)**

In July 2021, the San Diego Air Pollution Control District (APCD), in partnership with local community members and agencies, developed the Community Emissions Reduction Plan (CERP) for the Portside Communities per AB 617. CARB adopted the CERP in October 2021. The CERP lists commercial harbor craft, ocean-going vessels (OGVs), and light- and heavy-duty vehicles as the main pollution sources in the Portside Communities. (CERP, pp. 59-60.)

The CERP established emissions reduction goals, including the following: reducing cancer risk below 10-in-1 million for stationary sources by 2026; reducing diesel PM emissions to 80% of 2018 levels by 2031; and conversion of all medium- and heavy-duty trucks to 100% zero-emission vehicles (ZEV) five years ahead of state targets, i.e., by 2040. (CERP, pp. 9-10.) The CERP identified “actions” to meet these goals, including increasing EV charging infrastructure, reducing emissions from cargo handling equipment, ships, harbor craft, diesel equipment, and ship repair; and promoting zero-emission technology. (CERP, pp. 10-11.)

The Port specifically is responsible for several CERP implementation actions, including creating incentives for ZEV trucks and maritime vessels (CERP, pp. 171, 192); increasing shore power at the marine terminals (*Id.* at p. 191); enforcing truck routes (*Id.* at p. 174); expanding Pepper Park (*Id.* at p. 178); increasing urban greening (*Id.* at pp. 180-81); and supporting pedestrian and bicycle improvements (*Id.* at pp. 185-87).

**2. The Maritime Clean Air Strategy (MCAS)**

The Port adopted the Maritime Clean Air Strategy (MCAS) in October 2021. The MCAS’s long-term goal is to achieve 100% zero-emission trucks and cargo-handling equipment at the Port by 2030. (MCAS, p. S-2.) The MCAS envisions transitioning to 100% ZEV trucks and cargo handling equipment by 2030; reducing tugboat-related diesel PM emissions by 50% through transitions to ZEV alternatives; converting the Port’s fleet to ZEV alternatives<sup>8</sup> beginning in 2022; and increasing shore power at terminals to reduce ocean-going vessel emissions. (*Id.* at pp. S-2—S-3.) The MCAS emphasizes that these goals are not commitments, but instead represent an “ideal” that “may serve as a North Star for the MCAS and as a way to aspire where the Port would like to be in 2030.” (MCAS, p. S-2.)

<sup>8</sup> “Near-zero emission” vehicles are assumed to be natural gas-running vehicles.

A3-3  
cont.

A3-4

A3-5

## Response to Comment A3-4

This comment provides a brief background of the SDAPCD’s preparation of the Community Emissions Reduction Plan (CERP), its adoption by CARB in October 2021, and indicates that the CERP identifies “commercial harbor craft, ocean-going vessels (OGVs), and light- and heavy-duty vehicles as the main pollution sources in the Portside Communities”. The comment also references a few of the goals and actions established by the CERP related to stationary sources and health risk, particulate matter (PM) emissions, and Zero Emission Vehicles five years ahead of state targets set for 2040 as well as “actions” identified in the CERP to meet these goals, including increasing EV charging infrastructure, reducing emissions from cargo handling equipment, ships, harbor craft, diesel equipment, and ship repair, and promoting zero-emission technology. The comment indicates that the District is responsible for several CERP implementation actions. Specifically, the comment identifies creating incentives for ZEV trucks and maritime vessels, increasing shore power at the marine terminals, enforcing truck routes; supporting the expansion of Pepper Park; increasing urban greening; and supporting pedestrian and bicycle improvements. Aside from citing the CERP, no environmental issue is raised in this comment. However, the District has added a CERP consistency analysis to the PEIR in Section 4.2, Air Quality and Health Risk. No additional clarifications to the PEIR are required in response to this comment. For more information about the CERP and MCAS, please see responses to comments A3-8, A3-9, A3-10, and A3-12 below.

June 3, 2022  
Page 5

The MCAS identified near-term actions for the Port to implement to further these goals:

- *Public Health and Community Engagement:* conduct a diesel PM health risk assessment for the Port's terminals; contribute to an APCD air filter fund; increase tree canopy and youth education programs. (MCAS, pp. S-8—S-12.)
- *Maritime Operations:* upgrade to zero-emission cargo handling equipment and reduce cargo handling emissions by 2025; purchase an electric tugboat by June 2026; transition to all-renewable fuel by 2023, install shore power for facilities receiving 50 or more annual calls, and phase in electric ferry trips starting in 2026. (*Id.* at pp. S-13—S-15.)
- *Trucks:* Phase in ZEV trucks 20% by 2026, develop a pilot ZEV truck program by 2024; identify ZEV truck charging station locations, begin Port fleet transition by 2022; enforce truck routes. (*Id.* at pp. S-16—S-22.)
- *Ocean-Going Vessels:* implement a 90% participation vehicle reduction speed program; add additional shore power for cruise ships by 2023 and at the National City Marine Terminal by 2025. (*Id.* at pp. S-25—S-26.)

**D. Other Regional Plans: The National City Plan and the Chula Vista Plan**

Two Port planning districts are excluded from the PMPU: the National City Bayfront and the Chula Vista Bayfront. These districts have their own pending or adopted land use plans that the PMPU states it will not affect. (PMPU DEIR, p. 3-2.)

**1. The National City Plan**

The draft National City Balanced Plan would redevelop the National City bayfront's industrial, tourist, commercial, and recreational uses. (National City Plan, pp. ES-1—2.) The plan consists of zoning amendments facilitating these developments and "balancing" land and water uses. It would reorient roadways and rail connections, create buffer zones, and expand recreation areas and open space. (*Ibid.*) Proposals include an RV park, a new marina, hotels, rail connectors, expanded bicycle routes, and road redesigns. (National City Plan, pp. ES-1—2.) A draft EIR for the National City Plan was released in September 2021, and the comment period closed in November 2021. A final EIR and plan have not been released.<sup>9</sup> However, the PMPU DEIR anticipates the plan will be approved before the PMPU itself. (PMPU DEIR, p. 3-2.)

**2. The Chula Vista Bayfront Master Plan**

The Chula Vista Bayfront Master Plan (Chula Vista Plan) is a land use plan developed by the Port and the City of Chula Vista. The plan applies to the area of the city abutting Port

<sup>9</sup> Port of San Diego, National City Bayfront, <https://www.portofsandiego.org/projects/national-city-bayfront> [last accessed May 6, 2022].

A3-5  
cont.

A3-6

## Response to Comment A3-5

The comment indicates that the District adopted the MCAS in October 2021, with the long-term goal to achieve 100% zero-emission trucks and cargo handling equipment at the Port by 2030. The comment identifies specific goals of the MCAS, including "transitioning to 100% ZEV trucks and cargo handling equipment by 2030; reducing tugboat-related diesel PM emissions by 50% through transitions to ZEV alternatives; converting the Port's fleet to ZEV alternatives beginning in 2022; and increasing shore power at terminals to reduce ocean-going vessel emissions." The comment points out that the MCAS emphasizes that these goals are not commitments, but instead represent an 'ideal'... The comment identifies MCAS-specific near-term actions for the District to implement to further these MCAS goals. As this comment just summarizes the goals of the MCAS, including near-term goals and objectives to achieve one or more of these aspirational goals, and does not raise an environmental issue related to the EIR's analysis of the proposed project, no response is required pursuant to Section 15088 of the CEQA Guidelines. However, please see the proposed project's MCAS inconsistency analysis that has been added to the Final PEIR as Appendix J. No additional clarifications to the PEIR are required in response to this comment. For more information about the CERP and MCAS, please see responses to Comments A3-8, A3-9, A3-10, and A3-12 below.

## Response to Comment A3-6

This comment summarizes the background of the National City Bayfront Projects & Balanced Plan and the Chula Vista Bayfront Master Plan. The comment does not raise an environmental issue pursuant to CEQA Guidelines Section 15088. As such, no response is necessary. However, for purposes of clarification, the National City Bayfront Projects & Balanced Plan and Final EIR were subsequently approved by the Board, on November 16, 2022. The PEIR has been updated to reflect that FEIR's certification and project PMPA approval by the Board. Although the National City Bayfront Projects & Balanced Plan and the Chula Vista Bayfront Master Plan are not a part of the PMPU PEIR project description, see Master Response M-1 for further information).

June 3, 2022  
Page 6

tidelands. The plan would redevelop the city's bayfront with new recreational and cultural uses; parks and open space; commercial, office, and retail uses; hotels and conference facilities; and mixed uses. (Chula Vista Plan EIR, Vol. 2, pp. 1-8—1-9.) The plan's EIR was certified by the Port in April 2010, and approved by the California Coastal Commission in August 2012.<sup>10</sup>

## II. THE FINAL EIR SHOULD INCLUDE ADDITIONAL ANALYSIS OF PMPU AND DEIR INCONSISTENCY WITH LOCAL AND REGIONAL PLANS

CEQA requires environmental impact reports to discuss any inconsistencies between projects and applicable local plans, including "air quality attainment or maintenance" plans and "plans for the reduction of greenhouse gas emissions." (Cal. Code Regs., tit. 14, § 15125, subd. (d) [hereafter, Guidelines].) "Applicable" plans are those that have been adopted and are applicable to the project at issue. (*Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145, fn. 7.) A determination that a project is consistent or inconsistent with a plan must be supported by substantial evidence. (*Golden Door Props., LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 540.) A fair argument for a significant environmental impact under CEQA likely exists when a project is inconsistent with a plan specifically intended to mitigate environmental impacts. (*Joshua Tree Downtown Bus. All. v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 695 [citations omitted].)

CEQA does not provide criteria for determining consistency with local plans, but courts have addressed the issue with general and regional plans. A project is inconsistent with a general plan if it will "obstruct" attainment of the plan's objectives and policies. (*Spring Valley Lake Assn. v. City of Victorville* (2016) 248 Cal.App.4th 91, 99). In fact, "a project's consistency with a general plan's broader policies cannot overcome a project's inconsistency with a general plan's more specific, mandatory and fundamental policies." (*Id.* at p. 100-01 [citations omitted].)

### A. The Final EIR Should Address the PMPU's Inconsistencies with the Portside Communities CERP

The foregoing requirements pertain to all "applicable" plans, i.e., plans that are adopted and apply to the project. (*Chaparral Greens, supra*, 50 Cal.App.4th at p. 1145.) The Portside Communities CERP was adopted by the San Diego APCD and CARB, and expressly applies to Port activities—it is therefore an "applicable" plan subject to these inconsistency analysis requirements. Because the CERP is an emissions reduction plan per CEQA Guidelines section 15125, subsection (d), and because the PMPU could impact CERP goals and strategies, the Port must analyze PMPU inconsistencies with the CERP.

The CERP identifies several goals to decrease emissions in the Portside Communities. The DEIR summarizes the CERP's goals and actions, but describes them as "aspirational."

<sup>10</sup> Port of San Diego, Chula Vista Bayfront Master Plan Fact Sheet, p. 2, available at <https://pantheonstorage.blob.core.windows.net/waterfront-development/Chula-Vista-Bayfront-Master-Plan-Fact-Sheet.pdf> [last accessed Feb. 6, 2022]; see also <https://www.portofsandiego.org/projects/chula-vista-bayfront> [last accessed Feb. 6, 2022].

A3-6  
cont.

A3-7

A3-8

## Response to Comment A3-7

This comment is an explanation of the requirement under CEQA to analyze a project's inconsistency with applicable plans "...intended to mitigate environmental impacts." As recently noted by the Court of appeal, "EIRs are required only to evaluate 'any *inconsistencies*' with plans, no analysis should be required if the project is consistent with the relevant plans." (*Stop Syar Expansion v. County of Napa* (2021) 63 Cal.App.5th 444, 460.) The 2018 update to the State CEQA Guidelines makes it clear that analysis of a project's inconsistency with applicable plans should not just be based on conflicts with a plan but rather *whether a conflict could result in a significant physical impact* (CEQA Guidelines, Appendix G, XI. Land Use and Planning). Therefore, a plan conflict itself is not an impact under CEQA. As this comment is informational in nature, no clarifications to the PEIR or PMPU are required in response to this comment.

## Response to Comment A3-8

The comment states that the District should analyze what the AGO assumed would be PMPU inconsistencies with the CERP. Please see Response A3-7 which explains that "no analysis should be required if the project is consistent with the relevant plans." The CERP itself notes that it "is a plan for action to reduce air pollutant emissions and community exposure to those emissions in the Portside Community." The CERP specifies "aspirational goals," a variety of actions, and identifies entities (governmental or organizational) responsible for participating in the implementation of the actions. The aspirational goals in the CERP are intended to guide the community members, businesses, organizations, and governmental agencies partnering in the implementation of the CERP, to support health and environmental justice in the Portside Community. The CERP goals identify the direction to achieve emission reductions beyond regulatory requirements. As technology evolves and data continues to be collected, the goals in the CERP may be adjusted (CERP 2021). Hence, these aspirational goals – like those in the MCAS (see response to A3-9) – are not binding and may change over time. Moreover, the CERP did not go through the rule making requirements of the Administrative Procedure Act (APA) (Government Code section 11340 et seq.) and hence, the CERP is not a regulation requiring compliance.

Although the District's participation in the CERP and its implementation is important, a significant majority of the CERP's goals and actions, as enumerated, are not applicable to the District, were not proposed for District implementation, or are related to emissions sources unaffected by



the PMPU (e.g. goods movement). For instance, a substantial component of the CERP is premised on: 1) future regulatory or policy action by the SDAPCD and CARB; and 2) expanding and evolving SDAPCD's enforcement program to increase compliance rates, increase outreach efforts, and maximize compliance (see Chapters 5 and 6 of the CERP). In fact, consistent with the CERP, on November 4, 2021, the SDAPCD updated Rule 1210 to lower the health risk threshold from 100 per million to 10 per million. To provide full public disclosure and informed participation, ten action items that the Port District participates in, as identified by the CERP, are analyzed to evaluate if the PMPU would conflict with or obstruct implementation of the CERP (see Final PEIR Appendix L, July 25, 2022, SDAPCD Email). While not required by CEQA, additional CERP inconsistency analysis is included in the Final PEIR, Appendix J. The results of the inconsistency analysis show that not only is the PMPU consistent with the CERP but that it also supports the CERP goals and actions. The PMPU contains goals, objectives, policies, and standards that aim toward cleaner District operations (i.e., air quality improvements) by electrification of the marine terminals, working with the nearby disadvantaged communities to provide cleaner air and better quality of life, and coordination with CARB, APCD and other agencies to improve air quality. The WLU, M, ECO, ECON, and EJ Elements all include such goals, objectives, and policies. For the specific examples of these PMPU objectives, policies, and development standards, see Final PEIR, Volume 2, Section 4.2, *Air Quality and Health Risk*, Section 4.2.4.2. Additionally, as shown in that Appendix, many of the PEIR's Air Quality and GHG Mitigation Measures also assist the PMPU's consistency with the CERP. The District finds that this additional analysis does not trigger recirculation. (See *Merced Alliance for Responsible Growth v. City of Merced* (2012, 5th App. Dist., Case F062602).)

The commenter also suggests applying the standard of review for consistency with General Plans to documents like the CERP and MCAS. This standard was discussed on Draft PEIR page 4.6-38: "The proposed PMPU is considered consistent with these plans if the PMPU meets the general intent of these plans and does not obstruct attainment of the other plan's goals and policies. As discussed in Section 4.9, *Land Use and Planning*, the proposed PMPU is considered consistent with the provision of the identified regional and local plans if it meets the general intent of the applicable plans." Furthermore, the agency can qualitatively assess consistency, rather than quantitatively, as suggested in later comments (e.g. "reducing tugboat-related diesel PM emissions by 50%." ) (*City of Long Beach [including the Attorney General] v. City of Los Angeles* (2018) 19 Cal.App.5<sup>th</sup> 465, 494.)

June 3, 2022  
Page 7

(DEIR, pp. 4.2-39; 4.6-22.) The DEIR concedes that “CERP strategies have not been quantified because all the details regarding implementation have not yet been finalized, and the actions in the CERP are being implemented regardless of the proposed PMPU.” (*Id.* at p. 4.2-68.) It reiterates that “these specific emission reduction measures are aspirational in nature and will not be required by CARB or [the San Diego County APCD] and will not be quantified because long-term implementation cannot be guaranteed.” (*Ibid.*) Nonetheless, the DEIR states that measures from the CERP will “potentially” be applicable to new projects as they arise. (*Id.* at pp. 4.2-69; 4.6-27; 4.6-45.) This is the only analysis of the CERP contained in the DEIR.

The Port has taken commendable actions consistent with the CERP, such as installation of shore power at multiple terminals. (DEIR, p. 4.2-34.) Some of the DEIR’s mitigation measures also further CERP strategies, such as harbor craft, infrastructure, and fleet electrification requirements. (*Id.* at pp. ES-17, ES-22, ES-73.) However, the DEIR does not analyze whether the PMPU will obstruct the CERP’s overriding goals: to reduce diesel PM emissions to 80% of 2018 levels by 2031; to convert all medium- and heavy-duty trucks to 100% zero-emission vehicles by 2040; and to reduce cancer risk below 10-in-1 million by 2026. The DEIR concluded the PMPU would have significant and unavoidable impacts, even after mitigation, from emissions of PM<sub>10</sub>, PM<sub>2.5</sub>, volatile organic compounds (VOCs), nitrogen oxide (NO<sub>x</sub>), and carbon monoxide (CO), with corresponding direct and cumulative health impacts. Presumably, these impacts would frustrate, not further, the CERP’s emission reduction and cancer risk goals. Moreover, the CERP recommends strategies specifically for the Port to implement, but the PMPU does not adopt many of these measures, as discussed in more detail in Section III, below. For instance, the PMPU does not adopt ZEV truck fees or pilot projects, set ZEV truck phase-in deadlines, or commit to expanding green space in the Portside Communities.

We recommend that the Port include a more thorough analysis of the PMPU’s consistency with the CERP’s goals and strategies in the final EIR. The CERP is a community-driven plan to reduce pollution and improve the Portside Communities’ quality of life. Making the PMPU more consistent with the CERP would provide assurance that the CERP’s pollution and quality-of-life goals are reflected in and realized through Port operations and procedures. This effort is critical, as it will ensure that the Port’s plans for the next 30 years will contribute meaningfully to improving the quality of life of neighboring communities.

**B. The Final EIR Should Address the PMPU’s Inconsistencies with the Maritime Clean Air Strategy (MCAS)**

We have similar concerns regarding the MCAS, which outlined goals and strategies to reduce emissions in the Portside Communities. The MCAS was adopted by the Port’s Board and expressly applies to Port activities—it is therefore an “applicable” plan subject to CEQA’s inconsistency analysis requirements. (*Chaparral Greens, supra*, 50 Cal.App.4th at p. 1145.)

The DEIR explains that “the measures in the MCAS may change over time, based on Board [of Port Commissioners] direction or as technology improvements occur.” (DEIR, pp. 4.2-35 – 4.2-36.) It emphasizes that MCAS goals “are not mandatory as feasibility may not be achievable.” (*Id.* at 4.2-69.) Nonetheless, MCAS strategies “may achieve emissions reductions at

A3-8  
cont.

A3-9

A3-10

## Response to Comment A3-9

The comment recognizes the steps and actions the District has taken to electrify operations to reach cleaner air quality, in the nearby disadvantaged communities. The comment is correct that the PEIR described the CERP and also explained why it is not possible to use its actions as PMPU mitigation measures. Final PEIR now includes the inconsistency analyses for both the CERP and MCAS in Appendix J. This analysis shows that the PMPU reinforces and augments the CERP and does not obstruct implementation of the CERP’s goals and actions. (See response to Comment A3-8, above, and the new Appendix J). The District has been implementing the CERP throughout 2022 and 2023, in tandem with the drafting and review process for the PMPU.

The District’s actions further the overall CERP goals. Additionally, the CERP’s introduction to the comment’s cited “Overall Goals for the CERP,” states explicitly that these are “...aspirational goals...intended to guide the community...in the implementation of this CERP...” It further explains that “[w]hile there might not be a clear path to reach some of these goals, they identify the direction in which the community wants to go to achieve emission reductions beyond regulatory requirements.” (All quotes cited from CERP, p. 137.) It is clear that these overall goals are the signpost to attain better health in nearby disadvantaged communities and are not meant as mitigation measures or as regulatory requirements.

The comment further suggests that because the PMPU PEIR concluded there will be significant and unavoidable project-specific and cumulative impacts related to emissions from criteria pollutants and their health effects that “[p]resumably these unavoidable impacts “would frustrate” the CERP’s goal to reduce harmful emissions. The Court of Appeal previously rejected this standard for consistency analysis raised by the AGO in *City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465, 494. In that case the Court of Appeal rejected Petitioners’ assertion that the GHG analysis was “misleading because a project that will increase GHG emissions cannot be in harmony with state and local plans and policies that require a decrease in GHG emissions.” The Court reasoned that “the project is consistent with state and local plans and policies that encourage adoption of more efficient use of fossil fuels to move goods. This analysis is particularly apt in this instance where the no project alternative also results in significant impacts and is not consistent with conservation goals.”

Moreover, the PEIR explains why air quality impacts (i.e., Impact-AQ-3/Impact-C-AQ-3 and Impact-AQ-5/Impact-C-AQ-5) were determined

to be significant and unavoidable after mitigation. The comment also incorrectly identifies PM10, PM2.5, and NOx emissions as significant and unavoidable. (See Table 4.2-23 and 4.2-24, which show emissions from PM10, PM2.5, and NOx would be less than significant after mitigation.)

The PEIR uses SDAPCD's daily thresholds. SDAPCD's daily thresholds are designed for individual development projects. The PMPU is a long-term plan that forecasts multiple developments within several planning districts over several decades. As such, it is reasonable to assume that triggering a threshold designed for determining the significance of air quality emissions from individual projects is more likely to occur when combining multiple future projects under a proposed plan. Please see page 4.2-48, *Regional Thresholds for SDAB Attainment of State and Federal Ambient Air Quality Standards*, for additional information on the thresholds used for criteria pollutants.

Additionally, impacts identified under Impact-AQ-3 and Impact-C-AQ-3 would be caused by daily exceedances of reactive organic gases in 2030 driven primarily by off-gassing associated with the use of paints and solvents in PD2 (Harbor Island) and to a lesser extent in PD3 (Embarcadero), both of which have greater anticipated development than the other planning districts. Moreover, in 2050, Impact-AQ-3 and Impact-C-AQ-3 identify a daily exceedance of ROG and CO, also driven by off-gassing from paints and solvents, as well as the anticipated increase in recreational boating emissions that could result from additional vessel slips identified in the PMPU.

Impact-AQ-5 and Impact-C-AQ-5 are related to Impact-AQ-3 and Impact-C-AQ-3 as they each attribute the adverse health effects from exceeding SDAPCD's daily thresholds for ROG and CO. Importantly, no additional ROG or CO emissions are anticipated in the PD4, as a result of implementing the PMPU. PD4 (Working Waterfront) is the planning district adjacent to the Portside community of Barrio Logan, an identified SB 535 disadvantaged community. PD2 and PD3 are not adjacent to disadvantaged communities.

Based on this, the main source of PMPU growth and corresponding increase to air quality impacts result from future growth outside of PD4 and, therefore, are outside of the area covered by the CERP. Those significant and unavoidable impacts are unrelated to the CERP and do not "frustrate" the CERP's overall goals.

As discussed, the CERP is a plan that covers the District's marine terminals and the Working Waterfront, where the Portside Communities reside. Many of the subsequent comments pertain to

implementation and mitigation measures associated with cargo handling and throughput, which would not be affected or changed by the PMPU. Under CEQA, the District is not required to analyze the environmental impacts (or inconsistency) of the unamended portions of the PMPU. As discussed by the Court of Appeal, “the agency will not be required to assess the environmental effects of the entire plan or preexisting land use designations. Instead, the question is the potential impact on the existing environment of changes in the plan which are embodied in the amendment.” (*Black Property Owners Assoc. v. City of Berkeley* (1994) 22 Cal.App.4th 974.)

There are two cargo terminals on District tidelands—the National City Marine Terminal (NCMT) and the Tenth Avenue Marine Terminal (TAMT). The NCMT is located in Planning District 5 and, as noted in Master Response M-1, NCMT is not part of the PMPU.

Also as discussed in Master Response M-1 and as discussed in PMPU Draft PEIR Sections 1.4.1 and 3.5.3.4, “[t]he PMPU does not propose any changes to the cargo throughput or improvements for [TAMT] in comparison to what was previously approved as part of the Tenth Avenue Marine Terminal Redevelopment Plan and analyzed in the TAMT Redevelopment Plan PEIR (SCH# 2015-031046).” The TAMT Redevelopment Project was approved on December 13, 2016, pursuant to its own Environmental Impact Report (SCH#2015-031046).

(Resolution No. 2016-199 [FEIR Certification]; Resolution 2016-200 [Adoption of TAMT Redevelopment Plan and Sustainable Terminal Capacity (STC) scenario], Resolution No. 2016-201 [Coastal Development Permit].) That EIR analyzed and mitigated the environmental impacts associated with cargo throughput ranging from 4,675,567 metric tons, up to 6,154,417 metric tons. (TAMT FEIR Table 2-2.) That EIR included analysis and mitigation for impacts, including air quality and greenhouse gas emissions (see MM-AQ-1/MM-GHG-1, MM-AQ-2, MM-AQ-3/MM-GHG-2, MM-AQ-5/MM-GHG-5, MM-AQ-6/MM-GHG-3/MM-GHG-4, MM-GHG-6, MM-AQ-7/MM-GHG-7, MM-AQ-8/MM-GHG-8, and MM-AQ-9/MM-GHG-9 of the TAMT FEIR).

The comment also faults the PMPU for not adopting ZEV truck fees or pilot projects...” As noted above, and in the comment letter itself, the standard for consistency asks whether the PMPU would obstruct attainment of the goals and policies of the plan. It is not the purpose of the PMPU to implement every existing plan or regulation, as implied in this comment. Furthermore, these issues largely relate to transportation of cargo, which were evaluated in the TAMT Redevelopment Plan and PEIR, not the PMPU. The TAMT project

approval included measures similar to those proposed in the comment, such as MM-AQ-6 “Electric Cargo Handling Equipment Upgrades,” which provides a number of provisions, including the requirement to replace 20 vehicles with electric yard trucks by 2025. Similarly, TAMT MM-AQ-7, *Annual Inventory Submittal and Periodic Technology Review*, also provides “If Periodic Technology Review identifies new technology that will be effective in reducing emissions compared to the equipment in operation at the time of the review, and the San Diego Unified Port District determines that installation or use of the technology is feasible, the San Diego Unified Port District shall require the use of such technology as a condition of any discretionary approval issued by the San Diego Unified Port District for any new, expanded, or extended operations at the TAMT.” Additional information on fuel efficiency regulations is included in PMPU Draft PEIR Section 4.2.3.2 and 4.2.3.3. Finally, the Draft PEIR explains on page 4.6-19 that the Advanced Clean Truck regulation was adopted in 2020. Similarly, Draft PEIR page 4.2-30 explains that in March 2018, CARB staff announced a plan to amend the regulation yet again to transition cargo handling equipment (CHE) to zero emissions by developing a regulation to minimize emissions and community health impacts. CARB staff plans to bring the amendment to its Board in 2024 with implementation to begin in 2026. Similarly, PMPU Draft PEIR page 4.2-31 discusses the Commercial Harbor Craft Regulation, which was adopted in 2022. M Policy 2.2.8 of the PMPU requires “Through CDPs issued by the District, permittees shall advance as part of development the implementation of zero-emission, when feasible, and near-zero emission technologies and supportive infrastructure improvements for freight-related oceangoing vessels and harbor craft in alignment with District sustainability and maritime clean air strategies”. PMPU MM-AQ-6 requires all harbor craft or dredgers used to construct new slips to use renewable diesel and meet Tier 3 or 4 emissions standards, or use zero-emission pieces of equipment, depending on when construction occurs and the availability of pieces of equipment. Finally, PMPU MM AQ-7 tracks the rollout of zero or near-zero harbor craft, and requires annual technology review, and if feasible, requires use of alternative-fuel or zero emission equipment. Comments similar to those raised by the AG here were previously rejected in the trial court decision in *City of Long Beach v. City of Los Angeles* (2016) Case No. CIV. MSN14-0300 [rejecting argument that “zero emission trucks and Tier 4 locomotives are either currently feasible or will be feasible in the near future; so their use should have been required as mitigation measures for the project’s air quality impacts.”]. Availability of commercially available electric trucks and

specialized equipment is still extremely limited, as detailed in the District's Final Heavy Duty Zero Emission Truck Transition Plan and in CARB's regulatory documents. [Final Heavy Duty Zero Emission Truck Transition Plan, Page 36, "the main challenge is that many trucks' duty cycles are too demanding for the current state of BET technology." Final Heavy Duty Zero Emission Truck Transition Plan, Page 39, "the main challenge for Preliminary Pathway 2 to meet the short-term 2026 goal is technology availability."]

District's Final Heavy Duty Zero Emission Truck Transition Plan:

<https://pantheonstorage.blob.core.windows.net/environment/Final-Zero-Emission-Truck-Transition-Plan.pdf>

CARB Advanced Clean Fleets Regulation Summary:

<https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-fleets-regulation-summary>

Nevertheless, the existing and proposed policies and mitigation measures will ensure that such equipment will be used when feasible. Such regulations are subject to their own feasibility review under the Clean Air Act, which uses the same standards for feasibility as CEQA. (Health & Saf. Code, §§ 39602.5, 39667, 43013, subds. (a) and (h), 43018, 40600, 40601, 40612, subds. (a)(2) and (c)(1)(A); *Engine Manufacturers Association v. State Air Resources Board* (2014) 231 Cal.App.4th 1022, 1037.) "Every feasible measure" under the Clean Air Act (Health & Safety Code § 40612(c)(1)(A)) has been interpreted by CARB to be consistent with the definition of feasibility under CEQA Guidelines § 15364. (SCAQMD 2016 AQMP, Comments and Responses, Volume 2, Response 86-2.) Regulations similar to the Advanced Clean Trucks program have been upheld in similar circumstances. (*Natural Resources Defense Council v. California Department of Transportation* (2nd App Dist., 2011, Case No. B228048 ["SCAQMD also recommended the addition of a mitigation measure requiring trucks used for Project construction to meet, at minimum, 2007 EPA emission standards....Caltrans also made clear, however, that eventually the suggested mitigation goal would be met due to the expected incremental phase-in of relevant CARB standards, which would encompass the EPA standards... Thus, we conclude that Caltrans' responses to the comments raised by appellants were sufficient for CEQA compliance."])

The comment also suggests "commit[ting] to expanding green space in the Portside communities." Subsequent comments below reference "green space" as including parks, open space, tree canopy, and youth education programs. Open space unto itself does not reduce or avoid a

significant environmental impact, and the District has discretion to choose one public trust use over another. (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316, 332.) Nevertheless, the District notes that the PMPU already includes policies to provide open space, parks, and increased tree canopy. More specifically, EJ Policy 2.1.3 includes “The District may support or participate in urban greening opportunities in adjacent disadvantaged communities...” WLU Policy 4.1.6 requires “integration of non-privatized physically accessible public realm areas and amenities...such as parks, courtyards, water features, gardens, passageways, paseos, and plazas.” ECO Policy 3.1.2 includes “native tree planting and landscaping.” Section 4.4.3 Section (6)(b) identifies that “mature tree canopy should begin at a minimum of eight feet above ground.” Similarly, Policy PD4.11 includes “enhanced tree canopy.” Policy PD2.5(d)(2) and Policy PD2.35(d)(2) provides for a “parkway with landscaping and street trees.” The vision for Caesar Chavez Park Subdistrict (5.4.3(A)), which is adjacent to Barrio Logan, is to “Protect and enhance recreation and public access opportunities at Cesar Chavez Park”. Several of the policies (e.g., PD4.11, PD4.12, PD4.13, PD4.14) support urban greening efforts and public access to green space amenities and mobility options. A newly added policy (PD4.19) requires additional urban greening features “to establish an enhanced buffer between the [Caesar Chavez] park and industrial uses, where feasible.” Although not part of the PMPU, the District recently approved the National City Balanced Plan which provides for a 2.6-acre expansion and redesign of Pepper Park.

Furthermore, the Port of San Diego was specifically dedicated to operate consistent with public trust purposes on Tidelands and cannot operate beyond the District’s jurisdiction (i.e., off Tidelands). While open space is important, the District believes it has struck the appropriate balance of trust uses, including open space/recreational uses. The consequences of denying or reducing the density of development in dense urbanized areas, like the Port of San Diego, much of which meets the definition of a Transit Priority Area, can result in significant indirect impacts associated with urban sprawl. As explained by the California Supreme Court “the future residents and occupants of development enabled by Project approval would exist and live somewhere else if this Project is not approved. Whether ‘here or there,’ GHG emissions associated with such population growth will occur.” *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 257. The legislature further explained in SB 743 [2013] that “there is a need to balance the need for level of service standards for traffic

with the need to build infill housing and mixed-use commercial developments within walking distance to mass transit facilities, downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing interests.” (See also Gov. Code 65589.5(a)(1); Senate Bill 375 [2008].)

Please also see the responses to Comments 01-5 (CERP should be added PMPU as “Notable District Environmental Initiatives”), 01-6 (add MCAS and CERP to “Current District Environmental Programs and Initiatives”), 01-8 (add policy to PMPU that shows support for the CERP) and 01-9 (add policy to PMPU to connect the PMPU to the MCAS and CERP).

Tenth Avenue Marine Terminal (TAMT) 2016 Final EIR Mitigation Monitoring (MMRP) (Attachment 1 of the TAMT Final EIR) available at: <https://www.portofsandiego.org/sites/default/files/media/resources/2018/03/pgp-tamt-feir-part-1-final-eir-2016-12-1.pdf>

SCAQMD 2016 AQMP Comments and Responses Volume 2: <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/2016aqmpRTC-2of2.pdf>

CARB Cargo Handling Equipment Regulation to Transition to Zero Emissions: <https://ww2.arb.ca.gov/resources/documents/cargo-handling-equipment-regulation-transition-zero-emissions>



June 3, 2022  
Page 8

the two cargo terminals; at the cruise ship terminal; along the Working Waterfront [adjacent to Barrio Logan]; and with the District's fleet of vehicles, equipment, and marine vessels." (*Ibid.*) As with the CERP, MCAS strategies will "potentially" apply to new projects. (*Ibid.*) Although the DEIR states that GHG reductions from MCAS strategies "cannot be quantified at this time because the timing and other specific details about the implementation of these efforts are not known," the DEIR relies on these strategies to demonstrate PMPU consistency with the Port's Climate Action Plan and CARB's 2017 Scoping Plan. (*Id.* at pp. 4.6-46; 4.6-51; 4.6-56 – 4.6-57.)

We acknowledge that the DEIR contains several measures that further MCAS strategies. The Port installed shore power at some terminals, and the DEIR includes shore power; phase-in of electric construction harbor craft and equipment; EV infrastructure in new buildings; and Port fleet conversion. (DEIR, pp. 4.2-34; ES-17; ES-22; ES-73.) However, the DEIR does not analyze whether and how these mitigation measures obstruct or further similar goals in the MCAS, such as transitioning to 100% ZEV trucks and cargo handling equipment by 2030 and reducing tugboat-related diesel PM emissions by 50%. Nor does the DEIR analyze other MCAS strategies and demonstrate they are infeasible. For example, although the DEIR asserts that the GHG reductions from MCAS strategies cannot be quantified "because of timing and other specific details," the MCAS already contains deadlines and details that could be analyzed.

We recommend that the Port include a more thorough analysis of the PMPU's consistency with the MCAS goals and strategies in the final EIR. Making the PMPU more consistent with the MCAS would provide assurance that the MCAS's laudable goals and strategies are actually incorporated into the Port's primary planning document and procedures. As with the CERP, this work is essential to ensure that the Port's growth and development over the next 30 years are accompanied with meaningful efforts to reduce pollution and improve the quality of life in the Portside Communities.

**C. The Final EIR Should Analyze Any Inconsistencies Between the PMPU and the National City Plan and the Chula Vista Plan**

The Port should analyze any inconsistencies between the PMPU and the National City Plan and the Chula Vista Plan. These plans set standards for the redevelopment of two Port planning areas with significant environmental justice communities, but their relationship to the PMPU is unclear.<sup>11</sup>

The DEIR does analyze these plans in its cumulative impacts analyses. For example, the

<sup>11</sup> That the National City Balanced Plan and EIR are still in draft form should not hinder analysis of the plan in the PMPU EIR. Although CEQA does not require an EIR to analyze draft plans, this rule likely does not apply when the applicable draft plan is scheduled to be adopted *prior* to certification of the EIR. In such a case, analysis of draft plans is unwarranted only when infeasible. (Guidelines § 15125(d), (e); *Chaparral Greens*, *supra*, 50 Cal.App.4th at pp. 1145, 1146, fn. 8, 1148, fn. 12.) Here, the Balanced Plan is not yet finalized, but its details are well-developed and it will likely be approved before the PMPU Final EIR. As such, it should be analyzed in the Final EIR. There can be no similar debate about the Chula Vista Plan, which was adopted in August 2012.

A3-10  
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A3-11

## Response to Comment A3-10

This comment states that it has similar concerns regarding the MCAS, quotes references to the MCAS in the PEIR and acknowledges the PEIR contains several mitigation measures which further MCAS strategies. The comment also says the PEIR does not analyze whether and how these mitigation measures obstruct or further similar goals in the MCAS, such as transitioning to 100% ZEV trucks and cargo handling equipment by 2030 and reducing tugboat-related DPM by 50%. The comment also says the PEIR does not analyze other MCAS strategies and show they are infeasible. The comment concludes by requesting a more thorough analysis of the PMPU's consistency with MCAS goals and strategies.

"Because EIRs are required only to evaluate 'any *inconsistencies*' with plans, no analysis should be required if the project is *consistent* with the relevant plans [emphasis as cited in Decision]." (*Stop Syar Expansion v. County of Napa* (2021) 63 Cal.App.5th 444, 460.) Please see the previous response, which explains that the PMPU does not affect cargo throughput or cruise ship operations, which is the focus of the MCAS policies cited in the comment. Please also see Final PEIR, Volume 3, Appendix J, which provides the analysis of whether the PMPU would conflict with or obstruct implementation of the MCAS' goals and objectives.

As background on the MCAS, it is a strategic planning document that was adopted by the Board on October 12, 2021, and identifies short-term and long-term goals and objectives for the District's marine cargo terminals (i.e., TAMT [PD4] and NCMT [PD5]) to facilitate achievement of a clean, sustainable and modern seaport. The TAMT and NCMT are discussed in relationship to the PMPU under A3-9. Further, the MCAS targets the marine terminals in PDs 4 and 5, and not to the other PMPU PDs.

It should be noted that the MCAS was found exempt from CEQA review pursuant to State CEQA Guidelines Section 15262 (Feasibility and Planning Studies). Section 15262 exempts projects "involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded...." Use of this exemption allows for the avoidance of costly environmental review under CEQA when a study – here, the MCAS – does no more than contain preliminary, non-binding recommendations. Hence, the goals and objectives of the MCAS are aspirational, non-binding and to be pursued through a variety of means – both known and unknown, and subject to feasibility and technological advances. The MCAS identifies aspirational goals to reduce baseline air emissions that

negatively impact air quality from the operation of maritime businesses; primarily the Ports two marine cargo terminals (TAMT and NCMT). Therefore, the goals and objectives of the MCAS specifically target the reduction of DPM from the main sources of emissions from Maritime operations: Heavy-duty Trucks, Rail, Cargo Handling Equipment, Harbor Craft, the Port's vehicle fleet and equipment, and Ocean-going Vessels. Additionally, as the MCAS is a strategy plan, implementation of the MCAS is subject to future Board actions, as well as regular updates on a variety of topics including feasibility of implementation.

The MCAS assumes the following conditions and advancements will be in place in support of the successful deployment of zero emission technologies at the Port of San Diego and to meet the MCAS' long-term goals:

Capability: The state of technology meets the load, daily mileage, and hours of operations requirements, including cargo movements within the Port's marine cargo terminals, and ZEV Class 8 trucks will be in place for cargo transported to and from the Port's marine cargo terminals.

Infrastructure: Zero emission infrastructure will be deployed and in place both within and outside of the San Diego region, with convenient charging locations and efficient charging capability.

Capital Expenditures: Procurement costs of zero emission vehicles and equipment will continue to be offset by grants, subsidies, and other financing mechanisms to help achieve parity with traditionally powered vehicles and equipment. Additionally, it assumes technologies and markets will continue to mature.

Commercial Availability: Commercial availability of vehicles and equipment will have increased, particularly with specialized equipment such as electric top handlers and auto carrier trucks.

Education and Training: There will be an adequate number of trained service personnel to repair and maintain zero emission equipment and vehicles to ensure that there is no undue disruption of cargo and maritime operations.

While the MCAS focuses on near-term objectives that will help accelerate the deployment of zero and near-zero emission technologies, these conditions and advancements must be in place to support successful implementation of the MCAS goals and objectives. Further, the MCAS was prepared with the expectation that to fund and implement these MCAS goals and objectives, there will be contributions from other parties.

In alignment with its Vision Statement - *"Health Equity for All"* - the MCAS is intended to guide future Port District decision-making and "provide a planning framework for potential future actions that may be implemented to achieve the goals and objectives identified in the MCAS." The MCAS also recognizes that various means may be employed or pursued by the Port District to reduce emissions (including the adoption of regulatory standards, purchase of equipment, or strategic partnerships). Accordingly, an individual project does not necessarily impede or obstruct achievement of the MCAS's goals or the ability of the Port District to consider, approve, and implement projects and/or initiatives toward achievement of the MCAS goals and objectives. The MCAS also explains, for instance, that it "is also anticipated that technological advances will result in additional options for implementation toward achievement of near-term goals and objectives." To that end, the MCAS represents a strategy to be pursued by the District, through a variety of future means, measures, projects, and initiatives. Note, the MCAS defines "strategy" as a "generic term that encompasses plans, projects, programs, partnership, and various other efforts and initiatives that will help achieve a goal." As such, the MCAS goals and measures are crafted as to-be-implemented, if feasible and through future binding actions, by the District, but not necessarily on a project-by-project basis (i.e., preparation of transition plans, coordination with stakeholders, working with the APCD and CARB, and other measures). Nevertheless, to provide full informational disclosure and public participation, the Final PEIR includes an analysis of whether the proposed project would conflict with or obstruct implementation of the MCAS (see response to comment number A3-7 above, regarding the correct CEQA analysis when reviewing inconsistency with state, regional, and local plans).

As with the CERP, the District considered whether the PMPU would conflict or obstruct implementation of the MCAS and reached the same conclusion as with the CERP, the PMPU not only supports but bolsters the MCAS. This is despite the aspirational nature of the MCAS and its extremely short-term, five-year expiration of its goals and objectives (five years) compared to the PMPU's approximately 30-year planning horizon. The results of the inconsistency analysis show that not only is the PMPU consistent with the MCAS, but also that it supports the MCAS strategies and goals. A cursory reading of the PMPU shows that it includes many examples of supporting policies. In particular, the PMPU's WLU, M, ECO, ECON, and EJ Elements, which contain goals, objectives, policies, and standards that aim toward cleaner District operations (i.e., air quality improvements) by electrification of the marine terminals, working with

the nearby disadvantaged communities to provide cleaner air and operations, and coordination with CARB, APCD and other agencies to improve air quality. For the specific examples of these PMPU objectives and policies, see Final PEIR, Volume 2, Section 4.2, *Air Quality and Health Risk*, Section 4.2.4.2. Additionally, many of the PEIR's Air Quality and one GHG mitigation measure also assist the PMPU's consistency with the MCAS and are addressed in the MCAS consistency table (i.e., Appendix J). The District finds that this additional analysis does not trigger recirculation. (See *Merced Alliance for Responsible Growth v. City of Merced* (2012, 5th App. Dist., Case F062602).)

Please also see responses to Comments 01-2, 01-3, 01-4, and 01-7.

### **Response to Comment A3-11**

The comment suggests that the Port should analyze any inconsistencies between the PMPU and the National City Plan and Chula Vista Plan. However, the National City Balanced Plan and Chula Vista Bayfront Plan are not applicable plans to the PMPU under CEQA as they do not apply to planning districts that are within the PMPU planning area nor do they provide development guidance or applicable policies for development consistent with the PMPU.

In addition, as noted above, "EIRs are required only to evaluate 'any *inconsistencies*' with plans, no analysis should be required if the project is consistent with the relevant plans." (*Stop Syar Expansion v. County of Napa* (2021) 63 Cal.App.5th 444, 460.) The District considers the PMPU consistent with both of these plans, and the comment cites no potential inconsistencies. Subsequent comments imply an inconsistency because "the DEIR suggests that construction activities occurring per these plans could disturb or expose hazardous materials..." However, the commenter is citing the cumulative impact analysis, which does not equate to a policy inconsistency. (*Los Angeles Conservancy v. City of Los Angeles* (2nd Appellate District, 2018) Case No. B284089 ["FTC has not cited any City policy or regulation holding that an unmitigated substantial impact would negate the City's implicit finding that the transportation infrastructure would nevertheless remain 'adequate' to handle the increased traffic from the Project."])

June 3, 2022  
Page 9

DEIR states that the plans could introduce structures inconsistent with the land uses or visual character of the PMPU area. (DEIR, p. 4.1-76.) Similarly, the DEIR suggests that construction activities occurring per these plans could disturb or expose hazardous materials within or near to the PMPU area, and that these plans may have projects in the PMPU watershed and could involve in-water construction activities in the PMPU area. (*Id.* at pp. 4.7-92; 4.8-90.) Finally, the DEIR anticipates that the plans could increase lodging opportunities and commercial spaces, thereby contributing growth impacts in population, housing, public services, and recreation. (*Id.* at pp. 4.11-12; 4.12-60.)

Although the DEIR does discuss the potential cumulative impacts associated with the combined operation of the PMPU, the National City Balanced Plan, and the Chula Vista Plan, the DEIR does not discuss how the standards and requirements applicable to each plan interact with each other. Nor is there any analysis of whether these three plans combined are inconsistent with the goals of the CERP and the MCAS. The omissions are problematic given that significant portions of neighboring environmental justice communities are going to be directly affected by all three plans. We urge the Port to more fully analyze the relationship between the PMPU and these other plans in the final EIR, identify any inconsistencies, and clarify how the standards in the PMPU and the two plans interact.

### III. THE PMPU'S FINAL EIR SHOULD ADOPT ADDITIONAL FEASIBLE MITIGATION MEASURES AND MUST AVOID DEFERRAL OF MITIGATION

#### A. The Final EIR Must Analyze and Adopt All Feasible Mitigation Measures

An EIR must describe and adopt all feasible mitigation measures minimizing a project's significant environmental impacts. (Pub. Resources Code, § 21002; Guidelines, § 15126.4(a)(1).) "Feasible" measures are those "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (Guidelines, § 15364.) An EIR must respond to specific mitigation suggestions unless the suggestions are "facially infeasible." (*Covington v. Great Basin Unif. Air Pollution Cont. Dist.* (2019) 43 Cal.App.5th 867, 879 [citations omitted].) An EIR need not adopt every measure, but "must incorporate 'feasible mitigation measures' when such measures would 'substantially lessen' a significant environmental effect." (*Id.* [citations omitted].)

The PMPU DEIR concluded that PMPU buildout would cause cumulative air emissions of pollutants (VOCs, NOx, CO, and PM<sub>2.5</sub>) in excess of thresholds and result in adverse health effects. (DEIR, pp. ES-19; ES-23—ES-24.) The DEIR further found the PMPU would generate GHG emissions inconsistent with statewide reduction targets, and result in an increase in vehicle miles traveled. (*Id.* at pp. ES-73; ES-119—ES-121.) The CERP and the MCAS contain measures that could address these impacts and be incorporated into the PMPU. However, some of the CERP and MCAS strategies are excluded:

- *ZEV Trucks*: The CERP calls for converting medium- and heavy-duty trucks to 100% ZEVs by 2040, while the MCAS envisions 100% ZEV trucks at the Tenth Avenue and National City marine terminals by 2030, with 20% phase-in of ZEV trucks by 2026.

A3-11  
cont.

A3-12

Furthermore, as discussed in on PMPU Draft PEIR page 4.9-11:

"The proposed PMPU would not be considered to conflict with the provisions of the identified regional and local plans if it meets the general intent of the applicable plans. A given project need not be in perfect conformity with every policy, nor does State law require precise conformity of a proposed project with every policy or water and land use designation. Courts have also acknowledged that plans attempt to balance a range of competing interests, and that it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. Additionally, in reaching such conclusions, the District may also consider the consequences of denial of a project, which can also result in conflict with other policies. The analysis below provides a brief overview of the most relevant planning documents and their primary goals. However, the District's conclusions on whether conflicts exist are based upon the planning documents as a whole."

The commenter also faults the PEIR for not analyzing "whether these three plans combined are inconsistent with the goals of the CERP and the MCAS." As noted above, additional policy consistency analysis of the PMPU with the MCAS and the CERP has been provided. Furthermore, it is not the purpose of the PEIR to analyze the impacts of the previously adopted National City Balanced Plan and Chula Vista Bayfront Plan, which were prepared with their own CEQA review (i.e. National City Balanced Plan's and Chula Vista Bayfront Plan's conflict analysis with the MCAS and the CERP). The conflict analysis for the PMPU is based upon review of the PMPU's policies, and there is no potential for a cumulative inconsistency, as implied in the comment. Rather, as noted above, consistency with such policies is not based upon a quantitative thresholds analysis, as assumed in some of the comments above, but is based upon a qualitative analysis, as allowed by CEQA. (*City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465, 494.) Additionally, the commenter has not identified any alleged policy conflicts or inconsistencies; therefore, no further response is feasible.

### Response to Comment A3-12

This comment indicates that the "Final EIR must analyze and adopt all feasible mitigation measures". The comment indicates that the "CERP and the MCAS contain measures that could address [cumulative air emissions and GHG emissions inconsistent with statewide reduction targets] impacts and be incorporated into the PMPU." But states that "some of the CERP and MCAS strategies are excluded" including "ZEV

[zero emission vehicles] trucks”, “Commercial Harbor Craft and Equipment”, “Cargo Handling Equipment” and “Parks and Open Space”. Please see response to Comment A3-8, A3-9, and A3-10. This comment is also similar to Comment O15-30. As indicated in response to Comment A3-9 and summarized below, the commenter ignores the facts provided in the PEIR as to why air quality impacts (i.e., Impact-AQ-3/Impact-C-AQ-3 and Impact-AQ-5/Impact-C-AQ-5) were determined to be significant and unavoidable after mitigation. The comment also incorrectly identifies PM10, PM2.5, and NOx emissions as significant and unavoidable. (See Table 4.2-23 and 4.2-24, which show emissions from PM10, PM2.5, and NOx would be less than significant after mitigation.)

As discussed in the PEIR, impacts identified under Impact-AQ-3 and Impact-C-AQ-3 would be caused by daily exceedances of reactive organic gases in 2030 driven primarily by off-gassing associated with the use of paints and solvents in PD2 (Harbor Island) and to a lesser extent in PD3 (Embarcadero), both of which have greater anticipated development than the other planning districts. Moreover, in 2050, Impact-AQ-3 and Impact-C-AQ-3 identify a daily exceedance of ROG and CO, again, driven by off-gassing from paints and solvents as well as the anticipated increase in recreational boating emissions that could result from additional vessel slips identified in the PMPU. Impact-AQ-5 and Impact-C-AQ-5 are connected with Impact-AQ-3 and Impact-C-AQ-3, as they each identified the adverse health effects from exceeding SDAPCD’s daily thresholds for ROG and CO. Importantly, no ROG or CO emissions are anticipated in PD4, as a result of implementing the PMPU. PD4 (Working Waterfront), which is where the marine cargo terminals and shipyards are located, is the planning district adjacent to the Portside community of Barrio Logan, an SB 535 disadvantaged community. PD2 and PD3 are not adjacent to disadvantaged communities.

The PMPU does not propose any changes to the cargo throughput (i.e., freight) or improvements for TAMT in comparison to what was previously approved as part of the Tenth Avenue Marine Terminal Redevelopment Plan and analyzed in the TAMT Redevelopment Plan PEIR (SCH# 2015-031046). (Draft PEIR page 3-77; see also Draft PEIR Section 1.4.1.). In addition, the NCMT is not located within the boundaries of the PMPU planning area. Nevertheless, the District already has a number of existing policies and programs which provide for emerging fuel technologies related to freight. Please also see the response to Comment A3-9.

Further, the Final PEIR includes Appendix J, the CERP and MCAS inconsistency analyses. In those analyses, it is shown that the PMPU already includes many policies and development standards that support implementation of those two plans and that the PMPU would not obstruct or impede implementation of the CERP and MCAS. Within these Appendices, the PMPUs policies support and align with both the CERP and MCAS strategies relating to “ZEV [zero emission vehicles] trucks”, “Commercial Harbor Craft and Equipment”, “Cargo Handling Equipment” and “Parks and Open Space.” The PMPU has always contained policies and standards that complement and support the goals and strategies in the both the MCAS and CERP.

June 3, 2022  
Page 10

These strategies are not incorporated in the PMPU, and the DEIR does not contain analysis demonstrating they are infeasible.

- *Commercial Harbor Craft and Equipment:* The CERP and the MCAS urge electrification of commercial harbor craft and equipment. The DEIR provides only that *construction* harbor craft will be electric after 2025. The DEIR is silent regarding *operational* harbor craft, and does not explain why phase-in of ZEV construction harbor craft is feasible but phase-in of operational ZEV craft is not. The DEIR is also silent on the directive that the Port procure an all-electric tugboat by 2026.
- *Cargo Handling Equipment:* The CERP urges the Port to test zero-emission cargo-handling equipment. The MCAS urges a transition to 100% electric cargo handling equipment by 2030 and a reduction in cargo handling emissions 90% for NOx, 80% for diesel PM, and 50% for black carbon by 2025. The DEIR contains no electrification requirements for cargo handling equipment. The DEIR does not include electrification of cargo handling equipment as mitigation, nor is electrification of cargo handling equipment shown to be infeasible.
- *Parks and Open Space:* The CERP urges increasing tree canopy and urban greening in the Portside Communities. The PMPU anticipates an urban greening project for Cesar Chavez Parkway in Barrio Logan, (DEIR, p. 3-79), but there is no tree canopy or urban greening mitigation in the DEIR. The MCAS recommends that the Port contribute to an air filter fund, expand tree canopy, and increase youth education programs. The PMPU and DEIR do not contain these measures, and there is no analysis showing they are infeasible.

Community advocates also recommended mitigation that was not incorporated into the DEIR. Advocates urged the Port to transition to a 100% zero-emission freight system by 2030 and to provide clean energy for all energy needs. (Envtl. Health Coalition May 2017 Letter, pp. 2-4.) They also suggested developing onsite renewable energy, and ZEV phase-in deadlines. (*Id.* at p. 5.) However, while the DEIR requires increased shore power and renewable energy, it does not analyze or demonstrate that electric freight systems, ZEV transition deadlines, or onsite renewable energy are infeasible.

Finally, the AGO developed a “warehouses best practices” guidance document in March 2021 that contains numerous suggested measures for mitigating the harmful impacts of warehouse projects on neighboring communities.<sup>12</sup> Because of the similar impacts associated with warehouse projects and port-related impacts, these measures may be applicable as development standards in the PMPU. Examples of measures the Port should consider include the following:

<sup>12</sup> State of California, Dept. of Justice, “Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act” (Mar. 2021) <<https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf>> (last accessed May 5, 2022).

A3-12  
cont.

A3-13

As discussed on Draft PEIR page 4.2-69, “In June 2020, CARB adopted the Advanced Clean Truck Regulation, which promotes zero-emission technology penetration with sales requirements for medium- and heavy-duty truck manufacturers. As further discussed in Draft EIR page 4.2-32, “The Sustainable Freight Action Plan (Sustainable Freight Action Plan or Action Plan) provides an integrated action plan that establishes clear targets to improve freight efficiency, transition to zero emission technologies, and increase the competitiveness of California’s freight system...The Sustainable Freight: Pathways to Zero and Near-Zero Emissions Discussion Document sets out CARB’s vision of a clean freight system, together with the immediate and near-term steps that CARB will take to support use of zero and near-zero emission technology to improve air quality and reduce health risk associated with goods movement.”

The MCAS is a strategic planning document that is intended to guide future decision-making and provide a planning framework for potential future actions that may be implemented to achieve the goals and objectives of the MCAS. The vision for the MCAS is “health equity for all”, and the MCAS focuses on emission reduction strategies in and around the Portside Community. The MCAS is intended to provide policies and guidelines for future action, not mandatory requirements or regulations. While it is likely that MCAS measures will apply to certain types of new projects as they arise, such as cargo terminal projects, there are other types of land and water uses for which the MCAS and its measures will have little or no applicability, such as Commercial Recreation and Recreation Open Space land uses. Therefore, this sentence of the PEIR was revised to indicate that all new development projects will be reviewed for applicability with the MCAS as they arise. In addition, the sentence on page 4.2-37 of the Draft PEIR was revised to indicate that all new development projects will be reviewed for any conflicts with the applicable air quality plans. Specifically, page 4.2-37 of the Final PEIR states that “Consistent with CEQA, any applicable future project undergoing environmental review will analyze the project’s potentially significant impacts against applicable thresholds, including, whether the project will conflict with or obstruct implementation of the applicable air quality plan.” Additionally, the Draft PEIR has been updated to expand on the discussion of the MCAS to include a discussion of whether the PMPU would conflict with the MCAS.

The goals, objectives, strategies, and actions of the MCAS and CERP are aspirational, not regulatory or prescriptive, and are based on a set of assumed conditions and advancements. The MCAS expressly cautions that advancements in zero emissions technology, infrastructure, capital



expenditures, commercial availability, and education and training must occur in order to achieve the MCAS' goals and objectives. (see MCAS, § S.3.1, pp. S-6 – S-7.) For these reasons, the PEIR did not identify the goals and objectives of the MCAS and CERP as mitigation measures for significant unavoidable impacts relating to air pollutant and GHG emissions. Nonetheless, the PMPU and its environmental analysis, the PEIR, promote the goals, objectives, strategies, and actions of the MCAS and CERP, and acknowledge the assumed conditions and advancements identified in the MCAS, through Mitigation Measure AQ-7 (MM-AQ-7), which requires the District to conduct an annual technology review to identify feasible new ZE vehicles and equipment that may be required in future development projects.

Cargo transported by rail would also be subject to newly adopted rules from the California Air Resources Board (CARB) in Resolution 23-12, including the In-Use Locomotive Regulation (13 Cal. Code Regs. §§ 2478 et seq.)

(<https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/fsor.pdf>). Under this new regulation, starting in 2030, (1) only locomotives less than 23 years would be able to be used in California, (2) Switchers operated by Class I, Class III, industrial and passenger locomotive operators with an original engine build date of 2030 and beyond would be required to operate in a Zero Emission (ZE) configuration to operate in California, (3) Passenger locomotives with an original engine build date of 2030 and beyond would be required to operate in a ZE configuration to operate in California, (4) Class I line haul locomotives with an original engine build date of 2035 and beyond would be required to operate in a ZE configuration to operate in California. For information describing the feasibility of transitioning to ZE locomotives by 2030, please see Initial Statement of Reasons (ISOR), Appendix F (CARB, September 20, 2022):

<https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/appf.pdf>. While CARB recently pulled submittal of the regulations to the Office of Administrative Law on July 21, 2023, CARB has indicated that it will be resubmitting the regulations at a subsequent date (CARB 2023). Please also see Response A3-9 for discussion of Commercial Harbor Craft and Equipment, cargo handling, parks, open space, and tree canopies.

In addition, CEQA does not require the PEIR to discuss whether every goal, objective, strategy, or action in the MCAS and CERP could be a feasible mitigation measure. (*Santa Clarita Organization for Planning Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1054-57.) However, in the responses which follow, the District addresses each of the specific goals,

June 3, 2022  
Page 11

- *Industrial Siting and Design*: adopt standards requiring that new industrial facilities within the PMPU area be sited at least 1,000 feet away from the nearest sensitive receptors; mandate physical, structural, or vegetative barriers at all PMPU facilities in order to minimize and prevent pollutant dispersal; require onsite parking, queuing, check-in, and maintenance of trucks at all PMPU industrial sites to prevent idling and maintenance on neighboring streets; and require that industrial site entry points, exit points, dock doors, and loading zones be located on the side of the site farthest from sensitive receptors.
- *Air Quality and GHG Emissions Control*: require on-road heavy duty haul trucks to be model year 2010 or newer if diesel-fueled; prohibit diesel-powered equipment from being activated for more than 10 hours per day; prohibit grading on poor air quality days; require Port tenants to use zero-emission light- and medium-duty vehicles for operations; require installation of air filtration systems at sensitive receptors within a certain radius of project sites; require installation and maintenance of air monitoring stations; mandate installation of solar panels to provide all or some of projects' energy needs; mandate installation of trees and vegetative barriers; and require compliance with Tier 2 green building and LEED standards.
- *Noise Control Measures*: require noise impact analyses for projects nearby to sensitive receptors, mandate installation of noise barriers; require location of stationary construction equipment as far from sensitive receptors as possible; limit operation and construction hours to daytime hours on weekdays; and orient public address systems away from sensitive receptors.
- *Other Measures*: require appointment of compliance officers to ensure implementation of mitigation; mandate contributions to a fund for installation of HVAC systems, dual-paned windows, and sound-reducing insulation at nearby sensitive receptors; require site lighting to be directed into the site interior; and mandate installation of cool pavements and industrial facility climate control and air filters.

Many of the measures in the AGO's warehouse guidance document will be applicable to and feasible for port operations and tenants, although not all measures will be appropriate. We urge the Port to evaluate the measures listed in the warehouse guidance document, identify which are feasible and infeasible for inclusion as development standards in the PMPU, and adopt all feasible measures. Incorporation of these and other measures as PMPU development standards will help to ensure that the Portside Communities are protected and are able to flourish as the PMPU is implemented.

#### **B. The Final EIR Must Avoid Improper Deferral of Mitigation**

CEQA mandates that mitigation for significant environmental impacts not be deferred. (Guidelines, § 15126.4(a)(1)(B).) However, when immediate mitigation is "impractical or infeasible," mitigation may be developed after project approval with certain conditions. (*Ibid.*)

A3-13  
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A3-14

objectives, strategies, or actions of the MCAS and CERP identified in the Attorney General's letter, as a potential mitigation measure.

The comment also states that "[c]ommunity advocates also recommended mitigation that was not incorporated into the DEIR". Specifically, the comment identifies "transition to 100% zero-emission freight system by 2030 and to provide clean energy for all energy needs" and "developing onsite renewable energy, and ZEV phase-in deadlines". The comment states that "while the DEIR requires increased shore power and renewable energy, it does not analyze or demonstrate that electric freight systems, ZEV transition deadlines, or onsite renewable energy are infeasible."

Please see responses A3-8 through A3-12, which indicate that the PMPU does not include NCMT in its planning boundaries and would not make any changes to the TAMT Redevelopment Plan and its associated Final EIR. Additionally, given that the PMPU requires renewable energy, it is unclear what the commenter is requesting. The Draft PEIR discussed renewable energy at length, and explained that PMPU SR Policy 3.1.3 requires "permittees of development shall deploy renewable energy technology to improve energy reliability and economic resilience, where feasible." Similarly, MM-GHG-1 requires all future tenants to ensure that all electricity obtained is completely provided by renewable sources (I.e. carbon green), by 2030." Finally, the California Energy Code was updated in 2022, and now requires solar photovoltaics and energy storage for grocery stores, offices, financial institutions, unleased tenant space, retail, schools, warehouses, auditoriums, convention centers, hotels/motels, libraries, medical office buildings/clinics, restaurants, theaters, and mixed-use buildings where one or more of these building types constitute at least 80 percent of the floor area. (Cal. Code Regs., tit. 24, Part 6, § 140.10(a).)

### **Response to Comment A3-13**

The comment indicates that the AGO has "developed a 'warehouses best practices' guidance document in March 2021 that contains numerous suggested measures for mitigating the harmful impacts of warehouse projects on neighboring communities." The comment suggests that "because of similar impacts associated with warehouse projects and port-related impacts, these measures may be applicable as development standards in the PMPU." The comment requests consideration of measures that include "Industrial Siting and Design", "Air Quality and GHG Emissions Control", "Noise Control Measures", and "Other Measures". The comment also notes that "not all measures will be appropriate," but urges "the Port to evaluate the measures listed in the

“warehouse guidance document, identify which are feasible and infeasible for inclusion as development standards in the PMPU, and adopt all feasible measures.” However, CEQA does not require an EIR to explain why suggested mitigation measures that are described in general terms and are not specific to the project are infeasible. (*Santa Clarita Org. For Planning the Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1055 (“SCOPE submitted a letter containing more than 50 general suggestions. SCOPE did not single out any specific suggestions from this list, but instead articulated a broad request that the city “incorporate these measures into any project approval that might be granted for this project.” The letter itself indicates that “the measures cited may not be appropriate for every project.” Considering the large number of possible mitigation measures set forth in the letter, as well as the letter’s indication that not all measures would be appropriate for every project, it is unreasonable to impose on the city an obligation to explore each and every one.”)

Please see the responses to A3-8 through A3-13. Specifically, the air quality impacts identified in the PEIR (Impact-AQ-3/Impact-C-AQ-3 and Impact-AQ-5/Impact-C-AQ-5) are daily exceedances of ROG from off gassing associated with paints and solvents from new development primarily in PD2 and to a lesser extent PD3, as well as an increase in recreational boating emissions associated with an anticipated increase in vessel slips. The significant impacts would occur in PD2 and PD3 and not in PD4 (Working Waterfront) nor adjacent to the Portside Community of Barrio Logan.

Moreover, the PMPU does not propose any changes in PD4, nor does it propose any changes to the TAMT Redevelopment Plan and its associated Final EIR.

Relatedly, the PMPU does not authorize or promote any new development that would meet the definition of “warehouse” or logistics facility” as indicated within the AGO’s warehouses best practice under footnote 4.

Finally, many of the issues of concern that the AGO’s warehouses best practice document is designed to address are already addressed by existing programs and strategies, such as the CERP and MCAS, as well as mitigation measures identified in the PEIR. Additionally, the PMPU was revised by adding a new policy to the EJ Element to address potential design issues abutting Portside Communities, as shown below:

**EJ Policy 3.1.4 Maritime industrial development that is sited abutting a Portside community shall incorporate industrial site design standards**

that consider the health and environmental quality of the Portside community, such as, but not limited to, truck route signage, setbacks from property lines, greening buffer, parking requirements, ingress/egress points, noise and light screening, air emission dispersion, and interior air quality for employees.

June 3, 2022  
Page 12

Deferral is permissible provided the agency “(1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be...incorporated into the mitigation measure.” (*Golden Door, supra*, 50 Cal.App.5th at pp. 518-19; Guidelines, § 15126.4(a)(1)(B).) “If mitigation is feasible but impractical at the time of [project approval], it is sufficient to articulate specific performance criteria and make further approvals contingent on finding a way to meet them.” (*San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 670 [citations omitted].)

The PMPU DEIR includes multiple mitigation measures that appear to be improperly deferred or lack defined performance standards. The DEIR mandates zero-emission equipment when “commercially available,” but does not define criteria for determining commercial availability. (See MM-AQ-3, MM-AQ-6.) Likewise, the DEIR requires incorporation of new technology when “feasible,” but there are no criteria describing how feasibility is to be assessed. (See MM-AQ-7, MM-AQ-9.) Other measures use similarly undefined terms. (See MM-AQ-2 [“project completion”]; MM-GHG-1 [“renewable sources”]; MM-GHG-2 [“lowest emitting option available”].) Some measures delay compliance deadlines without reason. (MM-AQ-1 [six months after PMPU approval]; MM-AQ-2 [one year after project completion]; MM-AQ-3 [after construction]; MM-AQ-7 [subsequent discretionary review].) These measures should be revised in the final EIR to contain clearer and more defined terms, criteria, and timelines.

#### IV. CONCLUSION

Thank you again for the opportunity to comment on the PMPU DEIR. We again commend the Port District for the significant investments and efforts it has already made to ensure a healthier and more sustainable future for the Port and its neighboring communities. The PMPU and DEIR present an opportunity to ensure the Port’s continued growth and competitiveness while establishing baseline protections for those residents most impacted by port operations. We are eager to collaborate with the Port in producing a PMPU and DEIR that further both of these important goals.

Sincerely,

*Davin A. Widgerow*

DAVIN A. WIDGEROW  
Deputy Attorney General

For ROB BONTA  
Attorney General

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A3-15

The PMPU PEIR did identify significant noise impacts from construction and operation activities. Importantly, most of these requirements are already included in the PMPU EIR. For example, MM-NOI-3 already provides limitations for construction equipment, MM NOI-4 requires installation of temporary noise barriers, MM NOI-5 limits exterior construction activities outside of the permitted construction hours, and MM-NOI-6 requires consideration of quiet pavement. Additionally, MM-NOI-3 has been updated to include locating stationary construction equipment as far from sensitive receptors as possible and MM-NOI-11 has been updated to include orienting any public address systems away from sensitive receptors.

### Response to Comment A3-14

The comment indicates that the Final PEIR must avoid improper deferral of mitigation. The comment also indicates that “deferral is permissible provided the agency ‘(1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be...incorporated into the mitigation measure.’ (Golden Door, supra, 50 Cal. App. 5th at pp. 518-19; Guidelines Section 15126.4(a)(1)(B)).” The comment believes that the Draft PEIR “includes multiple mitigation measures that appear to be improperly deferred or lack defined performance standards. The comment indicates that “[t]hese measures should be revised in the Final PEIR to contain clearer and more defined terms, criteria, and timelines.” Referencing MM-AQ-3 and MM-AQ-6, the comment indicates that the “criteria for determining commercial availability” is not defined. Both MM-AQ-3 and MM-AQ-6 have been updated to include a definition of commercially available. As stated, “Commercially available means available within 100 miles for purchase or lease by the project proponent or any contractors that may be retained by the project proponent.”

Referencing MM-AQ-7 and MM-AQ-9, the comment indicates that “there are no criteria describing how feasibility is to be assessed.” Both MM-AQ-7 and MM-AQ-9 have been updated to define feasibility. As revised, MM-AQ-1 now states, “If the Annual Technology Review identifies new technology that will be equally or more effective in reducing emissions compared to default equipment, vessels, and trucks, and the District determines that use of the technology is feasible within the meaning of Public Resources Code section 21061.1, the District shall require the use of such technology as a condition of any subsequent discretionary approval issued by the District.” MM-AQ-9 has been revised to indicate

that co-generation systems (i.e., combined heat and power systems) shall be installed in new buildings, “if deemed feasible by the District within the meaning of Public Resources Code section 21061.1.”

Referencing MM-AQ-2, MM-GHG-1, and MM-GHG-2, the comment indicates that “project completion”, “renewable sources”, “lowest emitting option available”, respectively, are “similarly undefined”. Mitigation measures MM-AQ-2 has been revised to delete “project completion”. As written, the measure requires implementation during the entirety of the construction phase, enforced by the construction supervisor, and violations shall be referred to the San Diego Air Pollution Control District. Reporting is required on a monthly cycle under the construction work is concluded. MM-GHG-1 has been clarified to define renewable energy “as energy from a source that is not depleted when used, such as solar”. “Lowest emitting option” as used in MM-GHG-2 refers to specialized on-road vehicles and considers that specialized on-road vehicles may not have ZEV options commercially available at the time such vehicles are being replaced. However, if a ZEV option is commercially available, then the measure would require its implementation.

Referencing MM-AQ-1, MM-AQ-2, MM-AQ-3, and MM-AQ-7, the comment indicates that “some measures delay compliance deadlines without reason.” The District has reviewed each of the measures identified and has made the following revisions. For MM-AQ-1, the District considered the reasonableness of providing updated information to SANDAG in a more expedited manner, and has revised the measure to require coordinating the updated development projection information with SANDAG within 30 days of the proposed PMPU’s approval. MM-AQ-2 has been updated to require reporting on a monthly basis rather than annual, which will keep the District current on implementation of diesel emission reduction measures and the details of any potential violations that have been submitted to SDAPCD. It is not clear where within MM-AQ-3 the comment is directed, but MM-AQ-3 has been updated to specify that within 30 days of the completion of construction activities, the project proponent shall submit written evidence to the District that construction activities complied with all bulleted measures, consistent with the pre-construction equipment list provided to the District. Finally, MM-AQ-7 was updated to clarify that the technology review is to be completed on an annual basis (consistent with the mitigation measures title) commencing one year after the PMPU’s approval and continuing annually thereafter. This measure is intended to account for advancements in technology that can be incorporated into future projects to further reduce air and GHG emissions.

**Response to Comment A3-15**

This concluding comment thanks the District for the opportunity to comment on the PEIR and states that the AGO looks forward to “collaborating” with the District in the future, to protect the nearby disadvantaged communities. It states again the AGO’s recognition of the actions already undertaken to improve the air quality and therefore, the health and quality of life for the residents of the neighboring disadvantaged communities. The District thanks the AGO for the opportunity to explain in further detail how the PMPU bolsters the MCAS, CERP, and AGO *Warehouse Best Practices*. It further appreciates the chance to improve the PMPU and the PEIR by strengthening mitigation measures.

## 2.4.4 Comment Letter A4: California Department of Transportation

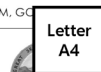
Maurice A. Eaton, Branch Chief

CALIFORNIA STATE TRANSPORTATION AGENCY

### California Department of Transportation

DISTRICT 11  
4050 TAYLOR STREET, MS-240  
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GAVIN NEWSOM, GOV



Letter  
A4

January 10, 2022

11-SD-I-5  
PM 12.9- 19.0  
Draft Program Environmental Impact Report (DEIR)  
Port Master Plan Update SCH 2017031070

Dennis Campbell  
San Diego Unified Port District  
Dept. of Planning  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Campbell:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Port Master Plan Update (PMPU) located near Interstate 5 (I-5) and State Route (SR-75). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the Port of San Diego in areas where the Port and Caltrans have joint jurisdiction to improve the transportation network and connections

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A4-1

### Response to Comment A4-1

The District appreciates Caltrans' comments on the PEIR. Responses to specific comments are provided below..



Mr. Dennis Campbell  
January 10, 2022  
Page 2

between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

#### Traffic Analysis

The San Diego Unified Port District as the lead agency for this project, should be in alignment with state policies and state goals on evaluating transportation impacts under CEQA. Please see the following links for reference.

December 2018 Technical Advisory on Evaluating Transportation Impacts:  
[https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

Governor's Office of Planning and Research:  
<https://opr.ca.gov/ceqa/sb-743/>

Section 4.14.1 *Transportation, Circulation, and Mobility* of the DEIR document identifies a significant increase in VMT due to the future development of the PMPU projects. These VMT impacts are stated to be significant and unavoidable. The Port of San Diego should seek additional methods to address these VMT impacts. These VMT impacts are not in alignment with state VMT and emissions reduction goals. Please coordinate with Caltrans to identify mitigation measures or other alternatives that can be implemented to mitigate project impacts.

Please coordinate with Caltrans and provide a focused traffic analysis when available for project specific future developments covered under the PMPU document.

Chapter 5.2- *Planning District 2: Harbor Island, Roadway Improvements* proposes a narrowing of North Harbor Drive to four general travel lanes. Early coordination with Caltrans and other local stakeholders is strongly recommended when discussing this proposal.

- Section 5.2.5(C) *Planned Improvements* states modifications to Pacific Highway to accommodate vehicular traffic, pathways, and bikeways. Please provide more details for this proposal.

#### Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the

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A4-1  
cont.

A4-2

A4-3

A4-4

A4-5

A4-6

## Response to Comment A4-2

The PEIR transportation analysis was guided by the documents linked by Caltrans. As indicated on page 4.14-8 of Section 14, *Transportation, Circulation, and Mobility*, of the Draft PEIR, both SB743 and the Technical Advisory are included in the applicable laws and policies. Moreover, details of the recommended thresholds of significance from the Technical Advisory are provided in Section 4.14.4.2, *Thresholds of Significance*. As such, the Draft PEIR is consistent with state guidance on evaluating transportation impacts under CEQA. No changes to the PEIR are required in response to this comment.

## Response to Comment A4-3

As noted in M Objective 1.2 of the PMPU and in Section 4.14.4.1 of the PEIR, the PMPU will implement a series of mobility hubs throughout the Tidelands. The proposed mobility hubs will provide a connection point between existing land-based transit services, the proposed expansion of the Bayfront Circulator or other similar service (see M Policies 1.1.17 & 1.1.18), and the proposed baywide water-based transit services (See M Policy 1.1.1). Thus, consistent with Section 21064.3 of the California Public Resources Code, each mobility hub would be considered a major transit stop. As indicated within Section 15064.3(b)(1) of the CEQA Guidelines, "...projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact."

Therefore, with the implementation of the proposed system of mobility hubs, expansion of the Bayfront Circulator or other similar service, and the implementation of the water-based transit services, the majority, if not all of the future growth assumed within the proposed PMPU, will be within a half-mile of a major transit stop. However, because of the programmatic nature of the analysis, it is unknown precisely when these improvements will be implemented, the PEIR does not rely on these future improvements in determining the significance of VMT-related impacts.

Additionally, as outlined in MM-TRA-1, the District would implement a VMT infrastructure mitigation program that would require project applicants to make a fair share contribution to help mitigate project-related and cumulative VMT impacts. The funds collected from the transportation impact fee program will be used to help fund and implement mobility hubs; transit facilities; bicycle improvements; pedestrian improvements; Bayfront Circulator or other similar option,

hotel shuttle service, or comparable service; and/or other mobility-related infrastructure improvements and amenities, as specified in the proposed PMPU. However, since the specific timing of possible development is unknown, these impacts were identified as significant and unavoidable, as noted under the “Level of Significance After Mitigation” section on page 4.14-79 of the Draft PEIR.

It should also be noted that the District would require all future developments within the tidelands that have the potential to result in a significant increase in VMT to contribute to the program identified in MM-TRA-1 or construct VMT reducing infrastructure to reduce project-related VMT impacts. The District would also require future project proponents to develop and implement a Transportation Demand Management (TDM) plan, to the satisfaction of the District, during its future reviews of development projects. (see MM-TRA-3 and M Policy 1.1.11). This would require all future development to implement a series of VMT reducing measures, strategies, and programs, within their leasehold, to help reduce VMT related impacts. However, since future development has not been defined or analyzed at the project level, their associated TDM plans have not yet been developed and their associated reduction in VMT cannot be calculated at this point. Because it is unknown if the TDM plans will reduce impacts to a less-than-significant level, VMT-related impacts were identified to be significant and unavoidable.

Because the commenter does not identify any specific mitigation measures which would be appropriate for the PMPU, no further response is feasible. (See *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 15, 17.) No changes to the PEIR are required in response to this comment.

#### **Response to Comment A4-4**

The PMPU is a comprehensive planning document which does not directly entitle any specific land development projects. The District has prepared a PEIR for the PMPU which provides for tiered environmental review of future development projects pursuant to CEQA Guidelines Sections 15152 and 15168. As stated in MM-TRA-2, “[p]rior to the approval of a future development project that generates more than 110 daily trips and is located outside of a Transit Priority Area, the project proponent shall identify the project-level VMT impacts and the associated mitigation measures based on the significance thresholds in place at the time the development is entitled..” As such, all future land development projects covered within the PMPU would still be required to conduct a project level environmental analysis. The District will

Mr. Dennis Campbell  
January 10, 2022  
Page 3

provision of improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, park and ride facilities or other enhancements that promote a complete and integrated transportation network. Early coordination with Caltrans in locations that may affect both Caltrans and other responsible agencies is encouraged.

Caltrans looks forward to working with the Port of San Diego and other responsible agencies to evaluate this project and other potential complete streets and active transportation projects.

Caltrans released the "Contextual Guidance for Bike Facilities" Memorandum in March 2020 to identify the preferred bikeway facility type in areas where bikeway facility installations are planned. Please utilize this guidance memorandum as a tool for selecting the most appropriate bicycle facility type in locations where improvements are proposed in Caltrans' right-of-way. The following is a link to the "Contextual Guidance for Bike Facilities" Memorandum: <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/office-of-smart-mobility-and-climate-change/planning-contextual-guidance-memo-03-11-20-a11y.pdf>.

#### Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, Caltrans is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-5 and SR-75.

#### System Planning

For section 4.14.3.2, please coordinate with SANDAG, Caltrans, and local agencies to identify alignment of mobility hubs and project overlap in the South Bay to Sorrento Comprehensive Multimodal Corridor Plan (CMCP), currently in development with Caltrans. Please see the link below for reference.

<https://www.sandag.org/index.asp?classid=12&subclassid=83&projectid=608&fuseaction=projects.detail>

For section 4.14.3.3, coordinate with Caltrans District 11 and U.S. Navy on environmental assessment on efforts to reroute traffic via the Vesta Street Bridge.

As part of land use and greenhouse gas emissions (GHG) reduction efforts, please consider emerging fuel technologies and refueling site locations for future freight and passenger ZEV deployment.

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A4-6  
cont.

A4-7

A4-8

A4-9

coordinate with Caltrans where appropriate and will comply with CEQA and other applicable laws and regulations with respect to the analysis of potential traffic impacts of future site-specific development projects. No changes to the PEIR are required in response to this comment.

### Response to Comment A4-5

The District anticipates coordination with Caltrans and other local stakeholders on the transportation network where modifications may affect Caltrans facilities and/or other agency facilities. As outlined in M Policy 1.1.8 of the PMPU, "The District shall coordinate with agencies that have transportation authority, and with adjacent jurisdictions and permittees, to plan shared mobility infrastructure in support of the safe movement of people and/ or goods."

Moreover, Section 5.2.5(C) lists the planned improvements for Harbor Island and PD2.75 indicates the desire to "Modify Pacific Highway to accommodate vehicular traffic, pathways, and bikeways." The comment asks for additional detail. However, details associated with this planning improvement are not known at this time. Consistent with M Policy 1.1.8, as well as other policies (please see response to Comment A-3-8), the District would work with Caltrans and other agencies with transportation authority and responsibilities to plan the future changes to Pacific Highway to accommodate a range of mobility options when a specific proposal for such changes is considered.

As such, the District will coordinate Caltrans and other local stakeholders on transportation infrastructure projects located within Planning District 2. No changes to the PEIR are required in response to this comment.

### Response to Comment A4-6

As indicated in the response to comment A4-5, above, the PMPU includes policies that require coordination with agencies with transportation authority within and adjacent to the PMPU area (see M Policy 1.1.8). In addition, M Policy 1.1.14 of the PMPU states, "The District shall coordinate with agencies that have transportation authority to enhance coastal connectivity and access throughout Tidelands, particularly at mobility hub locations".

As part of implementation of this policy and as required by law, the District will obtain all necessary approvals from Caltrans and coordinate with Caltrans on any improvements within Caltrans right-of-

way. As stated on pages 4.14-11 and 44 of the Draft PEIR, “Future construction projects allowed under the proposed PMPU may be subject to the requirements of encroachment and/or right-of-way permits from local jurisdictions including the City of San Diego, City of Coronado, or City of Imperial Beach, as well as Caltrans.” No changes to the PEIR are required in response to this comment.

### **Response to Comment A4-7**

The District acknowledges this comment. However, the comment is unrelated to the PMPU and the PEIR; therefore, no further response is required.

### **Response to Comment A4-8**

The District recognizes the importance of coordinating with state, regional, and local agencies with transportation authority for future mobility-related projects. As such, the PMPU includes several policies that require the District to coordinate mobility related projects and infrastructure with agencies that have authority over transportation in the PMPU area and its surroundings, including:

**M Policy 1.1.1**, which requires the District to coordinate with agencies that have transportation authority and adjacent jurisdictions to develop comprehensive Baywide water-based transit services, including the development of new water-based transfer points and routes to connect key destination points;

**M Policy 1.1.8**, which requires the District to coordinate with agencies that have transportation authority, and with adjacent jurisdictions and permittees, to plan shared mobility infrastructure in support of the safe movement of people and/or goods;

**M Policy 1.1.9**, which requires the District to coordinate with agencies that have transportation authority to explore opportunities to expand accessible transit service to Tidelands; and

**M Policy 1.1.14**, which requires the District to coordinate with agencies that have transportation authority to enhance coastal connectivity and access throughout Tidelands, particularly at mobility hub locations.

As required by these policies, the District will coordinate with agencies such as SANDAG, Caltrans, and other local jurisdictions on the location, implementation, and access to the proposed mobility hub sites. Additionally, the District continues to coordinate with SANDAG on the relevant projects. Regarding the Caltrans’s Vesta Street Bridge extension project, this potential project was listed in the District’s Harbor Drive 2.0 study but is outside the District’s jurisdiction.

Mr. Dennis Campbell  
January 10, 2022  
Page 4

#### State Route Relinquishments

In recent months, the Coronado City Council has approved a Caltrans relinquishment package for State Routes (SR-75) and SR-282. Although the relinquishment has not been fully approved by the California Transportation Commission (CTC), please consider the potential long-term impacts on local development, roadway maintenance, and funding thought-out the PMPU development process. Both SR-75 and SR-282 are in PMPU District 10 and is the important link between North and South Coronado Subdistricts.

#### Freight/Goods Movement

In October 2020, the Port of San Diego approved a framework Memorandum of Understanding (MOU) with Caltrans and SANDAG for the Harbor Drive 2.0- A Greener, Safer, Healthier Harbor Drive project. Caltrans appreciates the collaborative planning for transportation infrastructure and anticipates further coordination with the Port of San Diego for the PMPU project area.

#### Right-of-Way

Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide an approved final environmental document, corresponding technical studies, and necessary regulatory and resource agency permits, specifically, CEQA determination or exemption.

If you have any questions, please contact Roger Sanchez at (619) 987-1043 or by email at [roger.sanchez-rangel@dot.ca.gov](mailto:roger.sanchez-rangel@dot.ca.gov).

Sincerely,

*Maurice A. Eaton*

MAURICE A. EATON  
Branch Chief  
Local Development Review

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A4-10

A4-11

A4-12

A4-13

Currently Caltrans, in cooperation with the US Navy, SANDAG, and the District is conducting public outreach and preparing the environmental document pursuant to CEQA, as the CEQA Lead Agency. No changes to the PEIR are required in response to this comment.

### Response to Comment A4-9

The PMPU does not propose any changes to freight activities within the PMPU area and implementation of the PMPU would not result in an increase in freight operations related to the cargo terminals. Within the PMPU area, increased cargo throughput was considered as part of the previously approved Tenth Avenue Marine Terminal (TAMT) Redevelopment Plan, the impacts of which were analyzed in the TAMT Redevelopment Plan PEIR (SCH# 2015-031046). That CEQA document is incorporated by reference in the PMPU PEIR (Draft PEIR page 3-77; see also Draft PEIR Section 1.4.1.). Nevertheless, the District has several existing policies and programs that provide for emerging fuel technologies which would help to implement CARB regulations and provide guidance to reach zero emissions from freight and maritime activities.

As discussed on page 4.2-69 of the Draft PEIR, "In June 2020, CARB adopted the Advanced Clean Truck Regulation, which promotes zero-emission technology penetration with sales requirements for medium- and heavy-duty truck manufacturers." As further discussed on page 4.2-32 of the Draft PEIR, "The Sustainable Freight Action Plan (Sustainable Freight Action Plan or Action Plan) provides an integrated action plan that establishes clear targets to improve freight efficiency, transition to zero-emission technologies, and increase the competitiveness of California's freight system...The Sustainable Freight: Pathways to Zero and Near-Zero Emissions Discussion Document sets out CARB's vision of a clean freight system, together with the immediate and near-term steps that CARB will take to support use of zero and near-zero emission technology to improve air quality and reduce health risk associated with goods movement." M Policy 2.2.3 contained within the PMPU requires the District to engage with stakeholders, such as railway companies, trucking companies, cargo and freight shipping lines, and service providers, to identify and implement feasible sustainable freight strategies in accordance with the District's environmental and operational strategies, plans, and regulations, as well as the State's sustainability objectives. In addition, M Policy 2.2.8 requires the District to direct permittees through

the coastal development permit process to advance as part of development the implementation of zero-emission, when feasible, and near-zero emission technologies and supportive infrastructure improvements for freight-related oceangoing vessels and harbor craft in alignment with District sustainability and maritime clean air strategies. The District also utilizes the Maritime Clean Air Strategy (MCAS), which while not binding, has an aspirational goal of 100% zero emissions trucks and cargo handling equipment by 2030. The MCAS includes aspirational goals for harbor craft (transitioning ferries and assist tugs to zero or near-emission technologies), the Port's fleet (transition motor vehicles beginning in 2022, beginning transition of emergency vehicles and equipment [forklifts and lawn maintenance equipment] to zero emissions, and seek opportunities to advance lower emitting solutions for marine vessels), and ocean-going vessels (expand vessel speed reduction and shore power). (See Draft PEIR, pages 4.2-35 and 4.6-26.) Cargo transported by rail would also be subject to newly adopted rules from the California Air Resources Board (CARB) in Resolution 23-12, including the In-Use Locomotive Regulation (13 Cal. Code Regs. §§ 2478 et seq.). Under this new regulation, starting in 2030, (1) only locomotives less than 23 years would be able to be used in California, (2) Switchers operated by Class I, Class III, industrial and passenger locomotive operators with an original engine build date of 2030 and beyond would be required to operate in a Zero Emission (ZE) configuration to operate in California, (3) Passenger locomotives with an original engine build date of 2030 and beyond would be required to operate in a ZE configuration to operate in California, (4) Class I line haul locomotives with an original engine build date of 2035 and beyond would be required to operate in a ZE configuration to operate in California. While CARB recently pulled submittal of the regulations to the Office of Administrative Law on July 21, 2023, CARB has indicated that it will be resubmitting the regulations at a subsequent date (CARB 2023).

Similar to freight activities, the PMPU does not propose any changes that would result in an increase in passenger cruise ship activities. As such, there is no mitigation in the PMPU specific to passenger cruise ships. However, the PEIR does include several mitigation measures that will require the use of zero emission vehicles or alternative/emerging fuel technologies related to construction vehicle and equipment use and passenger vehicle use. For example, during construction activities, MM-AQ-3 requires the use of renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment and the use of zero or near-zero emissions equipment in lieu of diesel- or gasoline-powered equipment where such

zero or near-zero equipment is commercially available within 50 miles of the project site. MM-AQ-7 requires the District to perform a periodic technology review annually, which requires review and consideration of technological advancements in alternative fuel and zero emissions construction equipment, vessels, and trucks. MM-GHG-2 requires the District to replace all fossil-fueled on-road vehicles in its fleet as they are retired with zero-emission vehicles by 2030. For specialized equipment where zero-emission vehicles are not available, the District shall replace all on-road vehicles in its fleet with the lowest emitting option available.

The PEIR also includes Mitigation Measure MM-AQ-11, which provides for charging stations for passenger vehicles. Specifically, this measure “requires future development to incorporate EV charging into project design.” The District has a goal of (1) 399 Level 2 chargers and 22 DC Fast chargers, by 2030; and (2) 476 Level 2 chargers and 31 DC Fast chargers, by 2050. This is based on recommendations in the CSE EV Infrastructure Scoping Study. (Draft PEIR, page 4.2-76.)

Therefore, although the PMPU does not propose to increase freight or cruise vessel activities, the PMPU and other District documents do include measures and policies that would require emerging fuel technologies (e.g., electricity) and refueling site locations (e.g., EV charging) for future passenger ZEV deployment to assist with GHG reduction efforts. No changes to the PEIR are required in response to this comment.

### **Response to Comment A4-10**

The relinquishment package referred to in the comment would transfer ownership of SR 75 and SR 282 to the City of Coronado and result in local control of those roads. However, the proposed relinquishment package has not yet been approved by the CTC. CEQA does not require the PEIR to consider plan, policies or regulations which have not been approved. (*Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4<sup>th</sup> 1134.) If the relinquishment package is approved by the CTC in the future, the District will consider it where appropriate in connection with the site-specific review of future development projects.

The relinquishment package provides for the transfer of ownership of SR 75 and SR 282 from Caltrans to the City of Coronado, resulting in local control of those roadways. The comment does not identify any potential impact on the physical condition of SR 75 or SR 282 that may result from the PMPU. Under CEQA, a transfer of ownership alone does not constitute a physical impact on the environment that would require evaluation in the PEIR. (*Friends of the Sierra R.R. v. Tuolumne Park &*

*Recreation Dist.* (2007) 147 Cal.App.4<sup>th</sup> 643; *Simons v. City of Los Angeles* (1976) 63 Cal.App.3d 455.)

The PEIR evaluates the foreseeable physical effects associated with implementation of the PMPU. The relinquishment of SR-75 and SR-282 to the City of Coronado, which are not yet approved by Caltrans at the time of the Draft PEIR's public circulation, are independent of the PMPU's approval and its future implementation should it be approved. As such, evaluation of the relinquishment is beyond the scope of the PEIR. Please see Chapter 4 of the Draft PEIR for the long-term effects of the PMPU as well as its cumulative effects when considered in combination with past, present, and reasonably foreseeable future projects. The commenter does not indicate how the PMPU's implementation would impact roadway maintenance or funding of SR-75 and SR-282 and the commenter does not provide any examples or additional explanation. Moreover, the PEIR is a program-level document and does not propose any specific, individual projects. However, future projects consistent with the PMPU, including its policies, may be proposed in the future. Any impacts from future projects would need to consider what impacts may occur from their future implementation once project level information is available for evaluation under CEQA. Therefore, no additional response can be provided and no changes to the PEIR are required in response to this comment.

#### **Response to Comment A4-11**

The District appreciates Caltrans partnership on the Harbor Drive 2.0 project and looks forward to continued collaboration. However, this comment does not raise issue with the PEIR or PMPU. No further response is necessary.

#### **Response to Comment A4-12**

The District acknowledges the steps required for work to be conducted with the Caltrans' right-of-way. The encroachment permit process was expressly called out on Draft EIR pages 4.14-11 and 4.14-44, which explain in part "Future construction projects allowed under the proposed PMPU may be subject to the requirements of encroachment and/or right-of-way permits from local jurisdictions including the City of San Diego, City of Coronado, or City of Imperial Beach, as well as Caltrans." No changes to the PEIR are required in response to this comment.

#### **Response to Comment A4-13**

The District appreciates Caltrans' comments on the PMPU Draft PEIR and looks forward to continuing our agencies' collaboration on



transportation-related projects and issues, consistent with proposed PMPU policies M Policy 1.1.1, M Policy 1.1.8, M Policy 1.1.9, and M Policy 1.1.14, as discussed above.

## 2.4.5 Comment Letter A5: California Public Utilities Commission

Howard Hule, Utilities Engineer, Rail Crossings Engineering Branch, Safety and Enforcement Division



January 3, 2022

Dennis Campbell  
Planning Department  
P.O. Box 120488  
San Diego, CA 92112-0488

Sent by email: [mpu@portofsandiego.org](mailto:mpu@portofsandiego.org)

Re: **Port Master Plan Update**  
**SCH 2017031070 — Draft Environmental Impact Report**

Dear Mr. Campbell

The California Public Utilities Commission (Commission/CPUC) has jurisdiction over rail crossings (crossings) in California. CPUC ensures that crossings are safely designed, constructed, and maintained. The Commission's Rail Crossings Engineering Branch (RCEB) is in receipt of the *Draft Environmental Impact Report (DEIR)* for the proposed Port Master Plan Update (PMPU). The San Diego Unified Port District is the lead agency. The DIER is prepared in compliance with the California Coastal Act (Coastal Act), Section 30711.

The San Diego Unified Port District Port (District) sets a comprehensive vision to the Port Master Plan (Plan) and updates. The Plan governs the use, design, and improvements of the public trust land. The Plan establishes specific goals, policies, and standards to direct future development, and facilitate a diverse range of uses and activities and provide a broad range of proposed public improvements.

Chapter 5 of the PMPU incorporates the Planning Districts where it directs the pattern of development through specific policies and standard geographically delineated districts. The District's jurisdiction is divided into ten planning districts, which represents the Tidelands.

Eight of the ten Planning Districts are addressed in the PMPU with two Planning Districts, the National City Bayfront and the Chula Vista Bayfront, omitted from the PMPU. Three of the Planning Districts included in the PMPU encompass public at-grade railroad crossings that are in or within a quarter mile of the boundaries of the Planning Districts. Though the railroad crossing may not be within the boundaries of the PMPU Planning Districts and its projects, the project's influence may change the environmental characteristics to the surrounding areas and the safety aspects at the existing railroad crossings which are in the CPUC's jurisdiction.

The following tables show the three Planning District with their respective railroad crossings.

**Harbor Island Planning District – Pacific Highway Corridor Subdistrict**

DOT Crossing #	CPUC Crossing #	Crossing Name
026857M	106-265.60, 081MV-2.05	Washington Street
026859B	106-266.10, 081MV-1.56	Sassafras Street
026861C	106-266.40, 081MV-1.25	Palm Street
026863R	106-266.60	Laurel Street

### Response to Comment A5-1

The District appreciates the CPUC's interest in the proposed PMPU. This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

Dennis Campbell  
SCH 2017031070  
January 3, 2022

#### Embarcadero Planning District

DOT Crossing #	CPUC Crossing #	Crossing Name
026866L	106-266.90	Hawthorn Street
026867T	106-267.00	Grape Street
026868A	106-267.20, 081MV-0.44	Cedar Street
026869G	106-267.25, 081MV-0.36	Beech Street
026870B	106-267.30, 081MV-0.30	Ash Street
026871H	106-267.60, 081-0.04	Broadway
026874D	002-267.80, 081-0.38	Kettner Blvd & G Street
026875K	002-267.90, 081-0.50	Market Street
026935S	002-268.20, 081-0.70	Front Street
026877Y	002-268.30, 081-0.80	First Ave
026878F	002-268.50, 081-1.02, 036-0.90	Fifth Ave

#### Working Waterfront Planning District

DOT Crossing #	CPUC Crossing #	Crossing Name
661796X	036-1.70	Sigsbee Street
661797E	036-1.80	Beardsley Street
661798L	036-2.00	Caesar Chavez Parkway
661800K	036-2.30	Sampson Street near Harbor Drive
661801S	036-2.50	Schley Street
026889T	002-270.20	Harbor Drive between Schley and 28th Street
026886X	002-269.88-C	Belt Street
026887E	002-269.80	Sampson Street near Belt Street
661802Y	036-2.80	28th Street near Harbor Drive
026890M	002-270.40	28th Street
026894P	002-271.00	32nd Street near Harbor Drive
661803F	036-3.40	32nd Street

Any alterations or construction of a crossing will require CPUC authorization. This may be accomplished by a G.O. 88-B request. Please contact RCEB to schedule a field diagnostic meeting with all the stakeholders at the crossing. The diagnostic team consists of representatives from the railroads, roadway agencies, local government agencies, CPUC, and private stakeholders.

Any development adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind. New developments may increase pedestrian or vehicular traffic volumes not only on streets and at intersections, but also at nearby rail crossings. Traffic impact studies should analyze rail crossing safety and potential mitigation measures. Safety improvement measures may include the planning for grade separations or improvements to existing at-grade crossings. Examples of improvements may include but are not limited to: addition or upgrade of crossing warning devices, detectable warning surfaces and edge lines on sidewalks, and pedestrian channelization. Pedestrian and bicycle routes should be designed to clearly prohibit and discourage unauthorized access (trespassing) onto the tracks, except at authorized crossings.

A5-2  
cont.

## Response to Comment A5-2

The comment raises potential safety concerns regarding existing at-grade rail crossings within and/or in proximity to Planning Districts 2, 3, and 4. PMPU SR Policy 1.1.5 provides for “coordinat[ion] with adjacent jurisdictions and State agencies to identify and address safety improvements at rail crossings.” As noted by the comment, any future development under the PMPU that would alter or construct a rail crossing, including any modifications resulting from the transportation improvements identified in the PMPU, would be required to obtain all necessary approvals from CPUC, including approvals in compliance with CPUC General Order 88-B. This clarifying language has been added to Section 4.14, Transportation, Circulation, and Mobility, specifically within the impact analysis under Threshold 3. These revisions are reflected in the Final PEIR, Volume 2. However, these revisions are minor clarifications that do not affect the conclusions of the Draft PEIR.

The comment also raises safety concerns regarding new development adjacent to or near existing railroad ROW. Generally, CEQA does not require an EIR to consider the impacts of the environment on a project. Rather, CEQA requires that an EIR consider whether the project would result in any significant effects on the environment, as well as whether the project would exacerbate any existing environmental conditions (e.g., existing safety hazards) (CEQA Guidelines Section 15126.2(a)). The PMPU does not propose any elements that would exacerbate existing safety hazards related to existing rail crossings. The development of uses identified in the PMPU, such as new hotels, restaurants, and retail, would not extend into the railroad ROW or include any other design features that would exacerbate existing safety hazards associated with rail crossings. The mere placement of additional people near a rail crossing would not be considered an exacerbation of such conditions under CEQA. Additionally, as noted above, any future development under the PMPU that would directly alter or construct a rail crossing would be subject to environmental review under State CEQA Guidelines Section 15168 and would be required to obtain all necessary approvals from CPUC, which would ensure that safety hazards are addressed during project design by including safety measures such as those described in the comment.

Dennis Campbell  
SCH 2017031070  
January 3, 2022

Please continue to keep RCEB informed of any project developments. If you have any questions, comments, or concerns, please do not hesitate to contact me, at (213) 620-6503, or [howard.huie@cpuc.ca.gov](mailto:howard.huie@cpuc.ca.gov).

Sincerely,



Howard Huie  
Utilities Engineer  
Rail Crossings Engineering Branch  
Safety and Enforcement Division

CC: State Clearinghouse, [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)  
Wayne Terry, [wayne.terry@sdmts.com](mailto:wayne.terry@sdmts.com)  
David Bagley, [david.bagley@sdmts.com](mailto:david.bagley@sdmts.com)  
Monica Coria, [monica.coria@sdmts.com](mailto:monica.coria@sdmts.com)  
Dionisio Martinez, [dionisio.martinez@bnsf.com](mailto:dionisio.martinez@bnsf.com)

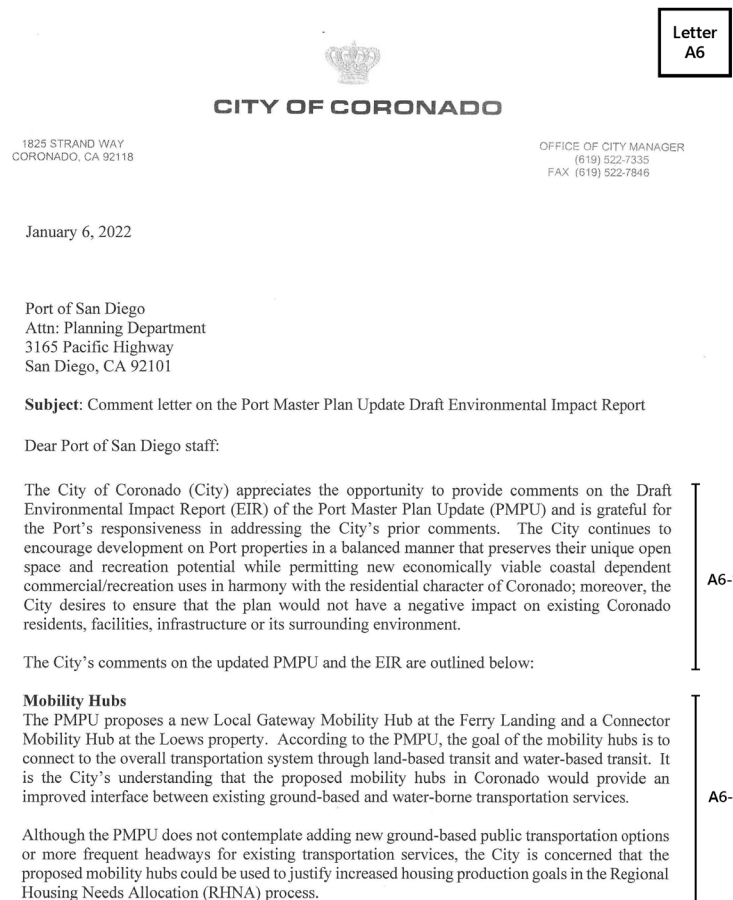
A5-3

### Response to Comment A5-3

The District appreciates the CPUC's interest in the PMPU. This comment does not raise any environmental issues requiring a response pursuant to CEQA.

## 2.4.6 Comment Letter A6: City of Coronado

Richard Bailey, Mayor



Letter  
A6

A6-1

A6-2

### Response to Comment A6-1

The District appreciates the City's interest in the proposed PMPU. This comment is an introductory comment that provides the City's general perspective on future development located on District Tidelands and indicates that specific comments follow. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

### Response to Comment A6-2

The commenter is concerned that the mobility hubs could be used to justify increased housing production goals in the Regional Housing Needs Allocation (RHNA) process. The Draft PEIR concluded that buildout under the PMPU, as a whole, has the potential to foster economic growth, indirectly stimulate the construction of some housing due to the increase in permanent jobs, and remove obstacles to growth. (See Draft PEIR Section 5.3.)

As discussed on page 86 of the PMPU, Mobility Hubs will serve as connection points where visitors and workers accessing Tidelands are provided the opportunity to change from one mode of travel to another to reach their destination. Mobility Hubs will link landside modes, such as personal auto, transit, rideshare, biking, walking, with micro mobility options, such as bicycles, scooters, and e-bicycles. Additionally, waterside infrastructure features that could be proposed, such as short-term public docking and water-based transfer points that are designed to support a water-based transit network, such as water taxis and ferries. Mobility Hubs will also connect to safe, convenient, and well delineated pedestrian and bicycle paths to nearby uses and activities on Tidelands.

Although the PMPU does not approve any specific locations, the general locations of the Mobility Hubs included in the proposed PMPU are shown in PMPU Figure 3.2.6 (PMPU page 88). This includes a Local Gateway Mobility Hub along the northern portion of the City of Coronado, and a Connector Mobility Hub at the southern portion of the City of Coronado (near the Silver Strand Planning District also referenced as the "Loews property," i.e. "Loews Coronado Bay Resort"). The Connector Mobility Hub in the northern portion of the City of Coronado is an existing Ferry Stop, as marked by the existing water-based transfer point ("W") and existing short-term public docking ("P"). Similarly, the Silver Strand Planning District Connector Hub is an existing facility with both water-based transfer points and short-term public docking. As such, in each case, there are existing mobility transfer options at these two

locations. The PMPU would enhance these potential locations to further improve waterfront public access and mobility consistent with the goals of the California Coastal Act.

Both Mobility Hub locations in Coronado are intended to serve as connection points where visitors and workers accessing Tidelands are provided the opportunity to change from one mode of travel to another, to reach their destination. The currently proposed locations are close to land-based services such as restaurants, shopping, and other facilities in an urbanized area. Furthermore, these locations are near existing boat mooring piers and offer easy transitions from water-based transport options to land-based options. Based on this, the PMPU Mobility Hubs would permit additional mobility options such as water taxis and other vessels to transfer people using the Bay and to move people from one mode of transportation to another more easily than compared to existing conditions.

The PEIR is not required to engage in speculation as to whether mobility hubs could be used to justify an increase in housing production goals in the RHNA process. (*Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145.) However, unlike the mobility hubs described in the SANDAG 2021 Regional Plan (pp. 26 and 32-33), the PMPU Mobility Hubs would not be designed to generate growth that would lead to an increase in the City's RHNA requirements. The District does not propose residential uses because this use is not an approved use on Tidelands. Further, District-proposed Mobility Hubs are not proposed to increase land development and development intensity on land located within the city. Any decisions regarding development in adjacent jurisdictions are not within the purview of the District but are subject to the general planning and development regulations of those adjacent jurisdictions (e.g., City of Coronado General Plan, Zoning Ordinance, Housing Element, etc.). As discussed in OPR's December 2018 Technical Advisory on Evaluating Transportation Impacts, "When evaluating impacts to multimodal transportation networks, lead agencies generally should not treat the addition of new transit users as an adverse impact." (OPR Technical Advisory, p. 19). As also discussed in OPR's SB 743 amendment package transmittal letter "Legislative findings in Senate Bill 743 plainly state that CEQA can no longer treat vibrant communities, transit, and active transportation options as adverse environmental outcomes." Eliminating Mobility Hubs in the City of Coronado would not reduce or avoid significant impacts and would be counterproductive to these state-wide goals. Nevertheless, the District notes that Alternatives 2 and 3, which are the reduced growth alternatives, include a reduction in the scale of the Mobility Hubs. (See pages 6-21 and 6-31 of the Draft PEIR.) The commenter's

Port of San Diego  
Page 2  
January 6, 2022

The City believes that any new mobility hubs proposed for Coronado should be sited to support Naval Air Station North Island (NASNI) and directly serve the City's largest employment center and the single largest generator of automobile trips and vehicle miles travelled. The City therefore requests the draft PMPU be revised to eliminate any proposed mobility hubs which may be used to justify non-tidelands dependent uses.

A6-3

#### **Water-based Transfer Points and Public Docking**

The City supports enhanced and expanded water transit services, water connection, and public docking facilities as a viable alternative to vehicular travel to Coronado at existing commercial points such as the Ferry Landing and Loews property. Water-based transfer points and short-term public docking at those locations would support important marine connections. Coronado also supports robust water-based transfer points which are sited to avoid negative impacts on existing residential uses. Accordingly, the City discourages any such water-based transfer points or public docking at Grand Caribe Island, which is nestled in the residential Coronado Cays neighborhood. If the Port wishes to add another water-based transfer point or public docks in Planning District 9, the City would encourage the Port to explore opportunities to accommodate these facilities at Crown Cove in the State Park Basin Subdistrict.

A6-4

#### **Micromobility**

The PMPU proposes to integrate micromobility options, such as bicycles, e-bikes, and scooters into the proposed mobility hubs. The City of Coronado does not allow app-based bike- and scooter- share services such as Lime or Ofo. The City does, however, allow traditional brick and mortar bicycle rental businesses to offer e-bikes and scooters provided the bikes and scooters are returned to the business at the end of the rental period. Please revised the draft PMPU to acknowledge the City's prohibition on untethered, app-based bicycle and scooter rentals and specify that any micromobility services would be provided through a store-front and/or with a business model that ensures bikes and scooters cannot be left on public rights-of-way or on private properties within City limits, and in coordination with the City.

A6-5

#### **Additional Comments on the PMPU EIR**

- Section 4.1.2.11 on page 4.1-28 incorrectly references a City street in the second and last line of this section. The correct street name is 'Avenida Lunar.'
- Mitigation Measure MM-NOI-1 requires 48-hour notice for potential construction noise impacts within a park. This should be updated to provide advanced notification and coordination with local jurisdictions on whether any additional means or advanced notification of proposed impacts would be appropriate.
- The PMPU should recognize parking, and parking rates, in the context of adjacent and neighboring land uses. If the Port or its tenants set parking rates higher than nearby locations, motorists will migrate to the less expensive areas outside of the Port's jurisdiction, and thus negatively impact Coronado's residentially zoned areas. Parking should be free and open to the public and this should be incorporated into the Mobility Policies found in the PMPU.

A6-6

A6-7

A6-8

suggestions will also be forwarded to the decisionmakers as part of this Final PEIR for their consideration.

### **Response to Comment A6-3**

Please see response to Comment A6-2, above. As noted therein, the proposed Mobility Hubs within the City of Coronado are proposed at an existing water-based transfer point ("W") and existing short-term public docking ("P"). Eliminating access to alternative modes of transportation at these locations would not reduce VMT, as suggested in the comment. In fact, eliminating the Mobility Hubs could increase VMT because travelers to and from Coronado would have fewer options to access waterfront areas and would be more likely to drive over the Coronado bridge or take the Silver Strand and use automobiles to travel around Tidelands and the City. Incorporating Mobility Hubs will provide both Coronado residents and visitors multiple options to access the Tidelands, as well as the City, through alternative modes of travel (ferry, water transit, land based transit). This will allow visitors and residents to walk or bike to their destination, once they have arrived within the planning district. Thus, implementing the proposed Mobility Hubs will allow for and encourage multi-modal travel both to and within the planning district and should reduce the VMT generated both within the Tidelands as well as the City of Coronado. Additionally, the District does not have land use control over NASNI and, therefore, does not have the ability to implement such a program. Nevertheless, the Naval Air station already maintains a Transportation Incentive Program (TIP), which already includes access to a vanpool program, COASTER, Buses, and Trolley's at little or no cost for all active duty Navy and Marine Corps personnel, Navy civilians and Non-Appropriated Fund (NAF) employees.  
<https://cnrsw.cnrc.navy.mil/Installations/NAVBASE-Coronado/About/Transportation-Incentive-Program/>

### **Response to Comment A6-4**

Please see response to Comment A6-2, above, which provides an explanation as to why the two locations were identified. The comment's identification of a site for an additional water-based transfer point does not raise an environmental issue requiring a response under CEQA, but will be included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

### **Response to Comment A6-5**

The District currently relies on its member Cities' ordinances related to rentable scooters and bikes. In addition, nothing proposed by the PMPU,

Port of San Diego  
Page 3  
January 6, 2022

- Section 5.10.2(C)-1 on page 362 states in subsection c that mobility hubs “Be integrated within a surface-level or below-grade single parking facility that consolidates public parking that serves the commercial uses”. The word ‘single’ in this context is confusing as the Ferry Landing presently has three distinct surface-level parking areas. Please amend this section to clarify that the intent is not to eliminate any existing parking areas.
- Please add a requirement that any new restaurant developed on the vacant pad on the southeast end of the Ferry Landing be designed to be compatible with the character, architecture, and design of the existing Ferry Landing buildings.

A6-9

A6-10

Thank you for your continued close coordination with the City of Coronado to develop a balanced, thoughtful, and forward-looking PMPU which respects Coronado’s unique community character. We look forward to continuing to work with you on this important regional project.

A6-11

Sincerely,



Richard Bailey  
Mayor

RB/jb

cc: City of Coronado Councilmembers: Michael Donovan, Marvin Heinze,  
William Sandke and Casey Tanaka  
City Manager Tina Friend  
City Attorney Johanna Canlas

including Mobility Hubs, would advocate violating any member City’s local regulations.

### Response to Comment A6-6

Section 4.1.2.11 has been revised as suggested to identify Avenida Lunar as the correct street name. These revisions are reflected in the Final PEIR, Volume 2

### Response to Comment A6-7

As requested by the comment, mitigation measure MM-NOI-1 has been revised to require advance consultation with a local jurisdiction when project construction would occur that would potentially result in significant noise impacts. However, the District would exempt from this advance consultation any construction activities required to respond in a timely manner, to any emergency within District parks and recreational areas requiring construction work (e.g., important utility repair, urgent health and safety-related issues). These revisions are reflected the Final PEIR, Volume 2.

### Response to Comment A6-8

The comment is similar to Comments 07-1 and 07-4 that were included in the comment letter from the Coronado Village Homeowners’ Association (Comment Letter 07). Please see the responses to Comments 07-1 and 07-4. As stated in those responses, the PMPU proposes development standards that cover requirements for development, size, location, siting, and orientation of the required public realm features or buildings and structures. The PMPU would require parking to be coordinated with the City of



Coronado so as not to adversely affect adjacent parking areas. No changes to the PEIR are required in response to this comment.

### **Response to Comment A6-9**

The District agrees that inclusion of the word “single” is not necessary and a clarification to PD10.1.c. has been added to Section 5.10.2(C)-I, within Planned Improvements, as shown below:

PD10.1.c.: Be integrated within a surface-level or below-grade ~~single~~ parking facility that consolidates or reconfigures public parking with parking that serves the commercial uses.

No other change to the PMPU or PEIR is required in response to this comment.

### **Response to Comment A6-10**

This comment is similar to a comment raised in (Comment Letter I96 [Letter from Marilyn Field]). Please see the response to Comment I96-11 for details regarding the Ferry Landing 7,500-square foot restaurant site cited in the PMPU Planned Improvement PD10.14. That response shows that previous environmental review was completed in 2018, for this restaurant proposal. As indicated in that response, the PMPU proposes development standards for the North Coronado Subdistrict (which includes the Ferry Landing site), many of which are similar to the planning principles identified in the MOU and the TOZ. (Please note that the MOU and TOZ are not legally binding on the District [please see page 364 of the PMPU]). The standards cover requirements for development, size, location, siting, and orientation of the required public realm features or buildings and structures. Among the various requirements, building character would need to be context-sensitive in size, scale, and design while being in character with the adjacent community.

### **Response to Comment A6-11**

The District appreciates the City’s interest in the PMPU.

## 2.4.7 Comment Letter A7: City of San Diego

Rebecca Malone, Program Manager  
Planning Department



Letter  
A7

January 10, 2022

San Diego Unified Port District  
Attn: Dennis Campbell, Senior Planner, Planning Department  
P.O. Box 120488  
San Diego, CA 92112-0488

Subject: CITY OF SAN DIEGO COMMENTS ON THE DRAFT PORT MASTER PLAN  
UPDATE AND PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE PORT  
MASTER PLAN UPDATE

Dear Mr. Campbell:

The City of San Diego ("City") Planning Department has received the 2021 Draft Port Master Plan Update (PMPU) and Draft Program Environmental Impact Report (PEIR) prepared by the San Diego Unified Port District (District) and distributed it to applicable City departments for review. The City, as a Responsible Agency under CEQA, has reviewed the Draft PMPU and Draft PEIR and appreciates this opportunity to provide additional comments to the District. The City's comments on the Draft PMPU dated November 17, 2020 are attached for reference in Attachment 1. In response to this request for public comments, the City has the following comments on the Draft PMPU and Draft PEIR for your consideration.

### ADDITIONAL COMMENTS ON THE PMPU

The City understands that the changes made in the most recent Draft PMPU were generally responsive to prior public comments received. In general, the City is encouraged to see the additional policies focused on environmental justice and environmental protection, but also encourages the District to consider coastal access for all residents and visitors to the coast in determining appropriate building height and intensity allowances. Increased building heights and intensities can allow for development located in a transit priority area that is critical to achieving climate action goals to reduce greenhouse gas emissions. In the right circumstances, increased building heights can also allow for the availability on the ground for more public open spaces, ultimately providing for increased public access to the coast. In furtherance of these policies, the City recommends considering the following:

1. An incentive program to increase allowable building heights and intensities where additional right-of-way is dedicated and improved for enhanced pedestrian use as well as use as public open space, particularly along A and B Streets.

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T (619) 235-5200  
sandiego.gov

A7-1

A7-2

A7-3

### Response to Comment A7-1

This is an introductory comment and indicates that the City of San Diego has provided comments on the PMPU and the associated Draft PEIR. The comment suggests that the City is a responsible agency under CEQA for the Draft PMPU and PEIR. However, the City does not meet the requirements to be considered a "responsible agency" under CEQA because it does not have any "discretionary approval power over the project" which is the proposed PMPU. (State CEQA Guidelines Section 15381.)

### Response to Comment A7-2

This comment does not raise issues with the adequacy of the PEIR and no changes to the PMPU and PEIR have been made in response to this comment. As acknowledged by the City, the District made many revisions to the Draft PMPU to incorporate policies related to climate action planning, sea level rise, mobility, and parking/waterfront access based on the November 17, 2020, letter submitted and reattached to the current City letter (see responses to Comment A7-30, including A7-30.a through A7-30. ff below). The District also considered the City's comments regarding building heights and increased building intensities. Although greater development intensity was one of many options initially considered, the presently proposed development standards are the result of Board direction, after consideration of numerous public stakeholder comments. However, this comment is included in the record for Board consideration when considering whether to approve and adopt the PMPU.

### Response to Comment A7-3

Please see the response to Comment A7-2. Because this comment relates to the PMPU and does not raise an environmental issue with the PEIR, no additional response is required.

Page 2  
Mr. Dennis Campbell  
January 10, 2022

2. An incentive program that allows for increased building height and intensity where low cost visitor accommodations are provided onsite, particularly south of B Street between Pacific Highway and N. Harbor Drive.

A7-4

In balancing competing policy priorities, the City encourages the District to consider the importance of increasing heights and intensities in transit priority areas, which includes the entirety of Downtown, in furtherance of the City's climate goals. We also encourage the District to review the City's recently adopted Climate Resilient SD plan to ensure consistency with the PMPU.

A7-5

A7-6

#### COMMENTS ON THE DRAFT PEIR

Planning Department – Elena Pascual, Senior Planner – [EPascual@sandiego.gov](mailto:EPascual@sandiego.gov), (619) 533-5928

1. The City of San Diego is not identified as a responsible agency in Section 3.6.1 of the Draft PEIR. However, if the District needs to obtain Public Right-of-Way Permits or other discretionary or ministerial permits from the City, the District should refer to the Development Services Department (DSD) website at <http://www.sandiego.gov/development-services/> for guidance on permit submittal requirements. Staff from the DSD will be able to assist the District with any future ministerial permitting and/or discretionary actions (when applicable) associated with the proposed project.

A7-7

Sustainability & Mobility Department – Emanuel Alforja, Associate Traffic Engineer – [EAlforja@sandiego.gov](mailto:EAlforja@sandiego.gov), (619) 236-6883

1. The project should clearly define where proposed improvements would become City of San Diego assets, including but not limited to streets, sidewalks, bikeways, streetlights, traffic signals, sewer, water and stormwater infrastructure.
2. Page 4.14-14 – Street Design Manual: The latest version of the City of San Diego's Street Design Manual is from 2017. Please update here and other locations as applicable.
3. Page 4.14-17 – Transportation Network VMT Metrics: DEIR states, "OPR recommends three VMT-based metrics to determine if a project has a significant transportation related impact." Please clarify that definitions/methodology of calculation for VMT/Capita, VMT Employee and Total VMT are the based on how SANDAG interprets and calculates the metrics based on OPR recommendations.
4. Section 4.14.4.3 – Policies that May Avoid or Reduce Impacts:
  - a. The City recommends a stand-alone policy that encourages/supports enhanced mobility connections to San Diego International Airport (SDIA) to reduce the need for vehicle trips.
  - b. M Policy 1.1.21 states, "District – independently or in collaboration with other agencies with transportation authority and adjacent jurisdictions and permittees – may identify additional waterside or landside access opportunities in the future to enhance the mobility network for the movement of people." The City recommends a

A7-8

A7-9

A7-10

A7-11

A7-12

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## Response to Comment A7-4

Please see the response to Comment A7-2. In addition, there are several objectives supported by policies that would seek to protect, enhance, and increase lower cost visitor serving uses and accommodations. Examples include policies under WLU Objective 6.3, which seeks to "Increase the District's inventory of lower cost overnight accommodations." Policies supporting this objective include requiring development that proposes higher cost overnight accommodations to first provide lower cost overnight accommodations onsite, secondly within District Tidelands, or, if all others are deemed infeasible for specific reasons, then lastly through payment of an in-lieu fee into a District established in-lieu fee program once such a program is established (WLU Policy 6.3.1, 6.3.2, 6.3.3). Additional objectives and policies that promote lower cost visitor serving facilities and accommodations include "Encourag[ing] the development of opportunities for a variety of visitors to access, recreate, and stay overnight on Tidelands" (Objective 6.1), "Protect[ing] the Tidelands' portfolio of lower cost visitor and recreational facilities (Objective 6.2), excluding lower cost developments from providing or contributing to planned improvements in a planning district or subdistrict (WLU Policy 7.3.3), requiring all appealable development to provide a range of free and lower cost recreational facilities throughout Tidelands that are accessible to disadvantaged communities, where feasible (EJ Policy 1.2.1), requiring permittees to protect and, where feasible, expand free and lower cost recreational facilities, including but not limited to recreational fishing or swimming opportunities, parks, or viewing piers, on Tidelands adjacent to Portside and Tidelands Border Communities through the CDP process (EJ Policy 1.3.2). Other objectives and policies that support and promote protection and expansion of lower cost visitor serving amenities, facilities, and accommodations include M Policy 1.1.4, ECON Policy 1.2.2, WLU Policy 4.3.4, WLU Policy 3.1.5, and Baywide Development Standards such as 4.3.1 Standards for Waterside Promenades which would allow for "[p]rogramming that provides lower cost visitor and recreational opportunities...in lieu of a public realm improvement, as a form of coastal access." Moreover, there are multiple planning district improvements and standards that promote development of additional lower cost visitor serving amenities, facilities, and overnight accommodations including PD2.50, PD2.76, PD3.23, PD3.53

Because this comment does not raise an environmental issue with the PEIR, no additional response is required.

**Response to Comment A7-5**

Please see the response to Comment A7-2. Because this comment does not raise an environmental issue with the PEIR, no additional response is required.

**Response to Comment A7-6**

The PMPU includes several policies that will reduce GHG emissions associated with future development projects over the life of the plan, including PMPU policies listed under Section 4.6.4.3 of the PEIR. The PEIR also includes a consistency analysis with all applicable GHG reduction plans and programs, including the District's Climate Action Plan and CARB's 2017 Scoping Plan. The City's plan is specific to the City and is not applicable to projects outside of the City's jurisdiction and within the District's jurisdiction. Therefore, a consistency analysis is not required. Moreover, the comment does not identify any way that the PMPU would conflict with or obstruct implementation of the City's Climate Resilient SD plan. No changes to the PEIR are required in response to this comment.

**Response to Comment A7-7**

This comment raises the same issue as Comment A7-1. Please see the response to A7-1. As indicated, the District recognizes that the City of San Diego may in the future need to issue approvals for individual development projects, but such projects are not a part of the proposed PMPU. The District is also aware of the City's potential need to issue roadway encroachment permits (i.e. "right-of-way" permits) or other ministerial approvals for future specific development projects, as acknowledged on page 4.14-44 of the Draft PEIR. When required for future site-specific development that may require City ministerial or discretionary action, the District will consult with the City Development Services Department with respect to any project-specific permits and approvals. However, such approvals may not constitute a discretionary act subject to CEQA. (*Lexington Hills assn. v. State* (1988) 200 Cal.App.3d 415, 433 [Issuance of encroachment permit did not make Caltrans subject to CEQA or a responsible agency.]) Furthermore, the approval of the PMPU itself does not require any action by the City of San Diego. (See Pub. Res. Code Section 30714.)

**Response to Comment A7-8**

Consistent with CEQA Guidelines Section 15124(a), Figure 2-1 in the Project Description of the Draft PEIR provides a map of the PMPU

boundaries. More detailed figures are provided for each Planning District in Figures 2-2 through 2-9 of the PEIR. Furthermore, the type of jurisdictional information requested would not affect the environmental analysis. (See *Al Larson, Inc v. Board of Harbor Commissioners of the City of Long Beach* (1993) 18 Cal.App.4th 729, 745 [“The form of property ownership of a project is not an alternative to the project, but is simply an ancillary facet of a project...”].)

Furthermore, the PMPU is a program-level planning document and does not identify any site-specific development projects or associated “City of San Diego assets” but instead provides for development potential, as described within the PMPU. The District agrees that when future development authorized by the PMPU is proposed, the District will clearly define the location of proposed improvements and/or infrastructure and development of such improvements will be required to obtain all necessary approvals.

### **Response to Comment A7-9**

The PEIR has been updated to reflect the most recent Street Design Manual (2017). Please see the clarification to Page 4.14-15 provided in the Final PEIR.

### **Response to Comment A7-10**

The District is the lead agency for the PMPU PEIR, and provided a detailed overview of its methodology, significance thresholds, and VMT guidance documents in Section 4.14.4. That section also notes that “For more details related to the methods used, please see Chapter 2 of Appendix D. Additional discussion of methodology is provided below, under the individual impact analyses [e.g., page 4.14-54].”

The Draft PEIR also provided an in-depth discussion about the SANDAG Series 13 Activity Based Model for VMT, which included a direct weblink to the validation, calibration, and methodological overview. Since that time the weblink has been updated for a new model. A footnote has been added to the Final PEIR, page 4.14-18 to indicate that both the TIS Employee VMT and Total VMT calculations are based on SANDAG’s approach, which used OPR’s recommendations.

### **Response to Comment A7-11**

As discussed on page 4.14-10 of the Final PEIR, the District is currently a member of the Airport Connectivity Steering Committee, which studies ways to modernize and improve access to SDIA. The Committee prepared a concept to improve transit connectivity to SDIA. On September 25, 2019, this Committee recommended approval of conceptual

transportation solutions for improved transit and road connectivity, which was approved for further study by SANDAG on September 27, 2019. The PMPU also includes numerous policies that require the District to “coordinate with agencies that have transportation authority to explore opportunities to expand accessible transit service to Tidelands.” (Draft EIR page 4.14-38, citing PMPU M Policy 1.1.9; see also M Policy 1.1.10.) The commenter’s suggestion would not reduce or avoid a significant impact but will be forwarded to the Board of Port Commissioners for their consideration, as part of this Final PEIR.

### **Response to Comment A7-12**

The PMPU includes several provisions that address access to the SDIA, Harbor Island, and North Harbor Drive. For a not all-inclusive list of examples, see: 1) Mobility Element, Section 3.2.3(D)-I (p. 77); 2) PD2 (East), Vision, Section 5.2.3(A), (p. 237); 3) Planned Improvements 5.2.3(C), PD2.29 (p. 2.38); Glossary, *Bayfront Circulator* (p. 387); however, the cited PMPU Glossary for the Bayfront Circulator specifically states that the “Plan is agnostic to specific technology, so that it can include multiple forms of transportation technology (e.g., bus, automated people mover, fixed guideways, etc.).” The District does not have the authority to make such broad planning decisions independently, given the multi-jurisdictional nature of such a project. Furthermore, including a policy calling for the Automated People Mover that connects the District, SDIA, and the proposed Central Mobility Hub would not reduce or avoid a significant impact identified in the PMPU PEIR. Importantly, as discussed on page 4.14-10 of the PEIR, the District is a member of the Airport Connectivity Steering Committee, which studies ways to modernize and improve access to SDIA. The Committee prepared a concept to improve transit connectivity to SDIA. On September 25, 2019, the Committee recommended approval of conceptual transportation solutions for improved transit and road connectivity, which was approved for further study by SANDAG on September 27, 2019. The District will continue to work cooperatively with SDIA, SANDAG and the Steering Committee, which is consistent with several of the policies in the PMPU as discussed in previous responses. No change to the PEIR is required in response to this comment. (See also *Concerned Citizens of South Central LA v. Los Angeles Unified School District* (1994) 24 Cal.App.4th 826, 842 [“We are aware of no authority which would require the District, under the circumstances of this case, to consider a mitigation measure which itself may constitute a project at least as complex, ambitious, and costly as the Jefferson 34 project itself.”])

Page 3  
Mr. Dennis Campbell  
January 10, 2022

- stand-alone policy for the Automated People Mover (APM) that connects the Port, SDIA and proposed Central Mobility Hub and reservations for expansion and stations in the applicable Port Districts in addition to this general policy.
5. Page 4.14-47 – Planning District 2: Harbor Island (Planned Improvements): Please include all the planned transportation improvements in this district including but not limited to the cycle tracks along Pacific Highway and the conversion of Laurel Street to an on-airport roadway.
6. Page 4.14-47 – West Harbor Island Subdistrict (Planned Improvements):
- The City recommends the following strikeout-underline changes for bullet #2:  
“Narrow North Harbor Drive to four general travel lanes to ~~accommodate vehicular traffic~~ enhance multimodal efficiency/quality.” Or replace with, “Reconfigure North Harbor Drive to more efficiently accommodate all modes of travel, including reducing the number of general purpose travel lanes to four.”
  - Bullet #4 states: “Implement a dedicated transit right-of-way along the south side of North Harbor Drive east of Harbor Island Drive that would support a bayfront circulator or other transit options.” Please clarify if the transit lane on the south side of North Harbor Drive is the only option or if the final location of the transit lane will be determined later. Additionally, the south side transit lane is inconsistent with Appendix D list of transportation improvements on N. Harbor Drive where the transit lane is center running. Finally, where the transit lane on the south side precludes on-street bicycle facilities, it is understood there would be an adjacent multi-use path on the south side.
7. Page 4.14-49 – South Embarcadero Subdistrict (Planned Improvements): Bullet #2 states, “Support Market Street closure between West Harbor Drive and Columbia Street, and provide a pedestrian scramble or roundabout at the West Harbor Drive/Market Street intersection, if determined feasible following coordination with adjacent jurisdiction.” This closure may require extensive planning, engineering studies and possible amendments to the Downtown Community and Mobility Plans. Is it anticipated that the City would need to initiate this planned improvement? Recommend revising to read: “Coordinate with adjacent jurisdiction to evaluate pedestrian improvements at the intersection at West Harbor Drive and Market Street which may include a closure of Market Street between West Harbor Drive and Columbia Street to vehicular traffic.”
8. Page 4.14-63 – Planning District 3: Embarcadero: The DEIR states, “All of PD3 is currently located within a TPA. Therefore, as per Section 15064(b)(1) of the State CEQA Guidelines, all VMT-related impacts associated with future development within PD3 are considered to be less than significant.” The State OPR provided the recommendation that projects adjacent to transit stations could have a presumption of less than significance. However, it further states, “This presumption would not apply, however, if project-specific or location-specific information indicates that the project will still generate significant levels of VMT” (Page 14, OPR Technical Advisory, 2018). The City worked with SANDAG to create maps delineating the VMT efficient areas of the City for both

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## Response to Comment A7-13

As explained in the CEQA Guidelines, “[t]he degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.” (CEQA Guidelines Section 15146.) Similarly, CEQA Guidelines Section 15204(a) explains “reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors.” The PMPU provides broad planning goals and policies for approximately 5,129 acres, across multiple planning districts, that include numerous water and land use designations.

The District understands that SDIA designated an on-airport roadway within its jurisdiction, without identifying an off-airport roadway, as part of its SDIA Airport Development Plan and Terminal 1 redevelopment project. However, the District is not proposing that Laurel Street be designated as an on-airport roadway in the PMPU, but drivers traveling on Laurel Street may certainly use it to access the airport.

Further, the Final PEIR analyzed the SDIA ADP as part of cumulative analysis (Table 2-2, Project 8) and the District is not aware of an adopted plan or adopted program that has converted Laurel Street to an on-airport roadway. Moreover, the PMPU does not preclude any plans or implementation of improvements related to ADP roadway improvements, such as cycle tracks along Pacific Highway and the conversion of Laurel Street.

Additionally, the PMPU’s Section 5.2.5(A) Vision for the Pacific Highway Corridor Subdistrict includes, among others, “...enhanced mobility connections that offer enhanced access for...as well as supporting regional mobility...includes coordination with agencies that have transportation authority on the location of an airport transit connection, along with supporting mobility hubs, transit stations and infrastructure” (p. 250). This Vision is supported by the Planned Improvements for PD2, “Modify Pacific Highway to accommodate vehicular traffic, pathways, *and bikeways*.” (Emphasis added) (See PMPU, Section 5.2.5(C)-I, PD2.75,p 251.) Additionally, the PMPU delineates a Multi-Use Path on both sides of

Harbor Drive, throughout PD2. This Path would allow for pedestrians and cyclists. (Figure PD2.4, p. 227)

#### **Response to Comment A7-14**

This comment does not raise an environmental issue or the adequacy of the PEIR and focuses on the PMPU. Due to constrained Right-of-Way (ROW) width, a Multi-Use Pathway will be developed on the south side of Harbor Drive. PD2.4.c was clarified in the PMPU to the new language cited below.

“Due to constrained roadway widths, developing a multi-use path along the south side of North Harbor Drive, as generally depicted in Figure PD2.4, adjacent to the ~~potential~~ dedicated transit lane(s), to ultimately connect to the Shelter Island and Embarcadero Planning Districts.”

#### **Response to Comment A7-15**

The transit only right-of-way along North Harbor Drive is conceptually planned to be located along the south/west side of the roadway. However, additional project level engineering and design will be required before a final alignment can be determined. The graphic in Appendix D of the PEIR has been updated with a graphic that displays a revised location of the transit only right-of-way along Harbor Drive. As displayed in Figures PD1.4, PD2.4, and PD3.4 of the PMPU, a contiguous Class I Multi-Use Pathway along the south/west side of North Harbor Drive between Scott Street to the North (PD1) and Pacific Highway to the south (PD3) is proposed. As such, a Class I Multi-Use path is proposed at any location along North Harbor Drive, in which the proposed transit only right-of-way would preclude on-street bicycle facilities.

#### **Response to Comment A7-16**

The Market Street closure is not within the District’s jurisdiction and was incorrectly included as a Planned Improvement. Accordingly, PD 3.56 has been removed and language addressing the closure in coordination with the City of San Diego has been added to the vision for Planning District 3 (Section 5.3.4(A), p. 281). It should be noted, however, that the closure was analyzed in the Draft PEIR.

#### **Response to Comment A7-17**

The text referenced in the comment on page 4.14-63 of the Draft PEIR has been revised to clarify that a detailed VMT analysis was already conducted for PD3. This revision has been made despite the fact that



CEQA Guidelines, Section 15064.3(b)(1) states that VMT-related impacts associated with land use development within TPAs are generally considered to be less than significant. The commenter is referred to pages 4.14-64 through 4.14-66. Furthermore, the TPA maps, prepared by the City, show all of PD3 as being located within a TPA. <https://webmaps.sandiego.gov/portal/apps/webappviewer/index.html?id=4efd01a2e06246adb36122fcf136f95d>

The text on page 4.14-63 of the Final PEIR now states:

All of PD3 is currently located within a TPA. Based on Section 15064(b)(1) of the State CEQA Guidelines alone, all PD3 VMT-related impacts associated with the future ~~PMPU authorized~~ development consistent with the PMPU would normally be are considered less than significant. However, the District applied more conservative criteria for the VMT analysis and, as explained below, the PMPU-related future development would result in an increase in retail-based VMT and transportation project-based VMT, which the District determined to be significant.

As outlined in the “VMT Analysis Tool” section of the PEIR (Pages 4.14-17 and 4.14-18) and further documented in Appendix D of the PEIR, a PMPU-specific SANDAG model run was conducted for the PMPU’s VMT analysis. All proposed PMPU land uses included were incorporated into the project-specific model run, including the use of both Specialty Commercial Retail (existing Seaport Village – Tourist) (SANDAG LU Code 2655) and Tourist Attractions (SANDAG LU Code 2654) to best represent the regional demand associated with these features. All District related land uses that were coded into the SANDAG model are provided in Appendix A of the Port Master Plan Update Transportation Impact Study (Appendix D of the PEIR). Therefore, the analysis conducted within the PEIR provides a more detailed and accurate analysis of the PMPU’s VMT generation, as compared to the recommended SANDAG map and the appropriate tool was used to evaluate the PMPU’s VMT-related impacts.

As noted in Table 4.14-10 of the PEIR (Planning District 3 [Embarcadero], VMT Efficiency Metrics for Impact Analysis of Employment Uses), the VMT-per-employee within PD3 is projected to be 15.1 miles. This is 6.8 miles (41.7%) below the regional base -year threshold of 22 miles, and 2.8 miles (28.8%) below the Year 2050 threshold of 18 miles. Therefore, consistent with the thresholds outlined in the OPR Technical Advisory, the PEIR identifies correctly that this impact is less than significant.

Table 4.14-11 of the PEIR (Planning District 3 [Embarcadero] Total VMT for Impact Analysis of Retail Uses) identified an increase in VMT associated with growth in retail uses within PD3. As per the thresholds outlined in the OPR Technical Advisory [notwithstanding being within a TPA as discussed above], the growth in VMT represents a significant impact, which the PEIR originally and correctly identified as Impact-TRA-1. Finally, the text below the table (see page 4.14-65) noted the following:

“It should be noted that these assumed uses will be located within a TPA, and therefore, are presumed to have a less-than-significant impact, per State CEQA Guidelines Section 15064(b)(1). However, as these uses were identified to be associated with a net increase in VMT, within the planning district, *and may not be locally serving in nature, their impact is still considered to be significant prior to mitigation.*” (*emphasis added*)

As such, the approach within the PEIR is already consistent with the recommendations outlined in the comment.

Page 4  
Mr. Dennis Campbell  
January 10, 2022

residential and employment land uses. Given that the lands within the Port jurisdiction do not have residential uses, the residential land use map would not apply to the Port TPAs. With respect to employment and commercial land uses, SANDAG's map may be used for those uses associated with employment; however, given many of the use types within the Port jurisdiction are more destination-based, and include event venues and tourism-based land uses, a more specific VMT analysis for the Port uses is recommended to ensure that the assumption for VMT efficiency and level of significance is supported by substantial evidence.

9. The City requests that the Port utilize the City's updated guidelines adopted to implement SB743, and conduct a Local Mobility Analysis consistent with the City's Transportation Study Manual (September 2020) for future projects proposed under the PMPU. Given the interjurisdictional nature of the circulation network along the Port-City jurisdictional boundaries, this analysis would allow the Port and City departments to determine if future projects would trigger or require a contribution to any multi-modal improvements necessary for implementation of the City's Climate Action Plan and safe multi-modal connections for pedestrian, bicycle, and transit, as well as vehicular safety and operations in the adjacent communities of the City.
10. The PMPU is proposing a number of projects that could drive the need for additional multi-modal transportation improvements, including some of the project features identified in the PMPU such as the North Harbor Drive improvements. The Draft PEIR should explain how future projects will ensure that multi-modal improvements are implemented at the time of need to ensure safety for pedestrian, bicyclists, transit, and private vehicles and to also address cumulative impacts to the regional transportation network. This should also include safe continuous multi-modal access during and after construction of new projects and Port improvements.

**Stormwater Department – Stormwater Division – Mark G. Stephens, Associate Planner –**  
**[MGGStephens@sandiego.gov](mailto:MGGStephens@sandiego.gov), (858) 541-4361**

1. As a program level environmental document, to the extent some specific project details are unknown at this time, please coordinate subsequent project level environmental reviews with the City to assure potential impacts to City stormwater infrastructure are addressed, including drainage facility capacity and operation and maintenance. Please contact the City of San Diego Stormwater Department for any additional information needed regarding the City's storm drain system or water pollution prevention responsibilities.
2. Similarly, in subsequent project level environmental reviews, assure the most current resource documents, permits, and regulatory requirements are considered. For instance, the Draft Program Environmental Impact Report (on page 4.8-22, under Water Quality Impairments and Total Maximum Daily Loads) references the 2016 Clean Water Act 303(d) list of impaired waters for California (updated from the 2014 Integrated Report), and the State Water Resources Control Board is currently scheduled to consider the proposed 2020-2022 Integrated Report and Clean Water Act 303(d) List at its January

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A7-17  
cont.

A7-18

A7-19

A7-20

A7-21

## Response to Comment A7-18

The lead agency has discretion to set its own significance criteria and methodology. (CEQA Guidelines § 15064(b).) A “lead agency has the discretion to determine whether to classify an impact described in an EIR as ‘significant,’ depending on the nature of the area affected.” (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477.) In addition, “A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change *in absolute terms, per capita, per household or in any other measure.*” (CEQA Guidelines, § 15064.3(b)(4).) Thus, the District is not required to implement or utilize the CEQA analyses criteria or the project-review standards of adjacent jurisdictions. Additionally, both the City's updated guidelines and Climate Action Plan have not been adopted by the District and, while they may be applicable to the City within its own jurisdiction, they are inapplicable to the District. Furthermore, the commenter does not point to any differences in either methodology or thresholds between the District's analysis and that of the City of San Diego's guidance.

The Final PEIR proposed MM-TRA-1, which included a monetary contribution. Please note that MM-TRA-1 (page 4.14-79) and ECON Policy 1.2.6 (p. 155) have been revised since the public Draft PEIR. Please see the Final EIR, Volume 2, Chapter 4.14. The revisions are also reflected in the MMRP.

## Response to Comment A7-19

The commenter asks that the Final PEIR address how the PMPU's “multimodal improvements are implemented at the time of need to ensure safety for pedestrian, bicyclists, transit and private vehicles and to also address cumulative impacts.” The PMPU proposes to update the Port Master Plan and does not propose or seek approval of any specific development project. Future development allowed under the PMPU will be subject to additional environmental review pursuant to CEQA Guidelines Sections 15152 and 15168. Therefore, the comment's concern that future development may cause the need for additional multi-modal transportation improvements is premature and would be addressed when new projects and District improvements are proposed for approval.

Nonetheless, the Draft PEIR concluded that there would be no significant impacts or cumulative impacts associated with safety. (See the Draft PEIR impact analysis under Threshold 3 of Section 4.14 [pages 4.14-80 through 4.14-88].) Additionally, PEIRs for planning documents

can make reasonable assumptions regarding buildout of those plans. As explained by the Court of Appeal “A public agency can make reasonable assumptions based on substantial evidence about future conditions without guaranteeing that those assumptions will remain true.” (*Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1036.) That Court reached the same conclusion years later when it rejected an argument that an EIR for a Master Plan was inadequate because it allegedly “mistakenly assumes the university will be built” (See *Environmental Council of Sacramento v. County of Sacramento* (2020) 45 Cal.App.5th 1020.)

Based on MM-TRA-1 and ECON Policy 1.2.6 in the PMPU, the District will establish an infrastructure program to fund and implement the multi-modal infrastructure identified in the PMPU. The District’s infrastructure funding mechanism will apply to development within the District’s jurisdiction and may be similar to the City of San Diego’s Active Transportation In-Lieu Fee program, as well as the City’s Mobility Development Impact Fee program, which the City uses to fund and implement the mobility infrastructure needs associated with future development.

Refer to response to Comment A7-18 above, to see the revisions made to MM-TRA-1 and the PMPU, ECON Policy 1.2.6 for its revisions. Additionally, several PMPU Mobility and Economics Elements Policies address this comment and examples are provided next.

**M Policy 1.1.12** Through CDPs issued by the District, permittees shall plan, design, and implement improvements to the mobility network that provide opportunities for a variety of users to access the public realm. These improvements shall be developed in accordance with: a. Chapter 4, Baywide Development Standards; and b. Chapter 5, Planning Districts, including any development standards within the applicable planning district or subdistrict.

**M Policy 1.2.1** The District shall require the planning, designing, and implementation of a network of mobility hubs (Regional, Local Gateway, and Connector) that provide the opportunity for users to change from one mode of travel to another (refer to Chapter 5, Planning Districts, Coastal Access Mobility maps, for mobility hub locations and specifications and Chapter 4, Baywide Development Standards, for the associated criteria of the development for each type of mobility hub). This requirement shall apply to all subdistricts and commensurate with development intensity in accordance with WLU Goal 7 (Chapter 3.1, Water and Land Use Element) and M Policy 1.2.2.

**M Policy 1.2.2** Permittees of development shall contribute to the creation of mobility hubs through funding or construction, as shown in Chapter 5, Planning Districts, coastal access mobility maps.

**ECON Policy 1.1.2** The District shall leverage public and private partnerships to invest in Tidelands' infrastructure and facilities that support the District's mission and fiduciary responsibilities.

**ECON Policy 1.2.1** The District shall explore revenue sources for adequate funding of capital improvements to develop new, and maintain existing, District-operated infrastructure and facilities.

**ECON Policy 1.2.2** The District shall continue to reinvest lease revenues to support financing and maintenance of public improvements in alignment with Coastal Act obligations, including lower cost visitor serving and recreational facilities such as parks, promenades, public piers, and public art.

**ECON Policy 1.2.3** The District shall research and pursue appropriate grant funding, and partnerships, from regional, State, and federal sources to advance the District's mission.

**ECON Policy 1.2.4** The District shall explore the creation of, and allow for the use of, different financing mechanisms to help fund the building of new infrastructure or improvement to existing infrastructure, including multimodal transportation facilities, water and stormwater systems, information and communication systems, and public space.

In conjunction with MM-TRA-1 of the PEIR, MM-TRA-2 would require all new development that does not meet certain conditions described in MM-TRA-2 to conduct a project specific analysis to identify project-level VMT impacts and to reduce project-induced VMT impacts either through participation in the District's VMT Infrastructure Mitigation Program (MM-TRA-1) or by implementation of VMT-reducing infrastructure that mitigates the project's VMT-related impacts to less than significant, to the extent feasible. The combination of both of these mitigation measures would be used to implement future mobility-related infrastructure throughout the District as new growth occurs.

Regarding the comment about "safe continuous multi-modal access during and after construction of new projects and Port improvements", the Draft PEIR provides an analysis on page 4.14-83 related to access during construction where construction activities have the potential to enter into the public right-of-way. Specifically, the analysis states:

"If construction activities of future projects would encroach on public right-of-way within one of the adjacent cities...the project proponent must obtain a temporary encroachment and/or right-of-way permit from the appropriate jurisdiction(s) prior to commencing

construction (see Section 4.14.3.3 for applicable local regulations). In the City of San Diego, Municipal Code Section 129.0702 requires a Public Right-of-Way Permit for Traffic Control for all public improvement projects, construction projects, and other work that encroaches into the public right-of-way, including sidewalks, as well as an accompanying traffic control plan. Future development within PD1, PD2, PD3, and PD4 would be subject to this requirement. For future development in PD8, the City of Imperial Beach requires a Temporary Encroachment Permit for any work performed in any public right-of-way of the city (Municipal Code Section 12.04.020). Lastly, future development in PD9 and PD10 would be subject to City of Coronado Municipal Code Section 52.10, which requires a Right-of-Way Permit for all work on public property, such as repairs to sidewalks, curbs and gutters, driveway aprons, and parkways (the area between the sidewalk and the curb); or to place equipment in the public right-of-way, such as a crane placed in the street to transport materials to a second story. Section 52.10.060 includes specific requirements for traffic control around the work site (see Section 4.14.3.3 above for more details). In some cases, the approval of these permits requires the preparation and implementation of a traffic control plan for the management of traffic during the period in which the construction activities encroach into the right-of-way. This would also include sidewalks or bike routes if any of these facilities are affected by the encroachment. Compliance with these existing regulatory requirements would ensure that construction of future PMPU-related development would not result in inadequate emergency access. Therefore, impacts would be less than significant.”

Moreover, the PMPU includes policies and planned improvements to address safety. For example, M Policy 1.1.8 requires the District to “coordinate with agencies that have transportation authority, and with adjacent jurisdictions and permittees, to plan mobility infrastructure in support of the safe movement of people and/or goods. SR Policy 1.1.5 would help to ensure safe rail crossings, and specific planned improvements such as improving the efficiency and safety of the intersection at G Street and North Harbor Drive (page 4.14-48 of the Draft PEIR) and coordinating with transportation agencies and adjacent jurisdictions to reconfigure portions of Harbor Drive outside of the District’s jurisdiction to improve efficiency and safety for vehicular traffic, good movement, and pedestrian and bicycle facilities (page 4.14-50 of the Draft PEIR) would further improve safety in the PMPU area. Finally, once operational, future projects would have complied with “with local jurisdictions regulations related to the design of public right-

of-way including the City of San Diego *Street Design Manual*, City of Coronado Municipal Code Section 52.01, and City of Imperial Beach Municipal Code Section 12.04.” (See page 4.14-81 of the Draft PEIR.) This compliance would help to ensure safe multi-modal access around the PMPU area. No changes to the PEIR have been made in response to this comment.

### **Response to Comment A7-20**

The PMPU does not propose or seek approval of any specific development project. Future development allowed under the PMPU will be subject to additional environmental review pursuant to CEQA Guidelines Sections 15152 and 15168. Therefore, the comment’s concern regarding potential impacts of future development on City storm drain or water pollution prevention responsibilities is premature and would be addressed when new projects and District improvements are proposed for approval.

In addition, as indicated in Section 4.15 of the Draft PEIR, stormwater facilities within the PMPU area are owned and/or managed by the San Diego Unified Port District, City of San Diego Storm Water Department, City of Imperial Beach Stormwater Department, and City of Coronado Stormwater Department. As part of the environmental review process that would occur subsequent to the PEIR, the District would need to determine if each individual future development project would have the potential to affect stormwater facilities, including those of adjacent jurisdictions. (See Impact-UTIL-1 of the PEIR, which concludes modifications to utilities may occur and would have the potential to impact environmental resources.) To ascertain the extent of a potential impact, any potential effect on an adjacent jurisdiction’s facilities would require consultation with those jurisdictions and would be subject to the regulations, development fees, and permit process of those jurisdictions should any modifications be required, such as increased capacity of the storm drainage system. This is a fundamental requirement of the entitlement process and is a required step in determining project-related impacts, as identified with Impact-UTIL-1 (and the associated mitigation measures) of the PEIR.

### **Response to Comment A7-21**

Future discretionary projects allowed under the PMPU will be required to comply with the laws, regulations, and ordinances in effect at the time of their approval. However, CEQA does not require a proposed project to comply with draft regulations that have not yet been adopted. (*Chapparal Greens v. City of Chula Vista* (1996) 50 Cal.App.4<sup>th</sup> 1134.)

Page 5  
Mr. Dennis Campbell  
January 10, 2022

2022 meeting (with final approval still required from the U.S. Environmental Protection Agency).

3. The City recommends the District make following revision: Page 4.8-45. The second sentence in the second paragraph under Dewatering General Permit (Order No. R9-2015-0013) should be revised to: "The San Diego RWQCB has considered..."
4. The City recommends the District make following revision: Page 4.8-52. The mitigation measure reference in lines 3 and 4 of the second paragraph should be revised to: "MM-WQ-2 is..."

**Public Utilities Department – Dirk Smith, Senior Planner – [DDSmith@sandiego.gov](mailto:DDSmith@sandiego.gov), (858) 614-5722**

1. Page ES-20, MM-AQ-9: Incorporate Sustainability Measures in All Development through 2030. Please ensure enforceability of the two water reduction mitigation measures listed on this page.
2. Pages ES-124 & 4.15-35, MM-UTIL-3: Implement Water Conservation Measures. It is recommended that implementing conservation measures match existing City of San Diego required measures.
3. Pages 4.8-71 & 72, 4.8.4.4 Impacts of Water and Land Uses & 4.8. Please further explain how groundwater resources would not be impacted by future development.
4. Page 4.15-5, 4.15.2.2 Water Supply. Estimates from the three 2020 UWMPs could change in the next 5 and 10 years; however, this analysis assumes these numbers stay the same even though construction would not be completed until 2035. The City recommends re-evaluating the numbers every 5 years.
5. Pages 4.15-5 to 4.15-11, 4.15.2.2 Water Supply. This section discusses regional water supply but does not reference the existing and proposed water demand of the project. As such, this section does not satisfy the State of California SB 610 requirement that all projects that propose new development in excess of 500 units or the equivalent of 500+ units of water demand must include a Water Supply Assessment (WSA) to demonstrate a sufficient water supply. All Port Planning Districts except the City of Chula Vista and City of National City waterfront areas receive water supply from the City of San Diego Public Utilities Department (SDPUD) either as retail or wholesale water supply. These Port Planning Districts do not have adequate development statistics in the EIR to perform an SB610 WSA. The SDPUD and regional Urban Water Management Plans (UWMPs) use predictive models of SANDAG to analyze regional water supply and regional demand growth; however, they are not a substitute for project/EIR-specific SB610 WSAs. The Port District (or Port District consultant) should prepare an SB610 WSA that develops statistical estimates for planned growth within the SDPUD-supplied districts, analyzes new water demand specific to the project, and demonstrates availability of water supply to meet the EIR-proposed growth.

The Port District is an important partner in SDPUD's development of water conservation initiatives such as reduced per-capita indoor water use through low-flow plumbing

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A7-21  
cont.

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## Response to Comment A7-22

The District has revised Page 4.8-45 in accordance with the comment.

## Response to Comment A7-23

The District has revised Page 4.8-52 in accordance with the comment.

## Response to Comment A7-24

As indicated in MM-AQ-9, development projects will be required to reduce indoor water consumption by 20 percent below baseline building consumption (defined by Leadership in Energy and Environmental Design [LEED] as indoor water use after meeting Energy Policy Act of 1992 fixture performance requirements) through use of low-flow fixtures in all bathrooms and will install low-water plantings and drip irrigation, and minimize domestic water demand for landscaping purposes. Development projects will all need to use recycled or grey water for landscaping, if available for use at the project site. The enforceability of the mitigation measure referenced in the comment will be assured by including this measure in the project's mitigation monitoring and reporting program (MMRP) in compliance with CEQA. The MMRP is included under separate cover and will be presented to the Board of Port Commissioners for its consideration when the Board makes a decision on whether to certify the Final PEIR and approve the final draft PMPU. When the District considers future site-specific development, the applicable individual mitigation measures shall be required as conditions of approval in individual Coastal Development Permits.

## Response to Comment A7-25

The comment does not identify any specific water conservation measures required by the City of San Diego in its jurisdiction which would be more effective than the measures in MM-UTIL-3. Review of the City of San Diego's City's website on water conservation provides a list of water conservation tips, water use restrictions, enforcement and penalties, water survey programs, plumbing retrofit upon resale ordinance, and links to other water use resources that are not specific to the City of San Diego. Water use restrictions listed by the City include many restrictions related to residential land uses, which are not present within the PMPU area, nor is residential a proposed land use in the PMPU. Consequently, many of the restrictions would not be applicable to the PMPU area. Therefore, no revisions to MM-UTIL-3 have been made in response to this comment. However, MM-UTIL-3 has been



updated to link MM-AQ-9's requirement to reduce indoor water consumption by 20 percent lower than baseline buildings. Please see the updated MM-UTIL-3 in the Final PEIR.

### **Response to Comment A7-26**

The commenter asks for further explanation of information provided in the Draft PEIR. The PEIR provided a detailed analysis in Section 4.8, which "focuses on physical interference with groundwater recharge associated with impervious surfaces." (Draft PEIR page 4.8-71.) For discussion of "the effects of groundwater demand from future development allowed under the proposed PMPU, see Section 4.15, *Utilities and Service Systems*." The comment does not question the adequacy or completeness of the analysis provided on pages 4.8-71 and -72 in the Draft PEIR. When responding to comments, a lead agency need only respond to significant environmental issues and do not need to provide all information requested by reviewers. (CEQA Guidelines § 15204(a).) Although no further response is required, the District offers the following additional information.

As indicated on page 4.8-30, the PMPU area is located in the Mission Valley Groundwater Basin and Coastal Plain of San Diego Groundwater Basins. The groundwater quality in the portion of basins that include the PMPU area are predominately brackish water (i.e., mix of fresh and salt water). Groundwater production in these basins is limited by several factors, including the limited geographic extent of the more productive alluvial aquifers, the relatively shallow depth of most of the alluvial aquifers, lack of rainfall, and groundwater recharge and degraded water quality issues. Although groundwater opportunities are limited within these basins, groundwater is currently used to meet a portion of the municipal water demands; however, these areas are located outside of the District's jurisdiction and are not within the PMPU area.

Additional details related to existing groundwater resources are provided for each planning district on pages 4.8-30 to 4.8-32. As indicated for all planning districts except for PD7 (in which the PMPU does not anticipate much new development), there are no beneficial uses designated for the groundwater underneath the planning districts (including domestic supply), and the groundwater has been exempted by the RWQCB from the municipal use designation. Water quality issues

include TDS that exceed 3,000 mg/L and basin contamination that cannot reasonably be treated for domestic use.

Moreover, as discussed on page 4.8-53, construction of development projects proposed under the PMPU may result in short-term dewatering during construction of the foundations for developments such as hotels, restaurants, mobility hubs, and related project elements. Future development projects proposed under the PMPU would be required to comply with dewatering requirements imposed by the San Diego RWQCB general WDRs for discharges from temporary groundwater extraction and similar waste discharges to San Diego Bay (Order No. R9-2015-0013 and R9-2019-0005). To obtain coverage under this order, a discharger must submit a complete Notice of Intent application package to the San Diego RWQCB office at least 60 days before proposed commencement of the discharge. The two orders require that discharges do not cause or contribute to a violation of any applicable water quality objectives and establish monitoring and reporting requirements. The discharger would be required to maintain compliance with the effluent limitations applicable to the receiving water, as specified in Order No. R9-2015-0013 (refer to Table 8 of the order). For example, the permit has effluent limitations for settleable solids, total suspended solids, turbidity, chronic toxicity, pH, and a number of additional parameters. In addition, Order No. R9-2015-0013 identifies the monitoring and reporting program requirements. The purpose of the monitoring and reporting program is to determine and ensure compliance with effluent limitations and other requirements established in the order, assess treatment efficiency, characterize effluents, and characterize the receiving water and the effects of the discharge on the receiving water. The San Diego RWQCB may specify increased monitoring requirements to ensure that applicable water quality objectives are maintained in the receiving water.

Any dewatering or construction-related non-stormwater discharges would be controlled in compliance with the San Diego RWQCB permit for dewatering. The permit requires permittees to conduct monitoring of dewatering discharges and adhere to effluent and receiving water limitations contained within the permit so that water quality of surface waters is protected. Compliance with the applicable dewatering permit would further ensure that the impacts of these discharges would be less than significant.

In terms of preventing groundwater recharge from the development of additional pervious surfaces, this issue is addressed on page 4.8-71. Specifically, the analysis states that projects developed under the

proposed PMPU could replace a portion of existing pervious surfaces that contribute to some groundwater recharge; however, those projects would not interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. This is because the groundwater is mainly seawater infiltrating the soils under the planning districts, which, as indicated, is not used for municipal purposes. As such, groundwater recharge would not be reduced by the proposed PMPU. In addition, redevelopment of existing older development within the proposed PMPU area, which may not contain stormwater infiltration systems, would include the addition of biofiltration features and improve the potential for groundwater recharge compared to existing conditions. Similarly, because groundwater underlying the PMPU area is not used for municipal purposes, groundwater is unlikely to be extracted or decreased for municipal purposes. As such, the operation of future development projects allowed under the proposed PMPU would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge within the proposed PMPU area. Given the PMPU would not result in significant impacts on groundwater, the PMPU is not anticipated to conflict with sustainable management of the groundwater basin.

Planning District 7 is located over the Coastal Plain of San Diego Groundwater Basin. Future activities allowed in PD7 would be minor and would be primarily related to habitat conservation, restoration, enhancement, mitigation banking, aquaculture, scientific and environmental research, and marine technology. The portions of PD7 that are within the Coastal Plain of San Diego Groundwater Basin would still allow for groundwater recharge, and groundwater would not be expected to support these uses.

In sum, implementation of the proposed PMPU, including its ultimate buildout, would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge within the proposed PMPU area, and no conflict with the sustainable management of the groundwater basin would occur. Impacts would be less than significant.

### **Response to Comment A7-27**

Utilizing the UWMP is fully consistent with CEQA. As the Supreme Court has explained, “CEQA...does not require a city or county, each time a new land use development comes up for approval to reinvent the water planning wheel...When an individual land use project requires CEQA evaluation, the urban water management plan’s information and analysis may be incorporated in the water supply and demand

assessment.” (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412; Water Code § 10910(c)(2).)

The PEIR references future water demand and supply provided in the UWMPs prepared by the water providers that provide water to the PMPU area. These UWMPs project out to 2045 using the best available information at this time. Each agency responsible for providing water to the PMPU area, including the City of San Diego, is required by law to update their UWMPs every five years. (Cal. Water Code § 10621.) As part of the update to the UWMP, future development forecasts within the service areas, including the PMPU area, would be considered to help ensure adequate water supply is available to meet the anticipated demand.

As indicated in MM-UTIL-1, the District will provide SANDAG with amended growth assumptions and changes to water and land use designations associated with the proposed PMPU should the PMPU be approved and certified by the California Coastal Commission. As required by MM-UTIL-1, the District will coordinate with SANDAG and the City of San Diego to ensure the UWMPs are updated as part of the upcoming revision cycle to reflect the updated growth assumptions of the proposed PMPU. Therefore, the District’s coordination with the City of San Diego and SANDAG related to projected growth within the PMPU area, will help to ensure water demand associated with future development within the PMPU area would be considered for each updated UWMP. In addition, significant new information that may be included in future year UWMPs would be considered by the District in the environmental review of future site-specific development projects allowed under the PMPU.

### **Response to Comment A7-28**

SB610 applies only to cities and counties. (Water Code § 10910(a).) The District is neither a city nor county governmental body, and therefore, is not subject to the requirements of SB610. In addition, the PMPU is a master plan update and consequently, is neither a site-specific development project nor a proposal for a site-specific development project. Therefore, the PMPU is not a “project” subject to SB610. (Water Code § 10912(a); see also *Citizens for Responsible Equitable Environmental Development v. City of Chino*, San Bernardino Superior Court Case No. CIVRS1008458, Minute Order dated August 12, 2011, which held that a WSA was not required for planning documents.) In addition, CEQA does not require the District to partner with the SDPUD in preparing a WSA to “showcase” water use reductions. Although no

further response is required, the District offers the following additional information.

The pages and section of the PEIR being referenced by the commenter are part of the discussion of *existing conditions* and are not intended to be the project impact analysis. The discussion contained within the existing conditions setting intentionally does not project the future water demand associated with the buildout of the PMPU since the intent of the existing conditions section is to describe the current condition and, in certain cases where forecasting is appropriate, the future condition without the project. (CEQA Guidelines § 15125.) Information related to the potential water demand of the project is included in the project impact analysis provided in Section 4.15.4.4, under Threshold 2. The analysis under Threshold 2 describes the project's water demand, the potential impact on water supplies, and the mitigation measures required to reduce significant impacts. The analysis provided on Page 4.15-35 states:

"...additional water demand associated with operation of future development under the proposed PMPU is estimated to increase by approximately 104 AFY over an existing (2016) demand of 9,609 AFY, for a total demand (existing plus proposed) of approximately 9,712 AFY by the year 2050 (see Table 4.15-8 of the PEIR). This water demand would not occur all at once; rather, the demand would increase over the planning horizon of the proposed PMPU as development projects are proposed, constructed, and become operational. The majority of this demand would be generated by future development of new commercial recreation facilities within PD2 and PD3, including hotels, retail, and other commercial and visitor-serving development.

PD1, PD9, and PD10 would generally involve minimal increases in recreational berthing space and renovations or in-kind replacement of existing buildings and would not result in substantial increase in water demand, and the 18,000 square feet of potential retail space in PD8 would only account for a minor increase in water demand (using the generation rates in Table 4.15-7, this use would account for approximately 13 AFY of the overall PMPU water demand of 104 AFY). In addition, because PD4 is almost entirely built out or, in the case of the Tenth Avenue Marine Terminal (TAMT), currently has a modernization plan to increase throughput to the maximum sustainable capacity and has established mitigation measures in the certified TAMT EIR, the proposed PMPU would not result in a substantial increase in water demand in PD4. Uses within PD7 such

as habitat conservation, restoration, and mitigation banking would not result in development that would have the potential to substantially increase water demand. As such, water demand associated with PD7 is not anticipated to substantially affect water supplies from Sweetwater Authority. In addition, development within PD9 and PD10, which are served by Cal Am, would be minimal and would not increase water demand beyond available supplies.”

Nevertheless, in addition to ensuring the City of San Diego obtains all necessary information to update the applicable UWMP that includes the PMPU area (see MM-UTIL-1 and the response to Comment A7-27 above), the District shall implement MM-UTIL-2 to ensure sufficient water supply exists for individual projects. Mitigation measure MM-UTIL-2 will require preparation of a water demand analysis to determine if sufficient water supplies are available. Specifically, prior to District’s approval of any future development project that would constitute a water demand project, as defined by State CEQA Guidelines Section 15155, and before the update to the applicable UWMP(s) required under MM-UTIL-1, the District shall require the project proponent to prepare a water demand analysis. In the event that project demand exceeds available supplies after incorporation of all feasible water-efficient measures, the project proponent shall be required to demonstrate how and where additional supply to meet the project’s demand will be secured, as well as analyzing the potential impacts of acquiring water from a new water source; or the project shall be redesigned to further reduce the demand for water to be within the available supplies. The District would not approve any future development proposal unless the project proponent can demonstrate that the project’s water supply demands will be met.

The comment also states that the PEIR does not mention that the PMPU is not included in SANDAG’s Series 14 model and cites the description of the existing setting in the Utilities section of the PEIR (Section 4.15). However, the information requested by the comment is contained on page 4.15-35, which includes analysis of the PMPU relative to the existing UWMP and the associated limitations. Specifically, the PEIR states:

“In terms of accounting for the proposed PMPU, water demand projections in the City of San Diego’s 2020 UWMP were based on SANDAG’s latest growth forecasts, which anticipate future growth through 2050 based on existing local jurisdiction’s long-range land use plans. The increase in water demand generated by implementation of the proposed PMPU (104 AFY) would represent

an increase in the City of San Diego's total projected 2045 normal year water demand of 228,065 AFY and the projected fifth-year multiple-dry year demand of 233,538 AFY (PUD 2021). However, the City's 2020 UWMP was based on SANDAG's Series 14 growth forecasts, which did not account for the growth anticipated under the proposed PMPU because the PMPU was not an adopted plan at the time the forecasts were developed (PUD 2021). Therefore, it is not certain that PUD's supply through 2045 could meet the additional demand of 104 AFY that could occur under the proposed PMPU. In addition, because the proposed PMPU planning horizon extends to 2050, it is currently unknown whether there would be sufficient water supplies available after 2045. As part of the normal water supply planning process, the proposed PMPU buildout scenario would be included in a future cycle update of the UWMP, which occurs every 5 years."

Page 6  
Mr. Dennis Campbell  
January 10, 2022

fixtures, high-efficiency water appliances, etc., and reduced outdoor water usage through low-water landscaping, high-efficiency irrigation systems, etc. The Port District could showcase its partnership with SDPUD in per-capita water use reduction by partnering with SDPUD in developing an SB610 WSA for the project. Port District development of more detailed growth statistics for the Port Planning Districts would also help to improve the SANDAG regional growth model for future UWMP efforts by SDPUD and regional water suppliers. The latest SANDAG model (Series 14) growth statistics used for the 2020 SDPUD and regional UWMP's were released in 2020 and may not have accurately included the Port District's Master Plan Update of 2021/2022. This is not mentioned or clarified in 4.15.2.2 of the PEIR.

6. Page 4.15-33, 4.15.4.4 Construction. SDPUD has worked hard to increase potable recycled water in the future, but it is not available to anyone who wants to purchase it. SDPUD has targeted the sale of the recycled water, and negotiations are necessary before assuming any water can be available to the Port.

• • •

Thank you for the opportunity to provide comments on the Draft PEIR. Please feel free to contact Elena Pascual, Senior Planner, directly via email at [EPascual@sandiego.gov](mailto:EPascual@sandiego.gov) or by phone at (619) 533-5928 if there are any questions regarding the contents of this letter or if the District would like to meet with City staff to discuss these comments.

Sincerely,



Rebecca Malone, Program Manager  
Planning Department

RM/ep

Attachment 1: November 17, 2020 City of San Diego Comment Letter

cc: Reviewing Departments (via email)  
Review and Comment online file

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A7-28  
cont.

A7-29

A7-30

## Response to Comment A7-29

The PEIR does not indicate that potable recycled water is available to anyone who wants to purchase it. The PEIR, including the page referenced (Page 4.15-33), provides an overview of the efforts the City of San Diego has undertaken to make recycled water available to projects during construction. The PMPU acknowledges that development projects will need to use recycled *or* grey water for landscaping, *if available for use at the project site*. However, this would not be required if individual projects do not have access to recycled water or grey water sources. However, the PEIR does provide information regarding the City's Recycled Water Tanker Truck Program, which may continue to expand in the future, as well as providing information about the City's efforts to make recycled potable water more available in the future.

## Response to Comment A7-30

The District appreciates the City's review of the Draft PEIR and looks forward to continuing the collaborative discussions on the PMPU and other important planning projects in the region.

Additionally, the District has reviewed Attachment 1 to City's January 10, 2022 regarding the PMPU PEIR. The Attachment is a letter dated November 17, 2020, that is directed at the October 2020 Revised PMPU. The individual comments in Attachment 1 consist of requests and recommendations for revisions to various policies, strategies and objectives of the October 2020 Draft PMPU. However, the October 2020 Draft PMPU has been revised and superseded by the November 2021 Draft PMPU. In addition, none of the comments in Attachment 1 raises an environmental issue or question the adequacy or completeness of the Draft PEIR. Therefore, no further response is required pursuant to State CEQA Guidelines Section 15088. Nonetheless, to the extent any of the comments in Attachment 1 may touch on environmental matters, the District offers the following responses to each comment in Attachment 1.





Attachment 1

November 17, 2020

Port of San Diego  
Mr. Jason H. Giffen, Assistant Vice President  
Planning & Green Port  
3165 Pacific Highway  
San Diego, CA 92101

Subject: Draft Port Master Plan Update

Dear Mr. Giffen:

The City of San Diego ("City") Planning Department has received the October 2020 Draft Port Master Plan Update ("PMPU") prepared by the Port of San Diego ("Port"). The City acknowledges the extensive outreach effort the Port has made to obtain and address public input that was received after the release of the 2019 Draft Port Master Plan. The City has reviewed the October 2020 Draft PMPU and appreciates this opportunity to provide comments to the Port. The City acknowledges that the October 2020 Draft PMPU does include additional discussion of programs and policies addressed in the City's July 31, 2019 comment letter. In response to this request for public comments, the City has identified the following comments for your consideration.

**Climate Action and Greenhouse Gas Emissions Reduction**

The City encourages the Port to further strengthen the PMPU by establishing a guiding principle for the reduction of greenhouse gas emissions for the future of the San Diego Bay Tidelands and how the PMPU policies implements the Port's Climate Action Plan ("CAP"). The City encourages the Port to further emphasizing the importance of implementing the PMPU policies to reduce single occupancy vehicle usage and help meet State greenhouse gas emissions reductions targets.

**Sea Level Rise**

The City encourages the Port to further strength the PMPU by including policies to work with the City and other jurisdictions on the creation of a detailed plan addressing sea level rise as well as addressing vulnerability and mitigation in order to better plan and reduce the effects of flooding both on Port tidelands and adjacent cities.

**Mobility Network**

The City encourages the Port to include SANDAG's proposed Central Mobility Hub at the NAVWAR redevelopment site as part of PMPU mobility network to support the regional effort to reduce greenhouse gas emissions. The City also encourages the Port to work with the City and other jurisdictions to identify shared mobility and parking facilities that could be located

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A7-30.a

A7-30.b

A7-30.c

A7-30.d

A7-30.e

**Response to Comment A7-30.a**

The commenter references comments submitted on prior drafts of PMPU prior to circulation of the Draft EIR and the PMPU. Many of the comments are no longer relevant, as they do not address the adequacy or contents of the PMPU's Program Environmental Impact Report, which was prepared after the comment letters were drafted. (See *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 538 [Comments submitted before the release of the Draft EIR did not constitute comments on the adequacy of that document]; see also *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 528.) Nevertheless, response to these comments are provided below.

**Response to Comment A7-30.b**

The PMPU (pp. 99 & 100) describes the District's CAP in a text box that also states its relationship with the PMPU. The text box shows that PMPU supports the goals of the goals of the CAP and that the PMPU is not a CAP implementation or enforcement tool. Based on this, no further revisions to the PMPU are required. Additionally, the Draft PMPU includes many policies identifying the District's goal to reduce the District's carbon footprint and therefore, reduce both criteria pollutants and GHGs and to provide cleaner air quality for the region and expressly in nearby disadvantaged communities. Some examples of these are found in the Policies listed as part of SR Objective 3.1 Reduce GHG emissions and support pathways toward carbon neutrality throughout Tidelands.

As to the reduction of single occupancy vehicles, the PMPU's mobility policies address the future reduction of the total number of vehicular travel lanes at Harbor Drive, throughout the PMPU area. In keeping with the State's goal to reduce VMT, the District anticipates that the reduction of the existing number of lanes will encourage visitors to carpool or share rides. These policies conform to the State goals to reduce GHG emissions. Through SB 743 (2013 & 2018), an increase in roadway congestion is no longer considered a negative concern and instead, jurisdictions should find methods to lower total VMT to cause a lowering of total GHG emissions statewide. Consequently, by eliminating some lanes on Harbor Drive, the District anticipates that the resultant congestion may encourage future visitors to either share rides or arrive at District venues via public transit or other forms of travel. Further, the PMPU's policies provide for the future installation of a dedicated transit lane along Harbor Drive, principally for a Baywide

Circulator and the future installation of multi-use promenades, paths, and walkways would allow for the utilization of alternative non-vehicular travel modes, (i.e., bicycles, walking, micro-mobility devices). Based on the above, the PMPU fulfills the goal to reduce automobile circulation in the North Embarcadero resulting in a decrease of GHG emissions. No change to the PMPU is required in response to this comment.

### **Response to Comment A7-30.c**

Several PMPU objectives and policies address coordination with regional, state, and federal agencies on the effects of SLR, and also flooding, caused by climate change in general. Several, though not necessarily all, are listed below. It should also be noted that the PMPU includes many policies, throughout the Elements, that require or encourage collaboration with other agencies.

**WLU Policy 8.1.1** - The District shall build on existing agency partnerships to strengthen communications, develop new methods to share information, and coordinate initiatives to improve the District's waterfront.

**ECO Policy 4.1.1** - The District shall establish and continue partnerships and collaboration with key agencies and stakeholders, including the U.S. Navy and U.S. Fish and Wildlife Service refuges, adjacent disadvantaged communities, relevant indigenous communities and tribes to enhance conservation, protection, and restoration of natural resources in and around the Bay and Tidelands. These partnerships may include combining resources and identifying complementary programming and policies to be implemented to improve the ecology of the Bay.

**SR Section 3.4.1, Purpose** - Collaborating with jurisdictions and other partners within the region to effectively mitigate, prepare for, respond to, and recover from emergencies; and Applying an adaptive management approach to mitigate, prepare for, respond to, and recover from human-made and natural hazards through an iterative cycle of planning, monitoring, evaluating, and adapting.

**SR Policy 3.4.1** - The District shall collaborate with utility providers to ensure that Tidelands utility infrastructure is adequately upgraded, and receives ongoing maintenance and safety evaluations, to meet projected climate conditions and hazards, including but not limited to SLR.

**SR Section 3.4.2(A) Public Safety and Security (text box)** – “The Whole Port Approach” - Promoting partnerships and regional collaboration

through a ‘whole-port approach’ is essential to advancing safe and resilient Tidelands. To better prepare the region for an emergency, the District coordinates with adjacent jurisdictions, regional, State, federal agencies and private industry partners on emergency preparedness and response, public safety, and hazard resiliency. The District advances and supports this “whole-port” approach which establishes a unified method for communication, planning, and responding to emergency situations.

**SR Objective 3.4** - Collaborate with partner agencies and adjacent disadvantaged communities to effectively monitor, assess, plan, and adapt for future hazards, including climate-related impacts in and around San Diego Bay

**SR Policy 3.4.3** - The District shall coordinate with relevant stakeholders to ensure that linkages between port infrastructure and overland transportation networks will be resilient to future coastal hazard impacts.

**SR Policy 3.4.6** - The District shall collaborate and coordinate with local and regional agencies to plan and prepare for hazard events resulting from climate change, including but not limited to coordination on adaptation strategies with adjacent jurisdictions.

### **Response to Comment A7-30.d**

According to SANDAG’s Central Mobility Hub fact sheet, SANDAG is no longer considering the NAVWAR Grand Central Station (i.e., the Central Mobility Hub) and the location is not yet determined. (<https://www.sandag.org/projects-and-programs/featured-projects/central-mobility-hub>).

### **Response to Comment A7-30.e**

The City requests that the District coordinate with it to find alternative locations, outside District jurisdiction, for shared parking and mobility facilities. The Port Act provides for the District to manage the Tidelands and the District is prohibited from spending money off Tidelands with limited exceptions. However, the District is always open to exploring partnerships with the City on such concepts. Further, it is not clear what the specifically the term “mobility facilities” refers. As stated in Comment 4, the District intends to continue coordination and collaboration with regional, state, and federal agencies related to future implementation of the PMPU and its Planned Improvements and Mobility Element Policies, which would include the City. As an example, see Mobility Policy 1.1.8.

Page 2  
Mr. Jason H. Giffen  
November 17, 2020

off port tidelands. While the City conceptually supports the traffic calming, restriping and road diets concepts in the PMPU to implement pedestrian, bicycle, and park facilities, the City will need to evaluate how these concepts could impact the streets network once a full traffic analysis is conducted and emphasize policies and concepts that improve circulation and traffic flow along key corridors.

The PMPU should include the following efforts:

- Include multi-modal access improvements between, the Port, San Diego International Airport ("Airport"), and the City's mobility network as identified in the North Embarcadero Mobility Study within the Mobility Element conceptually and then address the specifics in the planning districts;
- Include multi-modal access improvements between, the Port, Navy, and the City's mobility network as identified in the South Embarcadero Mobility Study, including but not limited to the Haul Road concept along Harbor Drive within the Mobility Element conceptually and then address the specifics in the planning districts;
- Identify how Port bicycle facilities will connect to the City and Regional bicycle networks such as the Bayshore Bikeway within the Mobility Element conceptually and then address the specifics in the planning districts;
- Develop implementation plans for the multimodal improvements identify in the PMPU in coordination with the City and other jurisdictions;
- Identify opportunities to enhance transit access to and within Port Tidelands, including but not limited to potential future fixed rail connectivity to the regional trolley and commuter rail systems, dedicated right of way for Rapid and local bus service, automated guideway, and other opportunities to enhance transit access and performance;
- Include the potential for the circulator system to be upgraded to an automated guideway system;
- Coordinate the development of a circulator system with the San Diego Regional Airport Authority, MTS, and the City to further integrate the Port, Airport, and the Convention Center with the regional transit system. This should include connecting the future circulator system to the future Airport Terminal 1 transit ready area as shown in the Airport Development Plan;
- Relocate on and off-street parking along the Bayfront to mobility hubs with and adjacent to Port Tidelands;
- Incorporate transportation system measures to manage mobility systems such as vehicle parking.
- Include additional plan and cross section views of proposed mobility improvements.
- The PMPU should show cycle tracks along Pacific Highway consistent the City's Midway Pacific Highway Community Plan and Downtown Community Plan/Mobility Plan.

#### Open Space/Pathway/Recreational Network

The City encourages the Port to further strength the PMPU by including policies and Districtwide figures addressing how pathways and promenades work to form a network to

A7-30.e  
cont.

A7-30.f

A7-30.g

A7-30.h

A7-30.i

A7-30.j

A7-30.k

A7-30.l

A7-30.m

A7-30.n

A7-30.o

A7-30.p

A7-30.q

## Response to Comment A7-30.f

The District acknowledges that the City will need to assess the mobility policies related to the future mobility and infrastructure improvements cited in the PMPU. Please see response comment 31.e regarding coordination with other jurisdictions.

## Response to Comment A7-30.g

The PMPU does include a discussion of the mobility network alterations proposed by the San Diego International Airport Authority, SANDAG, and the City. Please see response to Comment A7-12 above, which responds to this comment.

## Response to Comment A7-30.h

The comment refers adding to the PMPU, the Harbor Drive 2.0 list of possible South Harbor Drive improvements. The PMPU contains both a text box with a graphic (pp.77-78 & Figure 3.2.5) that describes Harbor Drive 2.0 and a Mobility Element policy that addresses implementation of this list when financing is available (e.g., Mobility Policies 2.1.2 and 2.2.11). Based on this, it is not necessary for the PMPU to duplicate all possible projects already identified and described in Harbor Drive 2.0, as requested in this comment.

## Response to Comment A7-30.i

The PMPU is an approximately 30-year planning document and guides District development for the long-term and appropriately provides for the possibly of installation of bicycle lanes and multi-use paths. The PMPU includes Mobility Policies 1.1.8, 1.1.12, and 1.1.15 and the Planned Improvements in PDs 4, 9 and 10 and in PD 7 the Vision (see PD7 5.7.1(A)) that address connecting bicycle lanes to regional networks. Unlike the request by the commenter, it is not appropriate for the PMPU to show or describe the site-specific, project-level details of PMPU mobility improvement connections to the City or regional road and bicycle path networks. The referenced Policies and Planned Improvements are sufficient for the PMPU. These details, including connections to the existing transportation network would be coordinated with the appropriate jurisdictions, when a project-level design is considered by the District.

## Response to Comment A7-30.j

This comment is similar to comment 31.i, because it suggests that the District and City should coordinate about, and the District should

develop, implementation plans for the future, possible PMPU mobility improvements, which should then be added to the PMPU. The PMPU does not include implementation plans, which may follow its certification but are not required as part of the master plan. Please see comment 31.i regarding the PMPU and future improvements.

### **Response to Comment A7-30.k**

As suggested by this comment, should the District implement any of the PMPU Mobility Element policies relating to transit or transit improvements, the District would coordinate with the appropriate regional, State, and Federal agencies, as required by the Mobility Element, Policies 1.1.9 and 1.1.10; and EJ Policies 1.1.1-1.1.3. Coordination could include reviewing opportunities for transit access; however, since the PMPU is an approximately 30-year plan, it is not possible to add unknown enhancements to the PMPU. As an example, that conditions change, refer to comment 31.d about the “Grand Central Station” central transit connection at the NAVWAR site. Please also refer to the response to Comment A7-30.i regarding the PMPU and future improvements.

### **Response to Comment A7-30.l**

The comment refers to including an “automated guideway system” to the “circulator system.” The PMPU currently allows for both a dedicated lane and the Bayfront Circulator transit concept along North Harbor Drive. Similar to the reasons provided in the response for comment 31.i, it is not appropriate to include the operational details of this Bayfront Circulator (see Mobility Element, Section 3.2.3(D)-I and Glossary definition of Bayfront Circulator). Further, as discussed in comment 12 above, the PMPU does not address the type of technologies needed for such improvements. As stated previously, with the long planning horizon covered by the PMPU, technologies are most likely to change and based on this, it is not appropriate to include types of transit or other technologies that in the future, will change.

### **Response to Comment A7-30.m**

This comment relates to transit connections to the San Diego International Airport and is addressed in comment number 11, above. For the need for coordination with other agencies, see response to comment A7-30.k.

**Response to Comment A7-30.n**

As the comment states, the PMPU Mobility Element incorporates policies regarding moving existing parking to the PMPU's conceptual Mobility Hubs. Examples of these policies are shown below. As found in the responses to Comments A7-12 and A7-30.l above, the PMPU does not address the possible types of technologies needed for future PMPU authorized improvements, as seen in the PMPU policies in M Objective 1.2.

**Response to Comment A7-30.o**

Please see response to Comment A7-30.i relating to the inability to provide details such as cross-sections, of the proposed mobility hubs. The mobility hubs are conceptual in nature and the detailed designs are not yet known. The same applies to the timing of the implementation and the future site designs. Please see the District's responses to Comment A4-4, A4-5, A4-8, and BT5-1.

**Response to Comment A7-30.p**

See the response to Comment A7-13, above relating to the inclusion of cycle tracks at Pacific Highway.

**Response to Comment A7-30.q**

The PMPU provides illustrations and locational graphics delineating the location of the different types of multi-use accessways, such as promenades, bicycle lanes, and walkways. From these graphics, it is possible to determine the network of the accessways (see examples on Figures PD3.2.1 to 3.2.3, pp. 72-75; PD2.4, p. 227 and PD3.4, p. 261, etc.). Further, the PMPU includes policies relating these multi-use accessways (see examples at PDs3.8, p. 266; 3.30 - 3.31, p. 270; and 3.73, p. 285). The specifics of the interconnections off-tidelands are not known but would be when a site-specific improvement is analyzed. Please also refer to the response to Comment A7-30.i, for further information.

Page 3  
Mr. Jason H. Giffen  
November 17, 2020

connect areas within and outside of the Port Tidelands to the Bay.

A7-30.q  
cont.

#### **Airport Land Use Compatibility**

The PMPU should include a discussion that the Airport Land Use Compatibility Plan ("ALUCP") for San Diego International Airport may limit structure heights and that developments are required to obtain no hazard determinations from the FAA. The PMPU should also note that uses and the intensity of uses could be limited by the ALUCP.

A7-30.r

#### **Shelter Island**

The PMPU should provide a mechanism for a limited amount of new commercial and hotel development including, but not limited to low cost visitor lodging. Much of the planning area is developed with surface parking areas. The PMPU should look strategies to consolidate parking into a shared parking structure and implement valet or shuttle services.

A7-30.s

#### **Harbor Island**

Harbor Island planning area is currently developed with multiple surface parking areas. The PMPU should look to consolidate parking into a shared parking structure and implement valet or shuttle services for existing and future development.

A7-30.t

#### **Pacific Highway**

The PMPU should contain policies to support the development of pedestrian friendly developments along Pacific Highway with wider sidewalks and buildings forming a street wall rather than parking lots consistent with the Midway Pacific Highway Community Plan. It should also address the potential to use the existing parking lots adjacent to SDIA for future airport roadway access improvements. The PMPU should consider the opportunity to locate a Mobility Hub near the Palm/Middletown Trolley Station for the North Embarcadero District

A7-30.u

#### **North Embarcadero**

##### Linear Park Setbacks

The PMPU should include the 205-foot setback concept from the 2017 North Embarcadero Setback Park Alternatives as included in the February 25, 2019 staff presentation to the Board, which would establish a setback for new development along the eastside of the Embarcadero between Hawthorn Street and Broadway consistent with the 205-foot setback established by the Lane Field development. The setback would allow for continuing recreational park space and integrate paths that would provide a continual "Green Necklace" that links to the County Waterfront Park and the recent developments on Lane Field. The additional recreational open space should be in addition to the amount of recreational open space identified in the PMPU along the westside of the Embarcadero.

A7-30.v

The PMPU should identify the former right-of-way being used for parking on the east side of Harbor Drive as part of a linear park connection from Laurel Street to Grape Street. This would create a continuous linear park from Laurel Street to Broadway along the eastside of Harbor Drive.

A7-30.w

## **Response to Comment A7-30.r**

The District has coordinated with the San Diego Airport Authority and the PMPU contains an extensive description of the process the District will use to comply with ALUCP requirements (see PMPU, Chapter 6, Section 6.2.3). Additionally, the SR Element, SR Policy 1.1.7 requires development sited within an ALUCP defined safety compatibility zone shall be designed to minimize the risk injury to those within the PMPU area.

## **Response to Comment A7-30.s**

Based on the extensive public engagement for the PMPU, the District determined that the PMPU would not provide for additional commercial or hotel rooms, on Shelter Island. Instead the PMPU would plan for renovations and in-kind replacement, within the existing building footprint, for existing hotels and commercial space (see Planned Improvements PD1.29-1.31). Further, the commenter requests that surface parking on Shelter Island be consolidated. Within Shelter Island, the PMPU plans for one Local Gateway and two Connector Mobility Hubs, at Shelter Island. One or more Mobility Hub(s) could include a parking facility that would allow for the relocation of existing surface parking. In the future, should the District undertake such a relocation, the District would not reduce the number of existing parking spaces on Shelter Island.

## **Response to Comment A7-30.t**

The comment requests that parking at Harbor Island be integrated into a single parking structure to eliminate the many surface parking lots. The PMPU includes both a Local Gateway Mobility Hub and a Connector Mobility Hub and one or both could include parking facilities. The operation of the Mobility Hubs will be determined when the District determines a future design of a Mobility Hub. Refer to responses to Comments A7-30.i and A7-30.o regarding the future design of Mobility Hubs. The PMPU shows overall criteria for Mobility Hubs, at the Baywide Mobility Hub standard BWDS 4.1 and the policies for each PD within the PMPU area, at PMPU, Chapter 5, Planning Districts.

## **Response to Comment A7-30.u**

This comment calls for pedestrian friendly site design along Pacific Highway that is consistent with the Midway Pacific Highway Community Plan. The PMPU includes Road Improvements for the Pacific

Highway Subdistrict that address this comment (see PD2.75), and states: “Modify Pacific Highway to accommodate vehicular traffic, pathways, and bikeways” (refer to response to Comment A7-13, above). As to locating a mobility hub at the Midtown/Palm Street Trolley Station, please see the response to Comment A&-30.dd, below.

### **Response to Comment A7-30.v**

Based on the commitments by the parties to the both the North Embarcadero Visionary Plan (NEVP) CDP and the 2010 Lane Field Project MOU among the District, the Lane Field San Diego Developers, LLC and the San Diego Navy Broadway Complex Coalition (Lane Field MOU), each section of the Final PEIR includes analysis of three Options to the PMPU that address the provision for: Option 1) a Waterfront Destination Park; Option 2) a 205-foot-wide setback east of Harbor Drive; and Option 3) a 205-foot-wide setback west of Harbor Drive. Only Options 2 and 3 relate to this comment suggesting the PMPU include a 205-foot-wide setback.

Option 2 relates to a 205-foot-wide setback on the east side of Harbor drive that could run linearly between West B Street and West Ash Street, as well as the parcel bounded by North Harbor Drive, West Hawthorn Street, West Grape Street, and Pacific Highway. Option 3 analyzed the same setback but located on the west side Harbor Drive in the same location, with the exception that Harbor Drive could be relocated east and onto the current County of San Diego’s CAC boundaries.

### **Response to Comment A7-30.w**

This comment suggests the ROW on the east side of Harbor Drive, between Laurel and Grape Streets should be converted to park space, as opposed to on-street parking. The PMPU includes Planned Improvement PD3.9, which requires on-street parking to be first consolidated into Mobility Hubs, which could result in the elimination of on-street parking on Harbor Drive. However, the PMPU shows recreation space on the west side of Harbor Drive, on the waterfront, which allows for public access to the SD Bay and conformance to the Coastal Act (see PD3.10, p.267).



Page 4  
Mr. Jason H. Giffen  
November 17, 2020

#### Recreational Uses

The PMPU should consider the ability to allow for active recreational uses within recreational open spaces areas where feasible.

A7-30.x

#### Height Limits

The height limits proposed for the two blocks between Ash and B streets differ from the Downtown Community Plan (DCP), with some heights greater than, and some heights lower than, the DCP's. The PMPU should incorporate the height limits from the DCP which provide at least as much development capacity and promote a stepping down of building heights to the north. Please reference Figure 5-2 of the DCP.

A7-30.y

The PMPU should incorporate the Centre City Planned District Ordinance requirement that limits towers west of Kettner Boulevard to a north/south dimension of 140 feet and a tower separation of 60 feet for multiple towers on sites over 50,000 square feet (SF) and 40 feet for sites less than 50,000 SF in order to maintain views to the bay consistent with policies of the DCP.

The PMPU should not include building height limits that are lower than building height limits in the DCP. Height limits in the DCP represent agreed upon height limits established over the last 20 years."

A7-30.z

The PMPU should contain policies that address urban design and allow for future development proposals to demonstrate how they meet the intent of the urban design policies without limiting building heights to 45 feet within Sea Port Village. There is no practical effect of limiting building heights from public views since existing hotels to adjacent and to east are taller.

#### A and B Streets

The City supports reconnecting A and B street between Harbor Drive and Pacific Highway which is consistent with the DCP; however, the widths of rights-of-way along these streets to the east are 80 feet rather than the proposed 60 feet. The PMPU should clarify if the 60 feet includes public sidewalks within the entire 60-foot right-of-way, as that would allow buildings up to 40 feet in height to be built to the right-of-way which would encroach into the view corridors inconsistent with the DCP. If the 60-foot right-of-way is intended, then there should be an at-grade setback of 10 feet and a stepback above 40 of 15 feet, rather than the proposed 25 feet, which results in an equal tower stepback consistent with the DCP.

A7-30.aa

#### Stepbacks

The PMPU should incorporate the building stepbacks in the DCP and PDO. Proposed stepbacks are typically greater than the DCP. The proposed 25-foot stepback along Pacific Highway would result in a building envelope that could not be accessed by the Fire Department (ladder access requirements), which require the building façade to be within 30 feet of a ladder truck up to a height of 80 feet. If a stepback along Pacific

A7-30.bb

### **Response to Comment A7-30.x**

The PMPU contains policies related to activating the District's ROS along the SD Bay, which would include active recreational uses, when possible. See the Recreation Open Space Planned Improvements PD3.10 to PD3.12 (p. 267), as well as Figure PD3.5 (p. 267) and Chapter 4, BWDS Section 4.2.3.

### **Response to Comment A7-30.y**

The theme of this comment is that the PMPU should incorporate the building height standards found in both the Downtown Community Plan (DCP) and the City Center Planned District Ordinance (CCPDO). Those City regulations are inapplicable within the District's jurisdiction. Consequently, the District is not legally required to comply with these City requirements. The District addresses consistency with development in adjacent jurisdictions by determining building size based on a site-specific project, site conditions, neighborhood character, and any development standards such as those proposed by the PMPU.

### **Response to Comment A7-30.z**

This comment applies to PD3, Central Embarcadero, and based on the Downtown Community Plan (DCP) suggests not limiting building heights to 45 feet, at this location. The City's DCP and CCPDO are inapplicable to the District's jurisdiction. Therefore, the District is not required to comply with the DCP or the CCPDO. The 45-foot maximum building height is representative of the existing building heights in this Subdistrict. At the Central Embarcadero, the PMPU plans for similar building designs as that now existing. The PMPU describes this more fully in the Central Embarcadero Subdistrict Section 5.3.3(A) Vision. The Vision is supported by Planned Improvement PD3.52.

### **Response to Comment A7-30.aa**

The comment relates to the reconnection of A and B Streets, between Harbor Drive and Pacific Highway. It further requests clarification on the street ROW width and requests setback and stepback distances to match the DCP or CCPDO.

Page 5  
Mr. Jason H. Giffen  
November 17, 2020

Highway is required, it should be above the 80-foot height limit (the DCP allows it to occur between 45 and 130 feet).

A7-30.bb  
cont.

#### FAR

The PMPU should incorporate the DCP established floor area limits (FAR) in Figure 3-12 to maintain consistency in design requirements, so that the development has a seamless transition between planning jurisdictions.

A7-30.cc

#### Mobility Hub

The PMPU should reduce or replace the mobility hub shown at Pacific Highway/Grape/Hawthorn with a location along Pacific Highway north of Laurel Street near the Midtown/Palm Trolley Station to serve the North Embarcadero and the Cruise Ship Terminal. The PMPU should not allow driveways along Pacific Highway, Hawthorn, or Grape. The DCP shows all three streets as Limited Access (no driveways unless unpreventable) due to the amount of traffic on these streets.

A7-30.dd

#### Working Waterfront

The PMPU should identify a mobility hub at the 28<sup>th</sup> Street/Harborside Trolley Station for maritime employees.

A7-30.ee

Thank you for the opportunity to provide comments on the Port Master Plan Update. Continued coordination between the City, the Port, and other agencies will be essential for the successful implementation of the PMPU. Please contact me directly if there are any questions regarding the contents of this letter or if the Port would like to meet with City staff to discuss our comments. Please feel free to contact Tait Galloway, Program Manager directly via email at [tgalloway@sandiego.gov](mailto:tgalloway@sandiego.gov) or by phone at 619-533-4550.

A7-30.ff

Sincerely,



Mike Hansen, Director  
Planning Department

MP/tg

cc: Aimee Faucett, Chief of Staff  
Almis Udrys, Assistant Chief Operating Officer  
Jeff Sturak, Assistant Chief Operating Officer  
Erik Caldwell, Deputy Chief Operating Officer  
Adrian Granda, Director, Department of Government Affairs  
Alyssa Muto, Director, Mobility Department  
Tom Tomlinson, Assistant Director, Planning Department  
Heidi Vonblum, Deputy Director, Planning Department  
Tait Galloway, Program Manager, Planning Department  
Samir Hajjiri, Senior Traffic Engineer, Planning Department

## Response to Comment A7-30.bb

Please see response to Comment 30.y for a response to this comment regarding stepbacks and the relevance of the City's regulatory requirements regarding architectural design. Also see response to Comment A7-30.aa above, regarding the PMPU development standards relating to stepbacks. Further, the District revised the PMPU so the Pacific Highway frontage will include the 15-foot-wide minimum stepback, at a minimum base building height of 45 feet.

## Response to Comment A7-30.cc

This comment requests the District incorporate the City's floor area ratio (FAR). There is no requirement that the District conform with any City requirement, including FAR. Unlike the City, the District does not utilize a maximum FAR to measure building size. The District addresses consistency with development in adjacent jurisdictions by determining building size based on a site-specific project, site conditions, neighborhood character, and any development standards such as those proposed by the PMPU.

## Response to Comment A7-30.dd

The comment refers to the PMPU's delineation of a Regional Mobility Hub along Pacific Highway and between Grape and Hawthorn Streets. As discussed with City staff previously, the site has been selected because of its proximity to attractions along the Embarcadero waterfront. Additionally, the PMPU Baywide Development Standards, Table 4.1 shows the average walking distances for mobility hubs and the mobility hub referenced in this comment is a Regional Mobility Hub, which allows for the average distance is one-half-mile from District attractions, such as the Maritime Museum. Further, the mobility hubs fulfill requirements included in the NEVP Phase 1 CDP. This comment also recommends that the District should not install driveways at Pacific Highway, and Hawthorn and Grape Streets but does not specify where vehicular access should be located, within the District's jurisdiction.

## Response to Comment A7-30.ee

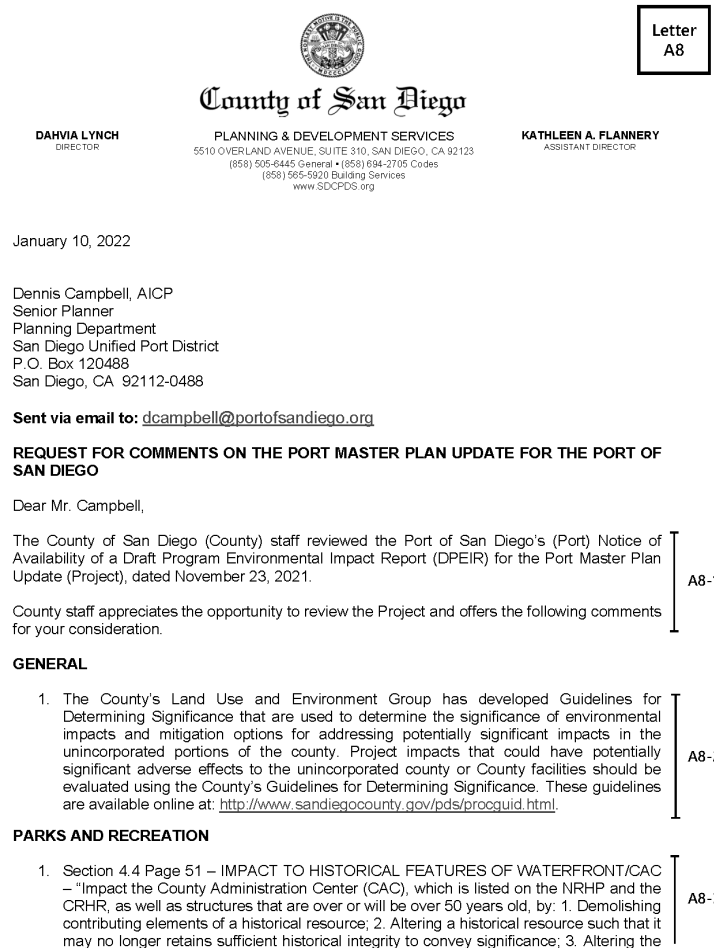
This comment relates to the District siting a new mobility hub at the 28<sup>th</sup> Street MTS trolley station. The location of this trolley station is not within the District's jurisdiction and PD5 (National City) is not included in the PMPU. No changes to the PMPU are required by this comment.

**Response to Comment A7-30.ff**

The comment thanks the District for the opportunity to provide input and requests coordination as the PMPU is implemented. The District thanks the City for its input and participation in the PMPU process. The District will continue to coordinate with the City during the PMPU implementation, as identified by the relevant PMPU policies regarding coordination with other agencies.

## 2.4.8 Comment Letter A8: County of San Diego

Lynnette Tessitore, Chief, Long Range Planning Division  
Planning & Development Services



### Response to Comment A8-1

The District appreciates that County's interest in the PMPU and its Draft PEIR. Responses to County comments are provided below.

### Response to Comment A8-2

As lead agency for the PMPU, the District has the responsibility and discretion to determine the thresholds of significance used in the PEIR. Pursuant to CEQA Guidelines § 15064.7, the District is not required to consider thresholds of significance adopted by other agencies, such as the County's Guidelines for Determining Significance. The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An iron clad definition of significant effect is not always possible because the significance of an activity may vary with the setting." (CEQA Guidelines § 15064(b).) Therefore, "a lead agency has the discretion to determine whether to classify an impact described in an EIR as 'significant,' depending on the nature of the area affected." (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477. Thus, the District is not required to implement or utilize the standards of adjacent jurisdictions. Furthermore, the commenter does not point to any differences in methodology or thresholds between the District's analysis and that of the County of San Diego's guidance. The PEIR identifies the thresholds of significance used to analyze potential impacts on the environment in each section of Chapter 4, Environmental Analysis, of the PEIR.

### Response to Comment A8-3

The District concurs that any proposed changes that may result in damage to a historical resource that is owned by others or located on land outside of the District's jurisdiction (such as the County Waterfront Park) would require advanced coordination, at the appropriate time in any decision-making process relating to the PEIR's Option 3. Further, at that time, the District would be required to comply with any applicable laws and regulations that address historical resources. MM-CUL-1 has been clarified to include the requirement to coordinate with an affected agency, at least one year prior to planned construction, where there is a potential impact on a historical resource that is owned by the agency or is located on land owned by the agency.

Mr. Campbell  
January 10, 2022  
Page 2

- |  |               |
|--|---------------|
| setting of a historical resource for which the setting is in important character defining feature that expresses the resource's significance."   |               |
| a. Please coordinate with County Department of Parks and Recreation staff one year prior to construction if the option selected will result in damage to historical resources related to the County Administration Center and Waterfront Park.   | A8-3<br>cont. |
| 2. Section 4.9 Page 34 – 205 FEET ENCROACHMENT OF NORTH HARBOR DRIVE BEYOND ROW – "Option 3 ., realignment would cause an impact to resources, as defined by CEQA, due to demolition of a portion of the County of San Diego Waterfront Park."   | A8-4          |
| a. All demolition of County of San Diego Waterfront Park property will need approval by the Director of Parks and Recreation prior to a hearing by the County Board of Supervisors.  |               |
| 3. Section 4.10 Page 69 thru 73: Noise Mitigation – IMPACT TO NOISE – Noise levels anticipated in this section would significantly impact CAC and Waterfront during operational hours. Mitigation measures require notice to impacted parks 48 hours before construction.  | A8-5          |
| a. Due to corresponding county wide impacts, please update construction noise mitigation to account for operational hours for the CAC between 8am – 5pm Monday – Friday.   |               |
| 4. Section 4.14 Page 45 – LOSS OF EXISTING PUBLIC PARKING SURROUNDING PARK – Loss of parking surrounding park and vehicular access on Harbor Drive. Mitigated through creation of Regional Mobility Hub along Grape Street and Local Gateway Mobility Hub along Ash Street (i.e. creation of parking within area but not direct)   | A8-6          |
| a. Waterfront Park use the east Harbor Drive parking lane and the east most travel lane as part of their event footprint in connection with the City of San Diego. Please coordinate loss of space during design and policy to allow for continued use of space during construction and permanent plan.  |               |
| 5. "The closed segment of North Harbor Drive would be converted from Institutional/Roadway to Recreation Open Space and would slightly increase the total acreage of Recreation Open Space in the planning district. The closure of this segment of North Harbor Drive would allow for the establishment of a "festival street", providing contiguous park space from the County waterfront park on the east to the embarcadero on the west. Types of activities that could occur under this alternative would be consistent with other Recreation Open Space areas within the Tidelands, including, but not limited to, 5K runs/walks, parades, film, food, and music festivals." | A8-7          |
| a. Please coordinate with County Department of Parks and Recreation during design phase to ensure that Waterfront Park and new open space uses are compatible. Operationally, use of this area will have to be well coordinated and policies will need to be established to prevent conflicting events.  |               |
| 6. On page 362, there is a description of Waterfront Park that includes the gardens.   | A8-8          |

## Response to Comment A8-4

As part of the normal entitlement process, the District will obtain all required permits, including applicable County permits where the County's jurisdiction applies. Any proposed grading, building, or demolition activities associated with the County Waterfront Park would require a grading, building, and/or demolition permit from the applicable jurisdiction.

## Response to Comment A8-5

The commenter's request to "update construction noise mitigation to account for the operational hours for the CAC between 8 AM – 5 PM Monday – Friday" is not clear. To the extent the commenter is suggesting that construction be prohibited during daytime hours, the suggestion is considered infeasible as this would eliminate day-time construction and would not reduce or avoid a significant impact. Construction activities need to be able to occur at some point during a 24-hour period, and daytime hours are the least noise sensitive (i.e. the typical person is not attempting to sleep during this time period). Shifting construction hours to a time period when the County CAC offices are not in operation (i.e. after 5 PM and before 8 AM) would result in greater noise impacts to other sensitive uses. (See also *Sierra Club v. Tahoe Regional Planning Agency* (2013) 916 F.Supp.2d 1098 [Upheld CEQA construction noise analysis based upon regulatory compliance, which exempted daytime restrictions.])

As discussed in the PEIR, construction activities that will generate construction noise must comply with the applicable construction noise ordinance. Because the District does not have its own noise regulations, development projects that are located within the City of San Diego, which is adjacent to the County Administration Building where construction may occur, would be required to comply with the City's construction noise ordinance. As further discussed in the PEIR, the City's noise ordinance prescribes construction and operational noise limitations that would apply during the County Administration Building's weekday operational hours. MM-NOI-3 and MM-NOI-4 require the implementation of additional noise abatement measures to reduce noise generated by construction activities, including installation of temporary noise barriers.

Mr. Campbell  
January 10, 2022  
Page 3

- a. This area is in the development process of being converted into an active recreation area. A8-8 cont.

#### SUSTAINABILITY

1. County staff supports the Port's efforts to increase sustainability of Port activities and land uses. County staff is further supportive of efforts to increase climate resilience within the Port's land and water use jurisdiction, increase habitat restoration and carbon sequestration in tideland resources, and reduce greenhouse gas emissions generated by buildings and transportation. These activities are also support County efforts with similar goals, such as the County's Climate Action Plan Update, Regional Decarbonization Framework, and Electric Vehicle Roadmap. The County encourages further collaboration with the Port to ensure plans reduce greenhouse gas emissions and are supportive of County, Port, and regionwide sustainability efforts. Based on review of the DPEIR, the County has the following comments related to sustainability:
  - a. The County supports the proposed increase in total acreage in the project area for conservation, including expansion of land use designations for conservation and intertidal lands. These efforts to increase habitat conservation and carbon sequestration support County and regionwide efforts in the Regional Decarbonization Framework. The County hopes we can build partnerships to encourage improve wetland habitat and blue carbon ecosystems. A8-9
  - b. The County is in support of sustainability related mitigation measures and policies and hopes for continued coordination with the Port on mitigation measures and policy implementation. The County would like to ensure the Port considers the goals of the County's Regional Decarbonization Framework and County-owned facilities in the Port area to achieve the purpose, goals, and visions of these mitigation measures and policies, including (but not limited to):
    - i. MM-AQ-9: Implement sustainability measures in all development through 2030.
    - ii. MM-AQ-11: Install EV charging infrastructure.
    - iii. Mobility Policy 1.1.11 to develop TDM guidelines.
    - iv. Mobility Policies 1.1.8-9,19-20 to support mobility infrastructure and curbside management practices.
    - v. Ecology Policy 3.1.2 to encourage implementation of clean air action such as efficient building designs, alternative powered vehicles, parking management, alt transportation, energy efficient lighting, native tree planting and landscaping.
    - vi. The County would encourage the Port to reference and consider incorporation of policies and goals of the County's Regional Decarbonization Plan into the Greenhouse Gas and Energy chapter of the DPEIR. It is noted that this section of the DPEIR includes efficiency metrics A8-10

### Response to Comment A8-6

Although the comment is not clear, the District believes that the comment refers to Option 1, the "Waterfront Destination Park at Foot of Navy Pier". The Waterfront Destination Park at Foot of Navy Pier is an optional project component that the Board of Port Commissioners could choose during its deliberations on its PMPU decision. Should the Board choose Option 1, the District would coordinate with both the City and County of San Diego, during the Option 1 design phase and its implementation.

### Response to Comment A8-7

This comment quotes the alternative to the project considered as Alternative 5, Recreation Open Space Alternative. Should this alternative be adopted by the Board of Port Commissioners, the District will coordinate with the County Department of Parks and Recreation during the design phase to ensure that new open space uses are compatible with the Waterfront Park.

### Response to Comment A8-8

Thank you for the additional information. Please see the revision to page 4.1-16 of Draft PEIR now included in the Final PEIR, which clarifies that the area is currently in the process of being converted into active recreation.

### Response to Comment A8-9

The District appreciates the County's support related to the PMPU's policies related to climate resiliency, habitat conservation, and the reduction of GHGs. The District concurs with the County that the District's efforts generally align with the County's efforts on such matters. The District looks forward to continued collaboration with the County on such matters.

### Response to Comment A8-10

The District appreciates the County's support related to the PMPU's policies to increase conservation areas as well as the County's efforts to improve habitat conservation and carbon sequestration across the San Diego region.

Mr. Campbell  
January 10, 2022  
Page 4

to the determine potential impacts of post-2030 emissions reductions, including EO B-55-18. County encourages the Port to consider notation of the Regional Decarbonization Framework and efforts to incorporate PMPU mitigation measures and policies that demonstrate consistency with the regional decarb efforts.

A8-11  
cont.

c. The County encourages coordination on implementation of policies to ensure County facilities within or adjacent to Port land can support mobility, sustainability, and energy efficiency policies to help achieve GHG emissions reductions.

A8-12

d. The County encourages additional efforts to support electric vehicles and electric vehicle infrastructure beyond those noted in MM-GHG-2 (requiring the Port to purchase alternative fuel, electric, or hybrid Port vehicles) and MM-AQ-11 (requiring new projects to install EV infrastructure). The County hopes that there will be future opportunities to support the Port's electric vehicle infrastructure goals identified within the DPEIR to install, at a minimum, 400 Level 2 (L2) and 22 DCFC chargers by 2030, and 500 L2 and 30 DCFC by 2050.

A8-13

The County appreciates the opportunity to comment on this Project. We look forward to receiving future documents related to this Project and providing additional assistance, at your request. If you have any questions regarding these comments, please contact Timothy Vertino, Land Use / Environmental Planner, at (619) 510-2542, or via e-mail at [timothy.vertino@sdcounty.ca.gov](mailto:timothy.vertino@sdcounty.ca.gov).

Sincerely,

*Lynnette Tessitore*

Lynnette Tessitore  
Chief, Long Range Planning Division  
Planning & Development Services

A8-14

cc: Evlyn Andrade, Advisor, Board of Supervisors, District 3  
Emily Wier, Policy Advisor, Board of Supervisors, District 4  
Murtaza Baxamusa, LUEG Program Manager, LUEG  
Luis Pallera, CAO Staff Officer, LUEG  
Emmet Aquino, Park Project Manager, DPR  
Tyler Farmer, Group Program Manager, PDS

## Response to Comment A8-11

The District appreciates the County's support for the sustainability-related mitigation measures and policies associated with the PEIR and PMPU. In addition, the District appreciates the County's development of the Regional Decarbonization Plan; however the County's plan is inapplicable within the Port's jurisdiction. The policies included in the PMPU and the mitigation measures provided in the PEIR also seek to reduce GHG emissions within Tidelands from future development, consistent with the latest state guidance.

As indicated in the PEIR Impact-GHG-2, the PMPU would not conflict with any applicable plans, policies, or regulations adopted to reduce GHG emissions (Impact-GHG-2) with implementation of mitigation. Furthermore, future development under the PMPU would sufficiently reduce GHG emissions to achieve the applicable 2030 State reduction target (Impact-GHG-1). While emissions beyond 2030 would be substantially reduced with the implementation of the mitigation measures identified in the PEIR and would become more carbon efficient over time, because CARB has not yet adopted a plan to demonstrate how the state will reach its carbon neutrality goal, the District is unable to determine its fair share reduction goals for the PMPU. As such, the PEIR conservatively concludes GHG emissions from future development under the PMPU would remain significant after mitigation (Impact-GHG-1).

Additionally, as noted, in the comment, many of the GHG mitigation measures from the County's plan have been considered and incorporated into the District's PMPU or its proposed mitigation measures (e.g., MM-AQ-9, MM-AQ-11, Mobility Policy 1.1.11). (See also *Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1055.)

## Response to Comment A8-12

The District appreciates the County's desire to coordinate on the implementation of the PMPU. When County facilities may be affected by actions authorized by the PMPU, the District agrees that the coordination referred to in the comment will occur.

## Response to Comment A8-13

The comment does not make any specific recommendations for additional mitigation measures. Mitigation measure MM-GHG-2 requires the District to replace fossil-fueled on-road vehicles in its fleet as vehicles are retired with zero-emission vehicles. For specialized equipment where zero-emission vehicles are not available, the District is required to replace all on-road

vehicles in its fleet with the lowest emitting option available. Mitigation measure MM-AQ-11 would require all project proponents to install electric vehicle (EV) charging stations at a minimum of six percent of their parking spaces as part of any new building construction or renovation of buildings with the District goal of reaching 1) 399 Level 2 chargers and 22 DC Fast chargers, by 2030; and 2) Installation of 476 Level 2 chargers and 31 DC Fast chargers, by 2050. This is based on recommendations in the CSE EV Infrastructure Scoping Study. Please see response to Comment A10-4 for more information.

Notably, the number of chargers required on District tidelands, as specified by MM-AQ-11, is a minimum of the number indicated in the mitigation measure based on the total projected number of parking spaces that would be required to meet the District's parking guidelines based on the planned improvements described in the PMPU. However, this measure could not be quantified due to the uncertainty of future projects and their location and usage of the chargers. As such, the benefits of MM-AQ-11 would further reduce criteria pollutants and GHGs beyond what is able to be quantified and disclosed in the PEIR (see Tables 4.2-23, 4.2-24, and 4.6-12) and therefore was not a factor when determining the significance of the impacts associated with criteria pollutants (Impact-AQ-3) and GHG emissions (Impact-GHG-1).

As discussed on page 4.2-69 of the Draft PEIR, "In June 2020, CARB adopted the Advanced Clean Truck Regulation, which promotes zero-emission technology penetration with sales requirements for medium- and heavy-duty truck manufacturers." As further discussed on page 4.2-32 of the Draft PEIR, "The Sustainable Freight Action Plan (Sustainable Freight Action Plan or Action Plan) provides an integrated action plan that establishes clear targets to improve freight efficiency, transition to zero-emission technologies, and increase the competitiveness of California's freight system...The Sustainable Freight: Pathways to Zero and Near-Zero Emissions Discussion Document sets out CARB's vision of a clean freight system, together with the immediate and near-term steps that CARB will take to support use of zero and near-zero emission technology to improve air quality and reduce health risk associated with goods movement." M Policy 2.2.3 contained within the PMPU requires the District to engage with stakeholders, such as railway companies, trucking companies, cargo and freight shipping lines, and service providers, to identify and implement feasible sustainable freight strategies in accordance with the District's environmental and operational strategies, plans, and regulations, as well as the State's sustainability objectives. In addition, M Policy 2.2.8 requires the District to direct permittees through the coastal development permit process to advance as part of development the implementation of zero-



emission, when feasible, and near-zero emission technologies and supportive infrastructure improvements for freight-related oceangoing vessels and harbor craft in alignment with District sustainability and maritime clean air strategies.

The District also utilizes the Maritime Clean Air Strategy (MCAS) and while it is not a binding policy document, it includes, among other items: (a) ), an overarching goal of 100% Zero Emissions Trucks and Cargo Handling Equipment by 2030, (b) goals for harbor craft (transitioning ferries and assist tugs to zero or near-emission technologies), (c) goals for the Port's fleet (transition motor vehicles beginning in 2022, beginning transition of emergency vehicles and equipment [forklifts and lawn maintenance equipment] to zero emissions, and seek opportunities to advance lower emitting solutions for marine vessels), and (d) goals for ocean going vessels s (expand vessel speed reduction and shore power). (See Draft PEIR pages 4.2-35 and 4.6-26.)

Because the commentor does not identify any specific mitigation measures which would be appropriate for the PMPU, no further response is feasible. (See *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 15, 17.) No changes to the PEIR are required in response to this comment.

### **Response to Comment A8-14**

The District appreciates that County's comments on the PMPU and PMPU PEIR and will continue to coordinate with the County on future project-related documentation and, if approved, on the future implementation of PMPU policies that may have the potential to affect County resources.

## 2.4.9 Comment Letter A9: San Diego Association of Governments

Lisa Madsen, Senior Regional Planner

Letter  
A9

**From:** Lisa Madsen <Lisa.Madsen@sandag.org>  
**Sent:** Friday, January 7, 2022 4:28 PM  
**To:** Port Master Plan Update  
**Subject:** Public Comment - Port Master Plan Update

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

On behalf of the San Diego Association of Governments (SANDAG), thank you for the opportunity to comment on the Port Master Plan Update. SANDAG appreciates the incorporation of mobility hubs, curb management, and the inclusion of a Transportation Demand Management (TDM) Plan for future development projects to reduce Vehicle Miles Traveled (VMT). Please consider coordinating with SANDAG's TDM program, iCommute, which provides regional programs that promote alternative transportation options. To learn more, please visit [iCommuteSD.com](http://iCommuteSD.com). Please also consider consulting the [SANDAG Regional Mobility Hub Strategy Catalog](#) for a complete list of strategies that can help facilitate shared mobility to reduce demand on parking and reduce VMT.

A9-1

SANDAG recommends prioritizing efficiency and safety for goods movement especially in Planning District 4: Working Waterfront to minimize community impacts. This could include requiring zero-emission charging/fueling infrastructure for medium- and heavy-duty vehicles to reach the goals established in the Maritime Clean Air Strategy. Additionally, proactively consider the needs for truck parking in and around industrial land uses. Furthermore, SANDAG supports the implementation of the Harbor Drive 2.0 project and related improvements to Harbor Drive and other freight corridors.

A9-2

SANDAG looks forward to partnering and collaborating with the Port via SANDAG's Freight Stakeholders Working Group in identifying transportation facilities, including truck parking and charging/fueling sites.

Lastly, There is a typo in 2050 job numbers in Chula Vista in Table 4.11-2 (Volume I, page 1259 of the full PDF, or page 4.11-3), and the Plan Update can be revised to report that SANDAG's 2021 Regional Plan and EIR has been adopted.

A9-3

We look forward to collaborating with the Port on ensuring strategies that prioritize our region. When available, please send any additional documents related to this project to me at [lisa.madsen@sandag.org](mailto:lisa.madsen@sandag.org). Lastly, if you have any questions or concerns regarding this email, please don't hesitate to contact me.

A9-4

Best,  
Lisa

Lisa Madsen (she/her/hers)  
Senior Regional Planner

619.595.1432 office  
401 B Street, Suite 800, San Diego, CA 92101

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SANDAG office hours are Tuesday – Friday and every other Monday from 8 a.m. – 5 p.m.

1

### Response to Comment A9-1

The PMPU includes M Policy 1.1.11, which provides for a project proponent of certain development, as applicable, to develop and comply with project-specific TDM requirements, in compliance with the Draft PEIR MM-TRA-3, which may include a carpooling program, promoting alternative work schedules and telework, subsidizing employee use of public transit, and promoting bicycling, walking, and the use of public transit. As discussed in Section 4.14-18 of the Draft PEIR, the PMPU also includes a number of policies related to the development of regional and local Mobility Hubs.

The iCommute program includes similar programs including carpooling/vanpooling and the concepts and strategies provided in the SANDAG Regional Mobility Hub Strategy Catalog are similar to the concepts for the PMPU Mobility Hubs. Consequently, the concepts included in these documents are consistent with each other.

The District will continue to coordinate with SANDAG on regional transportation issues, as well as additional options for the TDM programs listed above. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

### Response to Comment A9-2

The District appreciates SANDAG's support for the Harbor Drive 2.0 project and looks forward to continuing to collaborate with SANDAG on increasing efficiency and safety for goods movement via the Freight Stakeholders Working Group. The PMPU does not propose any changes to freight handling or throughput, any related operations, or any improvements for this subdistrict beyond what was previously approved as part of the Tenth Avenue Marine Terminal (TAMT) Redevelopment Plan and analyzed in the TAMT Redevelopment Plan PEIR (SCH# 2015-031046). (Draft EIR page 3-77; see also Draft EIR Section 1.4.1.) Nevertheless, the District has a number of existing policies and programs, which provide for emerging fuel technologies related to freight, as well as proposed PMPU policies that would continue to emphasize sustainable freight at the District's cargo terminals.

The Draft PEIR also incorporates discussion of the existing freight regulations that would apply to cargo operations. For example, as discussed on page 4.2-69 of the Draft PEIR, "In June 2020, CARB adopted the Advanced Clean Truck Regulation, which promotes zero-

emission technology penetration with sales requirements for medium- and heavy-duty truck manufacturers.” As further discussed on page 4.2-32 of the Draft PEIR, “The Sustainable Freight Action Plan (Sustainable Freight Action Plan or Action Plan) provides an integrated action plan that establishes clear targets to improve freight efficiency, transition to zero-emission technologies, and increase the competitiveness of California’s freight system...The Sustainable Freight: Pathways to Zero and Near-Zero Emissions Discussion Document sets out CARB’s vision of a clean freight system, together with the immediate and near-term steps that CARB will take to support use of zero and near-zero emission technology to improve air quality and reduce health risk associated with goods movement.”

The District also utilizes the Maritime Clean Air Strategy (MCAS), which has an aspirational goal of 100% zero emissions trucks and cargo handling equipment by 2030 (Please also see the response to Comment A3-9 as it related to current availability of commercially available zero emission vehicles). The MCAS includes aspirational goals for harbor craft (transitioning ferries and assist tugs to zero or near-emission technologies), the Port’s fleet (transition motor vehicles beginning in 2022, beginning transition of emergency vehicles and equipment [forklifts and lawn maintenance equipment] to zero emissions, and seek opportunities to advance lower emitting solutions for marine vessels), and ocean-going vessels (expand vessel speed reduction and shore power). (See Draft PEIR, pages 4.2-35 and 4.6-26.)

The PMPU includes various policies that require coordination on the movements of goods and people, and various policies related specifically to goods movements. For instance, M Policy 1.1.8 requires the District to coordinate with agencies to plan shared mobility infrastructure in support of the safe movement of people and/or goods, while M Policy 2.1.5 requires the District to seek investment and grant opportunities for infrastructure, equipment, and technologies that enable the District’s marine terminals to efficiently and sustainably transfer goods. M Policy 2.2.3 requires the District to engage with stakeholders, such as railway companies, trucking companies, cargo and freight shipping lines, and service providers, to identify and implement feasible sustainable freight strategies in accordance with the District’s environmental and operational strategies, plans, and regulations, as well as the State’s sustainability objectives. Whereas, M Policy 2.2.8 requires the District to direct permittees through the coastal development permit process to advance as part of development the implementation of zero-emission, when feasible, and near-zero emission technologies and supportive infrastructure improvements for

freight-related oceangoing vessels and harbor craft in alignment with District sustainability and maritime clean air strategies. In addition, the PEIR includes several mitigation measures that will require the use of zero emission vehicles or alternative/emerging fuel technologies. For example, during construction activities, MM-AQ-3 requires the use of renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment and the use of zero or near-zero emissions equipment in lieu of diesel- or gasoline-powered equipment where such zero or near-zero equipment is commercially available within 100 miles of the project site. MM-AQ-7 requires the District to perform a periodic technology review annually, which requires review and consideration of technological advancements in alternative fuel and zero emissions construction equipment, vessels, and trucks. As they are phased out, MM-GHG-2 requires the District to replace fossil-fueled on-road vehicles in its fleet with zero-emission vehicles by 2030. For specialized equipment where zero-emission vehicles are not available, the District shall replace all on-road vehicles in its fleet with the lowest emitting option available. The Draft EIR also includes Mitigation Measure MM-AQ-11 which provides for refueling sites for passenger ZEV deployment. Please also see response to Comment A4-9 as it relates to emerging fuel technologies and refueling site locations for future truck ZEV deployment. The comment also suggests considering the need for truck parking in and around industrial uses. The District addressed this concern in the Tenth Avenue Marine Terminal (TAMT) Redevelopment Plan by adopting mitigation measures in the TAMT Redevelopment Plan PEIR (SCH# 2015-031046) which prohibit all TAMT workers, employees, and contractors from using on-street parking or from parking at the neighboring Cesar Chavez Park (MM-TRA-7) and require the proponent of a future project to submit a Parking Management Plan to the District for review and approval, demonstrating that there would be adequate parking to accommodate all projected operational parking within their tenant's leasehold or within an area available for use as parking, prior to approval of any new project component or any new lease/lease renewal at TAMT (MM-TRA-9).

### **Response to Comment A9-3**

Table 4.11-2 has been revised to correct the typo for the 2050 job number estimate for Chula Vista. In addition, the PEIR has been updated to indicate that the 2021 Regional Plan and EIR have been adopted. These revisions are reflected in the Final PEIR, Volume 2. However, these revisions are minor clarifications that do not affect the conclusions of the Draft PEIR.

### **Response to Comment A9-4**

The District appreciates SANDAG's interest in the PMPU. This comment does not raise any environmental issues requiring a response pursuant to CEQA.

## 2.4.10 Comment Letter A10: San Diego County Air Pollution Control District

Paula Forbis, Interim Air Pollution Control Officer



Letter  
A10

Nora Vargas, Chair  
San Diego County Board of  
Supervisors Representative

Esther Sanchez, Vice Chair  
District 5 Representative  
Mayor, City of Oceanside

Nathan Fletcher, Military Liaison  
San Diego County Board of  
Supervisors Representative

Anne Marie Birkbeck-Garcia  
Public Member  
Physician/Public Health

Marcus Bush  
District 1 Representative  
Councilmember, City of National City

Georgette Gomez  
Public Member  
Environmental Justice

Consuelo Martinez  
District 3 Representative  
Councilmember, City of Escondido

Enrique Medina  
Public Member  
Scientific/Technical

Sean Elo-Rivera  
District 4 Representative  
Councilmember, City of San Diego

Jack Shu  
District 2 Representative  
Councilmember, City of La Mesa

Stephen Whitburn  
City of San Diego Representative  
Councilmember, City of San Diego

January 6, 2022

Port of San Diego  
Attn: Planning Department  
P.O. Box 120488  
San Diego, CA 92112-0488

Re: Port Master Plan Update

The San Diego County Air Pollution Control District (APCD) has reviewed the Draft Program Environmental Impact Report (EIR) for the Port Master Plan Update (PMPU) and appreciates the opportunity to comment. The APCD has reviewed the proposed mitigation measures (MM) to reduce impacts for air quality (AQ) and supports the measures, with the comments below.

The draft EIR indicates the following air quality impacts will remain significant after mitigation:

- a) Impact-AQ-3: Emissions in Excess of Criteria Pollutant Thresholds During PMPU Buildout Operations.
- b) Impact-AQ-5: Health Effects During PMPU Buildout Operations from ROG, NOX, and CO.
- c) Impact-C-AQ-3 Emissions in Excess of Criteria Pollutant Thresholds During PMPU Buildout Operations.
- d) Impact-C-AQ-5 Health Effects During PMPU Buildout Operations from ROG, NOX, and CO.

APCD offers the following comments on the mitigation measures listed to reduce emissions from these impacts:

MM-AQ-9: Incorporate Sustainability Measures in All Development through 2030.

APCD agrees with the implementation of MM-AQ-9 as necessary actions to help improve sustainability and therefore reduce air pollutant emissions. The APCD also recommends the inclusion of secure bicycle parking and employee lockers/showers to promote biking. Also, consider compressed work week schedules and home-based telecommuting program to reduce vehicle miles traveled which is a primary source of emissions throughout the Port Planning Districts.

10124 Old Grove Rd. San Diego California 92131-1649  
(858) 586-2600 Fax (858) 586-2601  
www.sdapcd.org

A10-1

A10-2

### Response to Comment A10-1

The District appreciates SDAPCD's interest in the proposed PMPU. This comment is an introductory comment. Although it lists the air quality impacts which the PEIR determined would be significant after mitigation, the comment does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

### Response to Comment A10-2

The District appreciates SDAPCD's support for MM-AQ-9 as well as the additional recommendations for this mitigation measure. As recommended by the comment, MM-AQ-9 has been revised to include these additional TDM options, including bicycle parking. Please also note that the PMPU includes numerous policies to promote non-automobile travel as part of the District's mobility planning, including the proposed Mobility hubs. As discussed in PMPU, Sections 4.1.2, 4.1.3, 5.8.1(C), and PD8.3, the Mobility Hubs include bicycle parking and similar features. Furthermore, communal uses, such as mixed-use development, may be able to share such facilities or utilize adjacent Mobility Hub facilities. Similarly, telecommuting may not be feasible for certain types of projects (e.g., industrial projects) that require physical on-site presence. Consequently, not every future development project would necessarily require these facilities or TDM options to achieve VMT reductions. Individual TDM plans for future development projects, consistent with the VMT goals in MM-TRA-3, will be prepared which cater to the unique circumstance of the individual developments and uses proposed under the PMPU. These revisions are reflected in the Final EIR, Volume 2, Chapter 4.

MM-AQ-10: Require All New Hotels to Reduce Natural Gas Prior to 2030 and All New Development to be Carbon Neutral After 2030.

The APCD supports MM-AQ-10 to help achieve carbon neutrality and has no further comment on this mitigation measure.

MM-AQ-11: Install EV Charging Infrastructure.

APCD is in support of EV ready parking spaces and the proposed EV installations for new building construction or renovations. Since the proposed mitigation measure has a minimum of six percent of the total new parking spaces that will be EV ready, also consider more parking spots that are "EV capable" to more easily adapt to the future increases in electric vehicles visiting the Port area. APCD encourages the Port to explore opportunities for incentive funding for EV charging, such as SDG&E's Power Your Drive and the CALeVIP charger incentive program.

MM-AQ-12: Advance Recreational Boat Electrification.

The APCD supports MM-AQ-12 to help reduce emissions and has no further comment on this mitigation measure. The Port and the APCD should continue to work together for any opportunities for collaboration with incentives (ex. Carl Moyer Program) or other measures to reduce emissions.

APCD appreciates the opportunity to comment on the EIR for the Port Master Plan Update and looks forward to continuing collaboration with the Port to achieve the region's clean air goals.

Respectfully,

Paula Forbis  
Digitally signed by Paula Forbis  
 Date: 2022.01.07 13:22:55 -0800

Paula Forbis, Interim Air Pollution Control Officer  
 San Diego County Air Pollution Control District

Cc: Michael Watt, SDAPCD Deputy Director  
 Kathy Keehan, SDAPCD Supervising Air Resource Specialist

A10-3

A10-4

A10-5

A10-6

## Response to Comment A10-3

The District appreciates SDAPCD's support for MM-AQ-10.

## Response to Comment A10-4

The District appreciates SDAPCD's support for MM-AQ-11, as well as the additional recommendations for this mitigation measure. The requirement in MM-AQ-11 of a minimum of six percent of the total required new parking spaces was based on the CalGreen Code previously in place (2019 standards). The most recent CalGreen Code (2022 standards) requires a minimum of 10% spaces be EV ready for non-residential (hotel and motel) uses. The requirement in MM-AQ-11 has been updated to reflect the CalGreen code update, and any future updates to the code, and to ensure this mitigation measures applies to all new uses, including hotels, motels, other commercial recreation, and general parking areas. As this does not affect any of the emission calculations in the analysis, no other changes are required in the PEIR. The District will continue to comply with updates to the CalGreen Code (Title 24, Cal. Code Regs., Part 11) which is an area of law heavily regulated by the California Building Standards Commission which reviews and updates the Code every three years. (Health & Safety Code § 18949.6.) Building Code standards require detailed investigation and rigorous feasibility review as described in *Building Code Action v. Energy Resources Conservation and Development Commission* (1980) 102 Cal.App.3d 577. The District believes it to be undesirable from a policy standpoint to essentially redraft the California Building Code (Title 24), and believes that California Building Standards Commission is in a better position to determine the feasibility of setting state wide energy efficiency standards contained in Title 24.

The District also notes that most electric vehicle owners do not have commutes which would necessitate the need for daily electric vehicle charging, nor are such charging stations needed for every individual at every commercial facility. In fact, most electric vehicle owners charge at their place of residence (FN1). Additionally, substantial federal investments have been approved which will ensure increased electric vehicle charging stations within the region. (Bill. H.R. 3684 [establishing National Electric Vehicle Infrastructure (NEVI) Formula Program which provide 7.5 billion for 500,000 EV charging stations] (FN2). Furthermore, the PMPU program does not preclude future increases in EV ready parking spaces if such demand becomes appropriate in the future. The PMPU does not approve any specific development proposal,

and the District has the ability to condition future projects for greater EV charging, if such demand increases.

Funding for EV charging could also be provided via funds collected from the VMT Infrastructure Mitigation Program to be established by MM-TRA-1 as well as incentives associated with implementation of MM-TRA-2 (i.e., project-specific VMT reduction measures) and MM-TRA-3 (i.e., project-specific transportation demand management plan).

FN1: [https://afdc.energy.gov/fuels/electricity\\_charging\\_home.html](https://afdc.energy.gov/fuels/electricity_charging_home.html)  
[“Most drivers of electric vehicles...charge their vehicles overnight at home”]

FN2:

[https://afdc.energy.gov/files/u/publication/electric\\_vehicle\\_charging\\_infrastructure\\_trends\\_first\\_quarter\\_2022.pdf](https://afdc.energy.gov/files/u/publication/electric_vehicle_charging_infrastructure_trends_first_quarter_2022.pdf)

### **Response to Comment A10-5**

The District appreciates SDAPCD’s support for MM-AQ-12. The District will continue to collaborate with SDAPCD on incentive programs and ways to reduce emissions on Port Tidelands. This comment does not raise any issues with the content or adequacy of the PEIR. Therefore, no further response is required pursuant to CEQA.

### **Response to Comment A10-6**

The District appreciates SDAPCD’s interest in the PMPU. This comment does not raise any environmental issues requiring a response pursuant to CEQA.



## 2.4.11 Comment Letter A11: San Diego County Regional Airport Authority

Brendan J. Reed, Director of Airport Planning & Environmental Affairs

SAN DIEGO  
COUNTY  
REGIONAL  
AIRPORT  
AUTHORITY

Letter  
A11

January 10, 2022

VIA EMAIL

Lesley Nishihira, Planning Director  
Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Re: **Airport Authority's Comments on the PMPU Draft EIR**

Dear Ms. Nishihira:

The San Diego County Regional Airport Authority (Airport Authority), which operates San Diego International Airport (SAN) and is responsible for regional air transportation planning, appreciates the opportunity to review the Port Master Plan Update's (PMPU) Draft Environmental Impact Report (EIR). As the Port's largest tenant, the Airport Authority is greatly interested in the PMPU and its ability to complement our efforts to improve sea level rise resiliency, land use compatibility, and ground access and mobility at and around SAN, especially in PMPU Planning District 2 (Harbor Island) and Planning District 3 (North Embarcadero Subdistrict). It is particularly important for the PMPU to support regional initiatives to improve public transit connections to SAN and to enhance pedestrian and bicycle access between SAN and the Port's surrounding land uses.

A11-1

As such, below are comments and suggestions on the PMPU's Draft EIR for your consideration:

1. *Project Impacts & Mitigation Measures Summary - Table ES-1 (Page ES-9)*  
Please define the abbreviations used in the table (such as "PS" and "SU") to describe the significance levels of the proposed PMPU's environmental impacts.
2. *Cumulative Plans & Projects List - Table 2-2 (Page 2-21)*  
The Draft EIR correctly includes the Airport Authority's Airport Development Plan in its cumulative projects list. However, the Airport Authority requests that the Airport Development Plan's status in the referenced table be updated to reflect the FAA's issuance of a Finding of No Significant Impact (FONSI), under the National Environmental Policy Act, on October 22, 2021.

A11-2

A11-3

The Airport Authority additionally requests that its SAN Air Cargo Warehouse Facilities project be added to the Draft EIR's cumulative projects table and incorporated into the document's analyses. As outlined in the Supplemental



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www.san.org

### Response to Comment A11-1

The District appreciates the Airport Authority's comments on the PEIR. Responses to specific comments are provided below.

### Response to Comment A11-2

"PS" means "Potentially Significant," "SU" means "Significant and Unavoidable," and "LTS" means "Less Than Significant." The term "PS" is used interchangeably with "Significant" as defined on page 4-3 of the Draft PEIR. Table ES-1 of the Draft PEIR has been updated in the Final PEIR with definitions for the summary abbreviated significance determinations.

### Response to Comment A11-3

The commenter's request to include reference of the "SAN Air Cargo Warehouse Facilities project" to PMPU Table 2-2 appears to assume that the PMPU PEIR is utilizing a list of projects cumulative methodology. Under CEQA Guidelines Section 15130(b), the cumulative analysis can utilize either a list of projects or a summary of projections for the cumulative analysis. As discussed in Draft PEIR Sections 2.3.1 and 2.3.2, the PEIR relied primarily upon the summary of projections approach, which was supplemented with additional regionally significant plans, including the "San Diego International Airport, Airport Development Plan" (SDIAADP) (see Cumulative Project No. 8 in Table 2-2 of the Draft PEIR).

The SDIAADP utilized cargo forecasts through the year 2050. More specifically, SDIAADP Recirculated Draft EIR, Section 2.5.1.1 stated: "Total air cargo at SDIA is forecast to increase from 192,351 metric tons in 2018 to 372,700 metric tons in 2050 in the unconstrained forecast, an average increase of 2.1 percent year pear. Air freight and air mail at SDIA are forecast to increase an average of 2.1 percent per year between 2018 and 2050."

The referenced project was also already included in the SDIAADP EIR, Section 4.3.3.3 "Air Cargo Warehouse Facilities and Associated Improvements", which states "The proposed air cargo facilities would be located parallel to, and on the north side of, Taxiway C, and are anticipated to include approximately 225,000 square feet of warehouse space for air cargo, and an aircraft parking apron with up to nine (9) parking positions for cargo aircraft." Consequently, this was already

included in consideration of the SDIAADP projections and would not change the PMPU cumulative analysis.

Similar issues were addressed by the Court of Appeal in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2012 Case No BS32655). While the case was ultimately considered by the CA Supreme Court, the Supreme Court did not overturn the aspects of the Court of Appeal decision addressing selection of the cumulative methodology. In that case Petitioner asserted the EIR's analysis of cumulative traffic impacts was inadequate because it failed "to consider the localized traffic impacts of related projects and other deficiencies.... Petitioner cites the Casden Project—which is identified in the EIR as proposing 265,000 square feet of retail floor space and 500 residential units, but for which no applications had been filed when the draft EIR was circulated." The Court rejected this assertion stating "Here, the Expo Authority employed the 'summary of projections' approach. The EIR's traffic analysis, based as it is on projected traffic conditions in 2030...What it does not include is a microanalysis of those impacts as they may be affected at a particular intersection by a particular project that was not under environmental review when the draft EIR was circulated. But there is no requirement for such an analysis where the lead agency has used the 'summary of projections' approach." Nevertheless, the Draft PEIR has been updated with the additional status related to the Airport Authority's Airport Development Plan, which is a plan listed in Table 2-2 (i.e. approval of the FAA's NEPA document on October 22, 2021). This change does not affect the conclusions contained within the PEIR.

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EIR for the Airport Master Plan (2011), the Airport Authority proposes to construct an approximately 225,000 square-foot warehouse space for air cargo along with associated apron for up to 9 aircraft parking positions. These proposed facilities would be adjacent to PMPU Planning District 3's Pacific Highway Corridor. The Airport Authority expects this new cargo facility to begin construction within the next 3-5 years.

A11-3  
cont.

3. *Significant Air Quality & Health Risk Impacts – Table 4.2.1 (Page 4.2-4)*  
It appears that the “Rationale for Finding after Mitigation” for Impact-C-AQ-4 and Impact-C-AQ05 have been mistakenly transposed.

A11-4

4. *Planning District Proximity to Airports – Figure 4.7-9 (Page 4.7-35)*  
The Draft EIR correctly includes the Airport Influence Area (AIA) of SAN in the referenced figure identifying airports within 2 miles of PMPU planning areas. However, the AIAs for Naval Outlying Landing Field - Imperial Beach and Naval Air Station North Island are missing from the figure. As such, the Airport Authority requests that the Draft EIR be updated to include these AIAs, as identified in their respective Airport Land Use Compatibility Plans. In addition, the Airport Authority requests that the figure's legend be updated to replace Lindberg Field [sic] with “SDIA” and to replace Air Influence Area with “Airport Influence Area.”

A11-5

5. *Hazards & Hazardous Materials Cumulative Effects (Page 4.7-92)*  
The Draft EIR notes that probable future projects associated with cumulative plans and programs could be located within the AIAs for San Diego International Airport and Naval Outlying Landing Field - Imperial Beach. The Airport Authority believes that future projects could also be located within the AIA for Naval Air Station North Island, as identified in its Airport Land Use Compatibility Plan that was adopted in 2020, and requests that the Draft EIR be updated accordingly.

A11-6

6. *Year 2100 Sea Level Rise Scenarios (Page 4.13-10)*  
As required under CEQA, the Draft EIR analyzes whether the proposed PMPU would exacerbate the physical effects of sea level rise or be inconsistent with applicable sea level rise policies of the California Coastal Commission (CCC). The Draft EIR's impact analyses use projections for 2030 (0.7 feet) and 2050 (1.4 feet) based on a 5% probability of exceedance. However, a 50% probability is used for 2100 (2.6 feet) without providing clear and compelling reasons for using a higher probability (i.e. lower sea level rise amount) for this future year.

A11-7



## Response to Comment A11-4

The impact summary table provided in Section 4.2, *Air Quality and Health Risk*, of the Draft PEIR (page 4.2-4 for Impact-C-AQ-4 and Impact-C-AQ-5) has been updated in the Final PEIR to correctly reflect the rationale provided in the impact analysis conclusion on page 4.2-94 of the Draft PEIR, under the heading “Level of Significance After Mitigation.” As this is a clarification for purposes of consistency, no change to the impact analysis is required.

## Response to Comment A11-5

The Draft PEIR has been updated and Figure 4.7-9 of the Final PEIR now includes the AIAs for Naval Outlying Landing Field - Imperial Beach and Naval Air Station North Island. In addition, the legend has been updated as requested in the comment. These revisions do not change the impact conclusions in the Draft EIR.

## Response to Comment A11-6

The Draft PEIR Table 2-2 includes the Naval Air Station North Island Airport Land Use Compatibility Plan, as a cumulative project (see cumulative project # 9). No change to the cumulative analysis is required.

## Response to Comment A11-7

As discussed in detail in Section 4.13.4.1, Methodology, of the Sea Level Rise (SLR) section of the PEIR, the PEIR includes six SLR scenarios, including the 4.5-foot scenario requested by the commenter and a 7-foot scenario by 2100, the latter of which is consistent with the CCC SLR Guidance for a medium-high risk aversion scenario. Furthermore, as discussed on PMPU Draft EIR page 4.13-41, the PMPU policies require projects to “submit site-specific hazards reports to the District that address anticipated coastal hazards over the anticipated life of the development (SR Policy 3.3.1).” As more information becomes known about sea level rise modeling in futures years, that information will be utilized as part of these site-specific planning.

Certain scenarios, namely those which align with the District's 2019 Vulnerability Study prepared pursuant to AB691 and approved by the State Lands Commission, are used for impact determination purposes under CEQA because the SLR estimates contained therein were the product of extensive information gathering and focused stakeholder

and expert collaboration. The process of preparing the 2019 Vulnerability Study is detailed in the Draft PEIR on page 4.13-9:

“In compliance with AB 691, the District prepared the Sea Level Rise Vulnerability Assessment and Coastal Resiliency Report (AB 691 Report) (District 2019), presented it to the Board of Port Commissioners in June 2019, and then submitted to the CSLC. This report is provided as Appendix I of this PEIR. AB 691 requires local trustees of public trust lands to collaborate with its lessees, local, State, and Federal government agencies, and users of the granted public trust lands to address projected sea level rise. District staff, regional stakeholders, and subject matter experts from public agencies, non-profit groups, and private companies were engaged during the development of the AB 691 Report to gather information and learn from projected sea level rise and coastal experts. Stakeholders included the U.S. Navy, Federal, State, regional, and local government agencies, academia, environmental interest groups, District tenants, and the San Diego Port Tenants Association.

Beginning in the fall of 2017 and concluding in the winter of 2018, stakeholders provided technical feedback and recommendations for the District’s projected sea level rise approach, including selection of sea level rise projections to be used in the vulnerability assessment, coastal flood modeling, and assets to be evaluated. Stakeholders also provided input on the vulnerability assessment, flood maps, and the projected sea level rise planning process. The stakeholder process led to a deeper understanding of sea level rise projections, asset management, and potential impacts. The stakeholder process included the formation of a Sea Level Rise Ad-Hoc Committee within the District’s Environmental Advisory Committee (EAC). In addition to a select number of EAC members, representatives from the District’s member cities and the CCC also participated in the Sea Level Rise Ad-Hoc Committee to advise the District throughout the development of the vulnerability assessment.”

As such, given the extensive effort that occurred to define SLR estimates based on the best available science and which was documented in the AB691 Vulnerability Study, the PEIR analysis aligns with the vulnerability study and uses the same SLR estimates to determine if the PMPU, if approved, would have the potential to exacerbate SLR levels identified in the 2019 study.

However, recognizing that there is additional guidance and uncertainty on the subject of SLR, the District also disclosed the impacts of projected SLR levels that may occur under lower probability scenarios, including a

3.5-foot rise by 2050, and a 4.5 feet and 7.0 feet rise by 2100 (see Draft PEIR page 4.13-10; note that these increments are aligned to the closest CoMoS mapping increment for analysis, which is only available in 0.82 foot increments. This results in analysis of 2.2 feet, 4.92 feet, and 6.6 feet, respectively).

For the 3.5-foot rise by 2050, the Draft PEIR explains that the CCC has adopted a principle that recommends a minimum consideration of 3.5 feet of sea level rise by 2050 or the use of best available science.

However, there is no probability of occurrence associated with the 3.5 feet in 2050 and the CCC does not plan to update its current Sea Level Rise Policy Guidance to incorporate this target (CCC 2020).

Given the significant uncertainty associated with the 2100 scenarios and the rapidly evolving status of climate science, the Draft PEIR analysis used a more likely scenario based on the 2019 Vulnerability Study and the Ocean Protection Council's Rising Seas Report (50% probability) for the purpose of CEQA as CEQA requires evaluation of future conditions that are reasonably foreseeable rather than what is considered more remote and speculative. However, as stated in the Draft PEIR, there are benefits of understanding the incremental impacts of sea level rise under even more remote and unlikely scenarios and therefore both scenarios are included for consideration.

Importantly, climate science is fast evolving as decisions are made on how nations around the globe will modify their greenhouse gas emissions, as more data is collected about the impacts of changes in temperature on sea level rise, and as better predictive models are developed. The District has proposed SR Policy 3.2.3 to ensure future adaptability to rising sea levels. Specifically, the policy requires the creation and periodic updates to a sea level rise adaptation plan that considers best available science and applicable regional, state, and federal adaptation planning guidance; builds upon previous analyses of coastal hazards that are caused or exacerbated by projected sea level rise; provides recommendations for adapting structures and facilities, coastal access, recreational areas, coastal-dependent development, contaminated sites, and other infrastructure and coastal resources to projected sea level rise conditions; explores the potential for nature-based sea level rise adaptation strategies; identifies alternative opportunities or plans for adapting to coastal hazards such as but not limited to: balance or realignment of natural habitat and the built environment, softening hardened shoreline structures, restoring or enhancing submerged habitats for coastal resiliency, or replacing in-kind public recreation areas, accessways, and other Public Trust

resources that could be lost due to inundation or damage associated with sea level rise; establishes a monitoring protocol and requirements for evaluating sea level rise impacts on all Tidelands uses over time; establishes a schedule for performing future Tidelands sea level rise vulnerability assessments; includes an environmental justice component that addresses how development may affect potential flooding and inundation related to sea level rise in adjacent disadvantaged communities; and includes an outreach and engagement process that would be focused on collaborative adaptation planning with adjacent disadvantaged communities. Additionally policies include SR Policy 3.3.1, which would require permittees to submit site-specific hazards reports to the District that address anticipated coastal hazards over the anticipated life of the development; SR Policy 3.3.2, which requires permittees to site and design development to avoid effects from projected sea level rise considering the anticipated life of the development and, if coastal hazards cannot be completely avoided, to plan, design, and implement adaptation strategies, and SR Policy 3.3.4, which is designed to reduce the risks posed to neighboring properties and the natural environment from coastal protection devices by prioritizing nature-based adaptation strategies.

As concluded in the Draft PEIR on page 4.13-41, all future development allowed under the proposed PMPU would be required to demonstrate consistency with the proposed PMPU policies related to sea level rise. Thus, the policies associated with the proposed PMPU would ensure that new development of water and land uses would not exacerbate any existing and/or projected damage to the environment, including existing structures, human health, and sensitive resources, in association with sea level rise and storm surge. Moreover, any flooding would occur irrespective of future PMPU-related development. As such, the proposed PMPU would not exacerbate the potential for inundation due to projected sea level rise or storm surge, and impacts would be less than significant.

Lastly, the following sentence on page 4.13-10 has been clarified in track changes in the Final EIR as follows:

“These projections are consistent with the sea level rise projections selected and analyzed in the District’s AB 691 Report ~~and are within 2 inches of the CCC’s medium-high risk aversion scenario.~~”

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The Draft EIR also incorrectly states that this projection is within 2 inches of the CCC's recommended "medium-high risk aversion scenario." In its 2018 Sea Level Rise Policy Guidance document (page 304), the CCC has established 7.0 feet as the appropriate San Diego Bay projection for 2100 under a medium-high risk aversion scenario. In fact, the Draft EIR's use of 2.6 feet (50% probability) for 2100 is even below the CCC's "low risk aversion scenario" (3.6 feet), which should only be used for projects that would have limited consequences or a higher ability to adapt.

Given the above, the Airport Authority requests that the Draft EIR's impact analyses be revised using the 5% probability of exceedance for 2100 (4.5 feet), which would help avoid underestimating the PMPU's potential environmental impacts and be more closely aligned with the sea level rise policies of the California Coastal Commission.

7. *Potential Automated People Mover Mitigation Measure*

The Draft EIR concludes that the proposed PMPU will result in significant and unavoidable impacts in a number of resource categories, including Air Quality, Greenhouse Gases, and Transportation. While the draft document identifies a Bayfront Circulator and other mobility improvements to help lessen these significant impacts, it does not specifically consider the SANDAG 2021 Regional Plan's Automated People Mover (or similar connection) between the regional transit network, the San Diego International Airport, and Harbor Island as a potential mitigation opportunity. As such, the Airport Authority requests that the Draft EIR be updated to assess the additional mitigation benefits the Automated People Mover could provide to these resource impacts.

Again, the Airport Authority appreciates your time and consideration. Please feel free to contact me at (619) 400-2785 or [breed@san.org](mailto:breed@san.org) if you have any questions or would like to discuss this comment letter further.

Sincerely,



Brendan J. Reed  
Director of Airport Planning & Environmental Affairs

cc: Dennis Probst, Airport Authority - Vice President of Development  
Michelle Brega, Airport Authority - Senior Director of External Relations  
Matt Harris, Airport Authority - Director of Government Relations  
Ted Anasis, Airport Authority - Airport Planning Manager  
Ralph Redman, Airport Authority - Airport Planning Manager



A11-7  
cont.

A11-8

A11-9

## Response to Comment A11-8

The comment references an automated people mover between the regional transit network, the San Diego International Airport, and Harbor Island as a potential mitigation measure. According to SANDAG, an automated people mover is a small-scale, driverless light rail vehicle that operates on a fixed track. Airports often use automated people movers because they include convenient features for people traveling with luggage, such as level boarding platforms and spacious interiors. Additionally, automated people movers can operate 24 hours a day while offering frequent trips, which allows for flexible pickup times and reduced wait times for travelers. (<https://www.sandag.org/projects-and-programs/featured-projects/central-mobility-hub>, accessed March 2023).

The comment also references SANDAG's Final 2021 Regional Plan. While an APM is mentioned in the plan, it does not include much information. Specifically, the APM is only shown in Figure 2.3, connecting the planned Central Mobility Hub with the San Diego International Airport. No additional information is provided.

As discussed in Section 3.2.3(D)-I (p. 77) of the Mobility Element of the PMPU and in the Glossary, *Baywide Circulator* (p. 387), the "Plan is agnostic to specific technology, so that it can include multiple forms of transportation technology (e.g., bus, automated people mover, fixed guideways, etc.)." The District does not have the authority to make such broad planning decisions independently given the multi-jurisdictional nature of such a project. Furthermore, including a policy calling for the Automated People Mover that connects the SDIA, District, and the proposed Central Mobility Hub would not reduce or avoid a significant impact identified in the PMPU PEIR. However, the PMPU contains multiple policies that support future mobility options such as SANDAG's proposed Automated People Mover and similar connections.

For example, policies within the PMPU that call for coordination with agencies with transportation authority as well as adjacent jurisdictions include M Policy 1.1.8, which requires the District to coordinate with agencies that have transportation authority, and with adjacent jurisdictions and permittees, to plan mobility infrastructure in support of the safe movement of people and/or goods; M Policy 1.1.9, which requires the District to coordinate with agencies that have transportation authority to explore opportunities to expand accessible transit service to Tidelands; and M Policy 1.1.10, which requires the District to provide areas for transit stops and transit lanes for expanded transit opportunities on Tidelands and explore a means for financing

expanded transit opportunities with agencies that have transportation authority. Additional relevant policies include M Policy 1.1.14 and M Policy 1.1.21.

As discussed on page 4.14-10 of the Draft PEIR, the District is a member of the Airport Connectivity Steering Committee, which studies ways to modernize and improve access to SDIA. The Committee prepared a concept to improve transit connectivity to SDIA. On September 25, 2019, the Committee recommended approval of conceptual transportation solutions for improved transit and road connectivity, which was approved for further study by SANDAG on September 27, 2019. The District will continue to work cooperatively with SDIA, SANDAG and the Steering Committee, which is consistent with several of the policies in the PMPU as discussed in previous responses. No change to the PEIR is required in response to this comment. (See also *Concerned Citizens of South Central LA v. Los Angeles Unified School District* (1994) 24 Cal.App.4th 826, 842 [“We are aware of no authority which would require the District, under the circumstances of this case, to consider a mitigation measure which itself may constitute a project at least as complex, ambitious, and costly as the Jefferson 34 project itself.”])

#### **Response to Comment A11-9**

The District appreciates the SDCRAA’s comments on the PMPU and the associated PEIR.



## 2.5 Organization Letters and Responses

### 2.5.1 Comment Letter O1: Environmental Health Coalition

Danny Serrano, Campaign Director



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Letter  
O1

January 10, 2022

Planning Department  
Port of San Diego  
3165 Pacific Hwy  
San Diego, CA 92101

Via: [pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

**RE: EHC Comments – Port Master Plan Update Draft Environmental Impact Report**

Environmental Health Coalition (EHC) has been actively involved in the Port's Master Plan Update (PMPU) and appreciates the opportunity to provide comments on the Draft Environmental Impact Report (DEIR). The PMPU is a large, complicated project and EHC appreciates the work that the Port has done thus far. EHC's initial comments/recommendations are listed below for your consideration.

**EHC's High-Level Summary of Comments:**

- The Port's MCAS and the state's AB 617 CERP need to be connected to the PMPU via a policy or policies.
- A consistency analysis of the MCAS and the CERP must be done to identify any additional impacts/mitigation measures.
- Additional policies are needed to address environmental justice (e.g., support CARB regulations to reduce emissions, strengthen the MIIF, support the Port's Barrio Logan Nighttime Noise Study recommendations etc...).
- The Port should evaluate the PMPU and the Balanced Plan projects and try to ensure that they are as consistent as much as possible before they are finalized in order to reduce any major policy inconsistencies between them that may exist until a PMPA is prepared.

**Comments on the DEIR:**

1. Section 4.2 Air Quality and Health Risk and Section 4.6 Greenhouse Gas and Energy Comments:

A. The EIR needs to include a consistency analysis and mitigation measure(s) to address the Port's Final MCAS that was approved by the Port Board on 10/12/21 and the CERP that was adopted by the state on 10/14/21. EHC offers the following justification for this:

- i. The Port has committed to doing a consistency analysis with the MCAS and CERP on other draft EIRs that have been circulated prior to the adoption of the MCAS and CERP. The PMPU DEIR, therefore, should be no exception

Page 1 of 6

#### Response to Comment O1-1

The District appreciates EHC involvement in the PMPU planning process. This comment includes a summary of comments that follow. The District's responses to each comment are provided below.

O1-1

O1-2

and should have already included a consistency analysis on the MCAS and CERP since it was circulated for public review following the adoption of the MCAS and CERP.

- ii. The release of a draft EIR does not freeze applicable rules, policies, or regulations. The CEQA Guidelines are amended from time to time and, pursuant to the CEQA Guidelines Section 15007, they apply prospectively only. "If a document meets the content requirements in effect when the document is set out for public review, the document shall not need to be revised to conform to any new content requirements in guideline amendments taking effect before the document is finally approved." (14 Cal. Code Regs. § 15007(c)). However, this dictates the CEQA procedural and substantive requirements applicable to EIRs – it does not foreclose application of new agency regulations or policies during the CEQA review process. Indeed, CEQA itself contemplates new information of importance after the release of a draft EIR and mandates recirculation in certain circumstances. (Pub. Res. Code §21092.1; Laurel Heights Improvement Ass'n v Regents of Univ. of Cal. (1993) 6 C4th 1112, 1130).
- iii. In California, unless a tentative map or development agreement are approved, vested rights are not acquired until a building permit is issued and substantial investment is made. (Avco Community Developers, Inc. v. South Coast Regional Com. (1976) 17 Cal.3d 785, 797; Gov. Code, §§ 65864–65869.5 [development agreement]; Gov. Code, §§ 66498.1–66498.9 [vesting tentative map]). To find otherwise would cause serious impairment of the government's right to control land use policy. (Id.). Thus, government agencies may generally apply new laws retroactively when such an intent is apparent. "Absent equitable estoppel, upon which the judicial vested rights doctrine is based, a governmental agency may change requirements late into the development process in spite of the property owner's expenditure of substantial sums." (Davidson v. County of San Diego (1996) 49 Cal.App.4th 639, 646). Local ordinances may also confer vested rights earlier than available under the judicial doctrine. (Id.). However, the Port has no such local regulation. Because no vested rights apply absent the aforementioned circumstances, the MCAS applies to any projects not yet approved. Therefore, the Port has an obligation to provide an MCAS consistency analysis in its CEQA documents to reflect a good faith effort at full disclosure.
- iv. The Port describes the MCAS as a planning and policy document aimed at reducing environmental impacts:
  - a) In 2019, the Board of Port Commissioners (Board) adopted a resolution authorizing Port staff to update the Port's 2007 Clean Air Program to align with State programs, develop District-related strategies, and identify projects that would reduce emissions and improve air quality. This update has evolved into the proposed project, the Maritime Clean Air Strategy (MCAS), which is a planning document that identifies long and near-term goals and policies, and identifies potentially feasible strategies and measures, to help reduce emissions while promoting maritime operations. (CEQA and Coastal Determinations And Notice Of Approval, MCAS,

O1-2  
cont.

## Response to Comment O1-2

Please see the response to Comment A3-8, A3-9, A3-10, and A3-12. The Final PEIR has been updated to include an analysis of whether the proposed PMPU would conflict with or obstruct implementation of the MCAS and CERP.

October 12, 2021<sup>1</sup>).

- v. The MCAS itself notes that Portside Community residents continue to suffer a disproportionate burden of environmental afflictions, including air pollution, and more needs to be done to reduce these impacts. (MCAS, p. S-1). As a policy document to guide future decision-making, and as the successor to the Port's Clean Air Program<sup>2</sup>, the MCAS intended to address physical environmental impacts and provide potential solutions that inform project alternatives and mitigation measures. Inconsistency with the MCAS will likely result in significant environmental impacts by frustrating the Port's ability to meet its health impact, air quality, and greenhouse gas reduction goals. Merely assessing a project's compliance with state goals will not reveal such impacts because the MCAS goes beyond state requirements. Therefore, there is no legal or policy justification for omitting such an analysis of the MCAS here.
- B. DEIR page 4.2-36 states "Measures from both the MCAS and potentially the CERP will be applicable to new projects as they arise." DEIR page 4.2-69 states that "the MCAS includes various emission reduction goals and strategies to achieve those goals, although the goals are not mandatory as feasibility may not be achievable. Most of the strategies in the MCAS go beyond regulatory requirements, and may achieve emission reductions at the two cargo terminals; at the cruise ship terminal; along the entire Working Waterfront; and with the District's fleet of vehicles, equipment, and marine vessels." How is it possible to state on page 4.2-69 that the MCAS goals and strategies are not mandatory when on page 4.2-36 it states that MCAS measures will be applicable to new projects? This is inconsistent. EHC agrees that all projects must be consistent with the MCAS and we believe that the Port should support the CERP as well. There needs to be an analysis of the MCAS and the CERP against the PMPU in the DEIR to disclose and determine what additional mitigation measures are needed to ensure consistency.
- C. DEIR page 4.6 – 46 states "While the MCAS, future CAP updates, and other District efforts are likely to result in emission reductions over the life of the proposed PMPU, the effects of the GHG emission reductions that may result from these efforts cannot be quantified at this time because the timing and other specific details about the implementation of these efforts are not known at this time." This text insinuates that the MCAS is vague or perhaps contain unknown policies that might not be determined until a future date (similar to a future CAP update); however, the MCAS has very specific benchmarks (e.g., 100 percent ZEV trucks and cargo handling equipment by 2030) along with implementation strategies to accomplish them. The Final MCAS was adopted prior to the circulation of the PMPU DEIR. The MCAS is a planning document that identifies long and near-term goals and policies, and identifies strategies and measures to help reduce emissions. As stated above, there needs to be a consistency analysis of the MCAS and CERP against the PMPU in the DEIR to determine what additional mitigation measures are needed to ensure consistency.

O1-2  
cont.

O1-3

O1-4

#### Comments on the PMPU Ecology Element:

<sup>1</sup> [https://pantheonstorage.blob.core.windows.net/ceqa/2021-0120\\_Maritime\\_Clean\\_Air\\_Strategy\\_Final\\_Cat\\_Det.pdf](https://pantheonstorage.blob.core.windows.net/ceqa/2021-0120_Maritime_Clean_Air_Strategy_Final_Cat_Det.pdf)

<sup>2</sup> Notably, the Port routinely provided a Clean Air Program consistency analysis in its CEQA documents. (See, TAMT Redevelopment Plan and Demolition and Initial Rail Component EIR).

## Response to Comment O1-3

Although the goals and objectives of the MCAS are not mandatory and are based on specific assumptions regarding feasibility, the MCAS is an air quality plan that applies to marine terminal projects within the District. As indicated in Response to Comment O1-2 above, the Final PEIR has been updated to include an analysis of whether the proposed PMPU would conflict with or obstruct implementation of the CERP and MCAS. (Please see Appendix J of the Final PEIR.) In addition, the commenter is aware through its participation during the MCAS consideration, the Board of Port Commissioners adopted the MCAS on October 12, 2021 subject to certain changes. When staff presented the minutes associated with the adoption to the Board of Port Commissioners at its November 2021, meeting, there was disagreement among individual commissioners as to which changes to the MCAS were a part of its adoption in October. The commenter also submitted a comment letter disagreeing with the proposed changes to the adopted MCAS at the November 2021 meeting. Ultimately, the Board did not approve the proposed minutes during that meeting. At the December 14, 2021 Board of Port Commissioner's meeting, minutes reflecting the adoption of the MCAS and the changes thereto, were adopted. Hence, the final content of the MCAS was not clear until December 14, 2021. At the time the language described by the commenter was written and circulated to the public, the content of the final MCAS was not yet clear. Please refer to the response to Comment A3-12 regarding the MCAS and changes made to the Final EIR.

The CERP is a strategic planning document adopted by the San Diego County Air Pollution Control District (SDAPCD) and California Air Resources Board (CARB) less than a month after circulation of the Draft PEIR. The CERP provides background, technical data, policies, and guidelines. For example, Chapter 6 includes an enforcement plan to ensure that the SDAPCD's and CARB's enforcement of existing rules support reducing emissions and improving air quality and public health in the Portside Environmental Justice Neighborhoods community. Chapter 7 of the CERP includes actions and strategies and explains that "[e]ach action in this chapter is to be carried out based on a set of strategies, goals, and timelines. Timelines outlined here are ambitious, and subject to change depending on priorities of the community and availability of funding." (CERP, page 138.) The CERP includes "aspirational goals [that] are intended to guide the community members, businesses, organizations, and government agencies partnering in the implementation of this CERP to support health and environmental justice in the Portside Community. While there might not be a clear path to reach some of these goals, they identify the direction in which the community wants to go to achieve emission reductions beyond regulatory

requirements. As technology evolves and data continues to be collected, the goals below may be adjusted.” (CERP, page 139.) Hence, these aspirational goals – like those in the MCAS – are not binding and may change over time. Moreover, the CERP did not go through the rule making requirements of the Administrative Procedure Act (APA) (Government Code section 11340 et seq.) and hence, the CERP is not a regulation requiring compliance. Moreover, many of the strategies apply only to the SDAPCD. For example, the outreach and community engagement strategies require the Air District to prepare and implement an incident response plan, a Public Participation Plan, and a Health Risk Assessment. (CERP, page 141.) Another example is the SDAPCD’s responsibility to work with certain entities for incentive funding. (CERP, pages 147-150.) The SDAPCD will also consider evaluating existing binding rules to further benefit the Portside communities identified in the CERP. (CERP, pages 152-159.) The CERP identifies the District as an “implementing agency” for certain strategies. (CERP, pages 171, 175, 178, 180, 183, 187.) Those strategies are addressed in Appendix J of the Final PEIR in the analysis of whether the proposed PMPU will conflict with or obstruct implementation of the CERP. The PEIR has been revised in response to this comment, including language previously located on page 4.2-36.

#### **Response to Comment O1-4**

As indicated in responses to Comments O1-2 and O1-3 above, the Final PEIR has been updated to include a consistency analysis of the CERP and MCAS. Please note that the MCAS and CERP do not include “benchmarks” but rather aspirational “goals.” Similar comments suggesting the need to quantify such measures have been rejected by the Courts. (*Buena Vista Water Storage District v. Kern Water Bank Authority* (2022) 76 Cal.App.5th 576.)

#### **Response to Comment O1-5**

This comment makes a specific request for revision of the PMPU, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR. Additionally, the District did not approve the CERP and the Board of Port Commissioners did not consider any actions from the CERP. Therefore, as acknowledged in Comment O1-2, the CERP was adopted by state agencies and it would not be considered a “District environmental initiative.” Pursuant to CEQA Guidelines Section 15088, no further response is required. The comment will be included in the information presented to the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

1. The CERP should be added to the list under “Notable District Environmental Initiatives”
2. In section 3.3.2(A) Current District Environmental Programs and Initiatives, the MCAS and CERP are not included but should be.
3. The MCAS is a Port planning document that must be a part of and connected to the PMPU. The new text box following policy 3.1.1, indicates that the MCAS is not part of the PMPU because it is a more agile document that is easier to adapt to changing state requirements and technology etc. EHC agrees that the MCAS is and should be a dynamic planning document and EHC understands that it is anticipated to be updated every 24 months through 2030; however the MCAS still needs to be part of and connected to the PMPU through a new policy that references and supports it. Just as page 4.2-36 of the DEIR states that the MCAS measures will be applicable to new projects, the PMPU must have a policy connecting it to the MCAS.
  - A. EHC’s recommended policy:
    - i. *The MCAS is applicable to existing and new tenants and a consistency analysis must be done for all new discretionary projects (e.g., leases, CEQA actions, CDPs etc). The District shall allocate adequate resources to ensure the necessary updates to and the implementation of the MCAS.*
4. While the CERP is not a Port planning document, support of that document through a new policy should be added to the PMPU:
  - A. EHC’s recommended policy:
    - i. *The Port shall require a consistency analysis of the AB 617 CERP for all new discretionary projects (e.g., leases, CEQA actions, CDPs etc). The District shall support the implementation of the CERP’s Port related strategies.*
5. Eco Policy 3.1.3 states “In cooperation with regional, state, and federal agencies, the District shall advance maritime clean air strategies to help improve local air quality.” EHC supports this broad policy; however, the PMPU still needs an additional policy as described in 3.a and 4.a above to connect the PMPU to the MCAS and the CERP vs just a general reference/policy to ‘maritime clean air strategies’.

I 01-5

I 01-6

01-7

01-8

01-9

#### **Comments on the Environmental Justice Element:**

1. New policy needed: *Port staff shall inform new Port Commissioners on local environmental justice principles, history, ongoing issues, and Port related programs during a public hearing soon after new Commissioners appointments. Port staff shall collaborate with stakeholders from Portside communities in this presentation.*
2. New policy needed: *Port must consider environmental justice issues and potential health impacts associated with all decisions including new tenant leases, current tenant lease modifications, new policies, land use decisions, including enforcement actions, to reduce the adverse health effects of hazardous materials, industrial activity and other undesirable land uses on environmental justice residents within or adjacent to Port tidelands. The MCAS is applicable to existing and new tenants and a consistency analysis must be done for all new discretionary projects (e.g., leases, CEQA actions, CDPs etc). The District shall allocate adequate resources to ensure the necessary updates to and the implementation of the MCAS.*
3. New policy needed: *Ensure that the Port supports the implementation of the Community Emissions Reduction Plan (CERP). Identify and allocate adequate funding/resources to ensure the timely implementation of Port related CERP actions.*

Page 4 of 6

01-10

01-11

01-12

## **Response to Comment 01-6**

Please see the response to Comment 01-5 and 01-7. This comment makes a specific request for a revision to the PMPU, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR. Additionally, the District did not approve the CERP and the Board of Port Commissioners did not consider any actions from the CERP. Therefore, it would not be a “Current District Environmental Program” or “Environmental Initiative.” Pursuant to CEQA Guidelines Section 15088, no further response is required. The commenter’s suggestions will be included in the information presented to the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

## **Response to Comment 01-7**

Please see responses to Comment 01-3. The MCAS is not a regulatory document and the inclusion of the MCAS or a policy specifically regarding the MCAS in the PMPU is not required pursuant to the Coastal Act or Port Act. (See Cal. Pub. Resource Code Section 30711; Port Act Section 19.) Hence, it is not being proposed to be “codified” or made into a required binding plan through the PMPU.

However, the MCAS is discussed in the PMPU on page 112, under Goal 3 in the Eco Goal 3 in the Ecology Element. It states:

“[The PMPU] establishes specific goals, objectives, policies, and standards to direct future development, facilitate a diverse range of uses and activities, and provide a broad range of proposed public improvements. While the MCAS is not part of [the PMPU], within Chapter 3, Elements, [the PMPU] establishes Baywide goals, objectives, and policies intended to be implemented throughout the lifetime of the [PMPU], on topics such as air quality, public access, and environmental justice. While many of these Baywide goals, objectives, and policies are in alignment with the goals and objectives identified in the MCAS, the MCAS is a more agile document that is easier to adapt to changing State requirements and new technology, and to address the urgency and specificity of these topics. In addition, the goals, objectives, and policies in [the PMPU] are complementary to and supportive of the air pollution reduction goals and objectives established in other local and regional plans, such as the CERP and the MCAS.”

Please see additions to the Final PEIR, Appendix J, which includes an analysis of whether the PMPU would be inconsistent with or obstruct implementation of the CERP and MCAS. The conclusion of that analysis is that the PMPU supports and aligns with both plans and does not present conflicts with, or any obstructions to, implementation of the two plans.

Furthermore, this comment makes a specific request for a revision to the PMPU, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no further response is required. The comment will be included in the information presented to the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

### **Response to Comment O1-8**

Please see responses to Comments O1-3, O1-5, O1-6, and O1-7. The CERP is not a regulatory document and the inclusion of the CERP or a policy specifically regarding the CERP in the PMPU is not required pursuant to the Coastal Act or Port Act. (See Cal. Pub. Resource Code Section 30711; Port Act Section 19.) Hence, it is not being proposed to be “codified” or made into a required binding plan, through the PMPU. Moreover, this comment makes a specific request for a revision to the PMPU, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no further response is required. The comment will be included in the information presented to the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

### **Response to Comment O1-9**

Please see responses to Comments O1-3, O1-5, O1-6, O1-7, and O1-8. This comment is restating previous comments that were addressed within the PMPU. This comment makes a specific request to add a new policy to the PMPU, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no further response is required. The comment will be included in the information presented to the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

### **Response to Comment O1-10**

Please see Section: 3.5.2(C) Healthy Environment, Healthy Community of the Environmental Justice Element and specifically EJ Policy 2.2.2. Additionally, a text box was added on page 147 under “meaningful engagement opportunities.”

This comment makes a specific request to add a new policy to the PMPU, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no further response is required. The comment will be included in the information presented to the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

**Response to Comment O1-11**

This comment makes a specific request to add a new policy to the PMPU, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no further response is required. The comment will be included in the information presented to the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

Additionally, however, please see EJ Policy 2.3.1, which states that “Through CDPs issued by the District, the District shall consider environmental justice issues, including potential health impacts, associated with decisions involved in implementing this Plan to reduce adverse environmental effects that may impact adjacent disadvantaged communities to Tidelands.”

In regard to the MCAS, please see responses to Comments O1-3, O1-6, and O1-7.

**Response to Comment O1-12**

Please see responses to Comments O1-3, O1-6, and O1-8. This comment makes a specific request to add a new policy to the PMPU, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no further response is required. The comment will be included in the information presented to the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

**Response to Comment O1-13**

Please see ECO Policy 4.1.5, which states that “The District shall engage with regional and State partners to advance the development of statewide clean air goals and regulations to improve air quality.”

This comment makes a specific request to add a new policy to the PMPU, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no further response is required. The comment will be included in the information presented to the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

4. New policy needed: *Support the California Air Resources Board's policies/regulations to reduce emissions.*

01-13

5. New policy needed: *Support/protect the Port's existing Maritime Industrial Impact Fund and find additional ways to supplement this program.*

01-14

**Comments on the Working Waterfront Planning District Element:**

1. Existing Draft PMPU Policy PD4.7b states "...Require development on the terminal to implement electrification or other improvements to reduce the reliance on fossil fuels, reduce criteria air pollutants and greenhouse gas emissions, and demonstrate consistency with State goals and requirements, which may include...." EHC's recommendation is to replace Draft PMPU Policy PD4.7b with the following:

01-15

A. *Air pollutants and greenhouse gas emissions shall be reduced to the maximum extent feasible with best available technology and operational improvements. Require development on the terminal to implement electrification or other improvements to significantly reduce the reliance on fossil fuels and require standards that are above and beyond State goals and requirements, which may include: 1. Developing a compilation of improvements, such as installation of electric infrastructure to support on-terminal cargo-handling equipment and shore power; 2. Developing on-site renewable energy production and battery storage ahead of state goals/requirements; 3. Developing infrastructure for zero-emission vehicles and trucks ahead of state goals/requirements; 4. Developing a program that phases in the use of zero-emission vehicles and trucks, including drayage trucks and specialized heavy trucks by District occupants, tenants, and permittees at the Tenth Avenue Marine Terminal ahead of state goals/requirements; and 5. Supporting implementation of pilot programs or demonstration projects that advance deployment of zero-emission equipment, vehicles, and trucks.*

2. New policy needed: *The Port Tidelands are a public resource, and economic development on the waterfront must create living wage jobs and not displace workers with automated technology.*

01-16

3. New policy needed: *Support the Barrio Logan Community Plan Update's zoning and land use revisions to reduce incompatible land uses.*

01-17

4. New policy needed: *Support the Perkins Elementary School expansion.*

01-18

5. New policy needed: *Support the Port's Barrio Logan Nighttime Noise Study recommendations and develop a program to implement them.*

01-19

**Comments on the National City Bayfront Element:**

1. The PMPU indicates that the National City Bayfront Planning District is not part of the PMPU which is undergoing its own CEQA process and that the National City Bayfront Planning District will be addressed in a PMPA at a later time. EHC understands that the Balanced Plan and the PMPU are separate "projects", however, it seems that until the PMPA is done, there could be two sets of standards/policies for future development (e.g., National City Bayfront vs TAMT) for a potentially very long time. EHC recommends that

01-20

Page 5 of 6

## Response to Comment 01-14

The Maritime Industrial Impact Fund (MIIF) is authorized pursuant to *BPC Policy No. 773* and a new policy is not required by the Coastal Act or the Port Act. Any changes to the Maritime Industrial Impact Fund would occur through an amendment to *BPC Policy No. 773*. This comment makes a specific request to add a new policy to the PMPU, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no further response is required. The comment will be included in the information presented to the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

## Response to Comment 01-15

This comment makes a specific request to add a new policy to the PMPU which focuses upon zero emission trucks and cargo handling equipment, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR. As discussed in Draft PEIR Section 3.5.3.4, "The PMPU does not propose any changes to the cargo throughput or improvements for this subdistrict in comparison to what was previously approved as part of the Tenth Avenue Marine Terminal Redevelopment Plan and analyzed in the TAMT Redevelopment Plan PEIR (SCH# 2015-031046)." (See *Black Property Owners Assoc. v. City of Berkeley* (1994) 22 Cal.App.4th 974 ["in most cases the agency will not be required to assess the environmental effects of the entire plan or preexisting land use designations. Instead, the question is the potential impact on the existing environment of *changes* in the plan which are embodied in the amendment."].)

Furthermore, the concepts in the replacement policy requested in the comment are already incorporated into the PMPU, the CEQA process, and CARB's regulations. (See PMPU ECON Policy 2.3.2 {electrification}, SR Policy 3.1.3 (On-site renewables), see also Draft EIR Section 4.6 for additional PMPU policies.) CEQA already provides that "No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding... Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR."

Similarly, as discussed on Draft EIR page 4.2-32 "CARB adopted the Advanced Clean Truck Regulation in June 2020 to accelerate a large-scale transition of



zero-emission medium- and heavy-duty vehicles.” CARB is also already charged with developing air pollution control regulations based upon the best available control measures and implementing every feasible control measure under the State and Federal Clean Air Act. (Health & Saf. Code, §§ 39602.5, 39667, 43013(a) and (h), 43018, 40600, 40601, 40612(a)(2) and (c)(1)(A); *Engine Manufacturers Association v. State Air Resources Board* (2014) 231 Cal.App.4th 1022, 1037.) See also *Natural Resources Defense Council v. Cal. Dept. of Transportation* (2011 Case No. B228048):

SCAQMD also recommended the addition of a mitigation measure requiring trucks used for Project construction to meet, at a minimum, 2007 EPA emissions standards... infeasible. Caltrans addressed the suggestion at length and explained that, to require construction vehicles to have 2007 or newer engines from the beginning of the construction would be a restriction greater than imposed by law on the contractors, and it would not be economically feasible for them to replace their existing trucks before starting construction. Caltrans also made clear, however, that eventually the suggested mitigation goal would be met due to the expected incremental phase-in of relevant CARB standards, which would encompass the EPA standards.

The comment will be included in the information presented to the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

### **Response to Comment O1-16**

This comment makes a specific request to add a new policy to the PMPU, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no further response is required. However, please see ECON Policy 1.1.5, 1.1.6, 2.3.18, and 2.3.19 as well as 3.6.2(D) Supporting the Labor Force / Workforce Development. The comment will be included in the information presented to the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

### **Response to Comment O1-17**

This comment makes a specific request to add a new policy to the PMPU, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no further response is required. However, please see EJ Policy 3.1.1 and 3.1.2 as well as WLU 8.1.4. The comment will be included in the information presented to the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

the Port evaluate each project and try to ensure that they are as consistent as much as possible before they are finalized.

Sincerely,

Danny Serrano, AICP  
Campaign Director

01-20  
cont.

### Response to Comment 01-18

Please see response to Comment 01-17. This comment makes a specific request to add a new policy to the PMPU, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no further response is required. The comment will be included in the information presented to the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

### Response to Comment 01-19

This comment makes a specific request to add a new policy to the PMPU, but does not raise an environmental issue or identify any deficiency in the content or adequacy of the PEIR noise analysis. Pursuant to CEQA Guidelines Section 15088, no further response is required. However, the Draft PEIR included a discussion of the Barrio Logan Nighttime Noise Study, at page 4.10-35, which represented the environmental setting for nighttime noise within Barrio Logan. As shown in the Study, the District caused the monitoring and measurement of noise levels between 10:00 P.M. and 6:00 A.M., with a focus on the period between 1:00 A.M. and 4:00 A.M. The comment will be included in the information presented to the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

### Response to Comment 01-20

Please see Master Response M-1. The National City Balanced Plan (NCBP) is not included in the PMPU and therefore, the commenter is correct in stating that they are separate projects intended to achieve different objectives. Further, the NCBP and TAMT (included in the PMPU), are also different. Among other differences, the NCBP does not propose any increase in cargo throughput and includes future development of other types of commercial recreation projects, whereas the TAMT Redevelopment Plan provides for increased cargo throughput and focuses on marine industrial uses. Based on this key difference, it is reasonable for each separate project to include different standards. The PEIR takes the NCBP into account by including it within the analysis of the PMPU's potential cumulative impacts. (See Draft EIR, pp. 2-20, 3-2.) Although the PMPU does not propose any change in water or land uses at the TAMT, the PEIR discusses the TAMT where appropriate and incorporates the TAMT's Final Program EIR by reference. Because the comment does not identify any inconsistency between the standards/policies for future development under the NCBP and the TAMT Redevelopment Plan, no further response is required.

## 2.5.2 Comment Letter O2: San Diego Audubon Society, Southwest Wetlands Interpretation Association, and Endangered Habitats League

Michael A. McCoy, President, SWIA, William Tippets, Secretary, SWIA, Dan Silver, Executive Director, EHL,  
James A. Peugh, Conservation Chair, SDAS



Letter  
O2

January 10, 2022

San Diego Unified Port District  
Attn: Dennis Campbell, Planning Department PO Box 120488  
San Diego, CA 92112-0488  
(via email: [pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org))

Subject: Comments and Recommendations on the Port Master Plan Volume I:  
Draft Program Environmental Impact Report November 2021 SCH #:  
2017031070

Dear Mr. Campbell:

Our organizations are dedicated to helping preserve and enhance natural habitats throughout southern California. We have long histories of active participation in large-scale conservation planning efforts (Endangered Habitats League) and both Southwest Wetlands Interpretation Association and San Diego Audubon Society have been involved in the PMPU since its beginning in 2013. Historical losses of San Diego Bay wetlands (particularly vegetated and shallow-subtidal types) have occurred from development, and climate change and sea level rise represent significant additional threats to natural resources and infrastructure/developments. Our organizations support planning and implementation of a long-term sustainable vision that will produce real benefits for the public trust tidelands/waters managed by the Port of San Diego (District).

In evaluating the Draft Program EIR (EIR) for the PMPU, and given their extensive detail and length and our expertise and primary interests, we have focused our comments on these issues: CEQA Analysis; Biological Resources; Greenhouse Gas Emissions (GHGs); Sea Level Rise; and Alternatives. We support many of the comments and positions of other organizations with whom we have collaborated during the development of the PMPU and Draft EIR including, but not limited to, the Embarcadero Coalition and the Environmental Health Coalition.

Southwest Wetlands Interpretive Association • P.O. Box 575 • Imperial Beach, CA 91933  
Tel. (619)575-0550

### Response to Comment O2-1

The District appreciates the commenters' interest, involvement, and direct participation in the PMPU and PEIR process. As this is an introductory comment, no response is required; however, responses to individual comments follow below.

O2-1

Dennis Campbell, Planning Department  
January 10, 2022  
Page 2

SWIA appreciates the District's efforts to engage and inform the public as it prepared the PMPU and EIR. The EIR summarizes the policies, programs and the panoply of proposed project actions that would be undertaken pursuant to PMPU. It also integrates other relevant District documents that support or establish actions that would occur pursuant to implementation of the PMPU. However, we believe that the EIR provides an inadequate analysis of potential impacts from the proposed project in the above cited impact sections. Of most concern is that the proposed project's potential impacts on tideland natural habitats are not adequately analyzed; nor are the proposed avoidance, minimization and mitigation measures – as promulgated through the PMPU Elements, Baywide Development Standards and Policies – sufficient to protect tideland natural resources.

#### CEQA Analysis Approach

(1) The Whole of an Action. The introduction to the PMPU states: "This Port Master Plan (Plan) sets a comprehensive vision for the San Diego Unified Port District (District). As trustee for these public lands, the Board of Port Commissioners (BPC) and District staff manage a diverse array of activities within a dynamic city and region. District maritime and water-dependent uses stretch along the entire water's edge, highlighting San Diego's cherished waterfront character. This Plan governs the use, design, and improvement of these public trust lands." And the first objective of the PMPU is to "Create an integrated vision for the District that governs the use, design, and improvement of public trust lands in accordance with Section 30711 of the California Coastal Act (CCA), the Public Trust Doctrine, and the San Diego Unified Port District Act (Port Act)." Those commitments apply to all but a very limited subset of the District's tidelands (e.g., airport lands and the PMPU addresses potential planned development over a 30 year period within the District's authority, which includes the ten Planning Districts (PDs).

CEQA requires the lead agency to consider the whole of an action, not just its component parts and it must address all environmental factors that may be directly or indirectly significantly impacted (e.g., CEQA Sections 15003, 15125, 15126.2 and 15378) – which raises the concern regarding the appropriateness of the Draft EIR's position not to analyze PD 5, PD 6 and the Pond 20 portion of PD 7 – which the District has stated are not subject to any updates in the PMPU (Page 3-2 includes the footnote – "Anytime the term "baywide" is used in this EIR, it applies to the PMPU area."). However, the PMPU, which is the District's 30-year "blueprint," contains Elements, Baywide Development Standards and Policies that cannot exclude significant portions of tideland resources. Implementing the

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O2-2

O2-3

## Response to Comment O2-2

The comment makes a general claim that the analysis related to biological resources, GHGs, sea level rise, and alternatives is inadequate. Specifically, the comment claims that "the proposed project's potential impacts on tideland natural habitats are not adequately analyzed; nor are the proposed avoid avoidance, minimization and mitigation measures...sufficient to protect tideland natural resources." However, aside from expressing a general concern, the comment does not provide any specific examples or other details in this comment to which the District may provide a response. Please see responses to Comments O2-4, O2-5, as well as responses to Comments O2-7 through O2-30, which respond to specific comments related to the adequacy of the impact analysis on tideland natural habitats and the adequacy of proposed mitigation measures. Therefore, no further response is possible. In addition, please note that the PMPU may describe certain other District initiatives; however, they have not been "integrated" into the PMPU and are only mentioned for informational purposes, or the PEIR may discuss such existing programs/policies/initiatives as part of the discussion of existing "Laws, Regulations, Plans, and Policies." Please see the response to Comment O2-3 for a more detailed response.

## Response to Comment O2-3

The PMPU does not propose any changes in the existing land and water uses in PD5, PD6, the Pond 20 portion of PD7 and the TAMT. Please see Master Response M-1. As discussed in that Master Response, the lead "agency will not be required to assess the environmental effects of the entire plan or preexisting land use designations. Instead, the question is the potential impact on the existing environment of changes in the plan which are embodied in the amendment." (*Black Property Owners Assoc. v. City of Berkeley* (1994) 22 Cal.App.4th 974.) Furthermore, the fact that some of the environmentally protective policies apply throughout the Port District, does not make the amendments responsible for those unamended land use designations/plan areas. (*Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266, 294.)

Dennis Campbell, Planning Department  
January 10, 2022  
Page 3

PMPU also relies on and integrates other District-wide documents including, but not limited, to its Climate Action Plan, Sea Level Rise Assessment Report, and Maritime Clean Air Strategy, which apply to all planning districts. It also, in compliance with CEQA, analyzes the project's potential effects on areas outside of the District's tidelands (e.g., Air Quality and Transportation, Circulation and Mobility sections). In contrast, the Draft EIR explains there are no proposed changes to the existing plan or soon-to-be completed plan for those areas (or that the proposed alteration to Pond 20 would affect the proposed project) as reasoning for not including them (EIR, Pages 3-1 and 3-2). But some of the PMPU Elements, Baywide Development Standards, and Policies – particularly those that are water-based – could affect all parts of the District's tidelands. That argues for having the EIR evaluate the effects of the overarching Elements, Standards and Policies on PD 5 and PD 6 and Pond 20.

Even if the District believes that the approved/nearly-approved plans/guidelines for PD 5 and PD 6 (and Pond 20 portion of PD 7) exempt them from the EIR, we believe the PMPU's Elements, Policies, and Development Standards, could have significant direct or indirect effects (conflicts) in those area. At a minimum, the basis for those conclusions must be summarized and documented with substantial evidence in the Draft EIR, and should be in the Final EIR. How else can the District ensure consistent and effective conservation and management all of the public trust tidelands across all Planning Districts, especially its natural resources?

(2) The Environmental Baseline/Importance of Projected Sea Level Rise. The Draft EIR's approach to addressing climate change appears to be insufficient in that it does not adequately address reliably foreseeable projected rise in sea level or from project (PMPU) implementation. CEQA was recently amended to address climate change related concerns. Specifically, CEQA Section 15125 now provides that: "Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historical conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record."

In light of this guidance, and because the PMPU addresses potential development within tidelands that are fully affected by sea level, and over a 30-year period during which sea level rise will continue at a reasonably predictable rate (and combined with storm events, will increase risks to tidelands), the EIR's

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O2-3  
cont.

O2-4

Although PD5, PD6 and a portion of PD7 are not included in the PMPU, the approved plans for those areas are included in the PEIR's analysis of the PMPU's potential cumulative impacts. The PEIR considers the PMPU's incremental contribution to cumulative effects on environmental resources when combined with other plans and programs, including the Chula Vista Bayfront Master Plan (Cumulative Project #1), National City Bayfront Projects and Plan Amendments (Cumulative Project #6), and Wetland Mitigation Bank at Pond 20 (Cumulative Project #7).

The comment claims that the PMPU "relies on and integrates other District-wide documents including, but not limited, to its Climate Action Plan, Sea Level Rise Assessment Report, and Maritime Clean Air Strategy, which apply to all planning districts." However, the District's Climate Action Plan (CAP) (2013), Sea Level Rise (SLR) Assessment Report (2019), and Maritime Clean Air Strategy (MCAS) (2021) are not a part of the PMPU, and are not incorporated by reference, but are instead standalone policy documents, plans and reports. For example, the PMPU expressly states "The MCAS is not part of this Plan." (PMPU p. 82 [November 2021 Draft].) Although the PEIR discusses whether the PMPU would conflict with or obstruct implementation of these plans, these documents are not incorporated by reference. Coastal Act Section 30711 lists the California Coastal Act's requirements for port master plans and the Port Act, Section 19 includes the requirements for the District's Port Master Plan. Neither of these laws requires the inclusion of the MCAS, CAP, or SLR Assessment Report. Furthermore, the SLR Assessment Report was conducted in accordance with Assembly Bill (AB) 691, which does not require it to be a part of the PMPU.

Similarly, as discussed in the PEIR, there are existing regulations, plans, and programs in place that serve to protect tideland biological resources. Please see the regulatory setting included under Section 4.3.3. In addition, please see the impact analysis that follows in Section 4.3.4, which includes discussion and mitigation to ensure compliance under Thresholds 1 through 5, with Thresholds 2, 3, and 5 specifically addressing existing regulations, plans, and programs in place to protect sensitive biological resources. Threshold 5, in particular, provides a consistency analysis with the Integrated Natural Resources Management Plan (INRMP) that applies to the entire bay. As determined therein, the PMPU would be consistent with the INRMP once mitigation is incorporated. Therefore, no changes to the PEIR or draft PMPU are warranted.

The comment also claims that "the PMPU's Elements, Policies, and Development Standards could have significant direct or indirect effects" within PD5, PD6, and the Pond 20 portion of PD7. However, the PEIR does consider all environmental effects associated with implementation of the

PMPU and does not limit the analysis to the boundary line of the PMPU area as the comment implies. The comment is equating the project area (i.e., where the PMPU policies would apply [including water and land use designations]) with the extent of the PMPU's potential environmental effects. However, this is not how the PEIR evaluates potential impacts associated with the implementation of the PMPU and any mitigation necessary to avoid, reduce, or otherwise minimize related impacts. For example, MM-BIO-2 and MM-BIO-5 both require buffers to protect nesting avian species to be established around construction areas regardless of whether the buffer would go beyond the PMPU boundary area or not. MM-BIO-3 requires monitoring of marine mammals, sea turtles, and fishes within the area affected by underwater sound generated from future pile driving activities from future construction projects. This monitoring would not be limited to the PMPU area; rather, the area to be monitored would be based on where Level A and Level B impacts may occur. As such, the PEIR considers and evaluates whether implementation of future development projects consistent with the PMPU (and which would be located in the PMPU area) may have impacts that go beyond the PMPU area boundary limits. Specific to biological resources and as stated on page 4.3-149 of Section 4.3, Biological Resources:

*"The geographic area for cumulative terrestrial biological resources impacts to which the proposed PMPU may contribute includes all habitats adjacent to, or otherwise linked to, San Diego Bay. The geographic area for cumulative marine biological resources impacts includes San Diego Bay in its entirety. [Emphasis added]* Past, present, and probable future plans and programs that could contribute to cumulative impacts on terrestrial and aquatic biological resources include those listed in Table 2-2 in Chapter 2 that would allow for waterfront development projects with grading, paving, landscaping, road, and building construction on undeveloped land or otherwise with habitat present, as well as redevelopment projects and in-water development. Marine organisms could be directly affected by construction and/or operation activities in or along the water, including dredging, filling, and wharf demolition/construction. Untreated runoff from construction or operation activities on land into harbor waters via storm drains or sheet runoff also has the potential to contribute to cumulative impacts."

The cumulative analysis for biological resources continues by addressing the effects from past development, considers the effects of present development, and what would reasonably occur from future development. The analysis concludes that cumulative biological resource impacts, including those related to the loss of sensitive bay habitat, are considered cumulatively

significant. The analysis then describes how the PMPU's implementation would potentially contribute to the baywide cumulative impacts, but concludes that with the specified mitigation measures, the PMPU's incremental contribution would not be cumulatively considerable.

Therefore, because the PEIR considers the environmental effects of the PMPU's implementation, including where those effects may go beyond the PMPU boundaries, no changes to the PEIR are required in response to this comment.

This comment also expresses concern that the PMPU's elements, policies and development standards could have significant and direct conflicts in PD5, PD6 and a portion of PD7. However, the comment does not provide any examples to which the District may respond. As indicated earlier in this response, PEIR considers all environmental effects associated with implementation of the PMPU (i.e., implementation of its elements, policies, and development standards), and does not limit the analysis to the boundary line of the PMPU area. Without a specific example to which the District may respond, no additional response is necessary or possible.

#### **Response to Comment O2-4**

This comment, and related comments below, allege the EIR does "not adequately address[ing] reliably foreseeable projected rise in sea level or from project (PMPU) implementation." Similar comments are raised throughout the letter associated with biological resources and land use. The commenter's opinion is premised upon their assertion that "the EIR's decision to apply only the current sea level baseline is problematic and flawed."

The Legislature and state agencies charged with implementing state climate policy have determined that EIRs should focus on GHG emissions rather than attempt to catalogue all the potential global effects that may ultimately result from those cumulative emissions. (CEQA Guidelines §§ 15064.4, 15183.5.)

The Natural Resources Agency's 2009 statement of reasons for adopting the CEQA Guidelines explained: "[S]ome comments submitted to OPR during its public workshops indicated that the Guidelines should be addressed to 'Climate Change' rather than just the effects of GHG emissions. The focus in the Guidelines on GHG emissions is appropriate."

[https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/Final Statement of Reasons.pdf](https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/Final%20Statement%20of%20Reasons.pdf)

The Draft PEIR provides a detailed discussion of physical consequences associated with GHG emissions in Sections 4.6, and concludes that the project would have significant and unavoidable impacts from GHG emissions. (See Impact GHG-1.) This incorporates a detailed discussion of the effects of

Global Climate Change from GHG emissions including discussion of increased temperatures, volatile precipitation, increased wildfire risk, impacts on human health, reductions in fresh water, impacts on habitats (including discussion of sea level rise), impacts to wetlands, and noting that “in heavily urbanized areas, such as San Diego, migration is limited by development, causing wetlands and the populations that rely on them to shrink.” (Draft PEIR Sections 4.13.2.1 and 4.6.2.1.)

The commenter faults a number of resource chapters in the Draft PEIR for not providing detailed analysis associated with the effects of climate change. However, as noted above, climate change emissions and their associated environmental effects were addressed in Section 4.6. The other individual resource chapters, such as Sea Level Rise, were focused upon the project’s specific impacts, which would have otherwise been eclipsed had the District taken the approach suggested by the commenter. For example, the Sea Level Rise analysis in Section 4.13 is more focused and addresses whether “the proposed PMPU’s potential to result in changes in the physical environment resulting from siting of future development and whether these changes may exacerbate...future sea level rise.” As required by CEQA, Draft PEIR Section 4.13 provides detailed mapping of sea level rise projections. (See Table 4.13-1 and 4.13-2 and Figures 4.13-1 through 4.13-16.)

The commenter suggests utilizing updated CEQA Guidelines Section 15125, which addresses baseline, because it was allegedly “amended to address climate change.” The PMPU’s discussion of baseline fully complies with CEQA Guidelines Section 15125, which is written to be permissive but not mandatory on a lead agency. Furthermore, Section 15125 was not amended to address climate change, instead it was amended in 2019 to address clarifications from decades of CEQA case law. As explained by the California Natural Resource Agency, Section 15125 prior to the amendment states the normal baseline rule: “‘normally’ the baseline consists of physical environmental conditions ‘as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.’” (Final Statement of Reason for Regulatory Action, Amendments to the State CEQA Guidelines, OAL Notice File No. Z-2018-0116-12, page 34 available at [https://files.resources.ca.gov/ceqa/docs/2018\\_CEQA\\_Final\\_Statement\\_of%20Reasons\\_111218.pdf](https://files.resources.ca.gov/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf) (last visited May 25, 2022) (Statement of Reason).)

The Statement of Reasons explains that in recent years several court decisions have focused on the exceptions to the “normal” rule and in response, Section 15125 was amended. (Statement of Reason, page 34.) However, the “normal” rule is still codified in 15125(a)(1) and may continue to be used by a CEQA lead agency. Section 15125(a)(2) – the exception to the normal rule – allows for an “alternative baseline” that “*may*” be used by a



lead agency when substantial evidence supports that “use of existing conditions would be either misleading or without informative value to decision-makers and the public.” (Final Reason, page 34.) An alternative baseline may be used if it is “based on reliable projections grounded in substantial evidence.” (Final Reason, page 35.) Here, long-term sea-level rise projections are uncertain and the PEIR used the best science available at this time to project those conditions. Please see the response to O2-27 and O2-28 for a response related to the uncertainty associated with estimating future sea levels.

As an informational document, the Draft PEIR describes the baseline conditions as they are under present conditions because doing so reflects the known conditions, as documented by recent surveys, that could be affected by future development projects occurring over the next several years. This provides an accurate snapshot of how future development may change the existing condition over the next several years and is important as the potential approval and implementation of future development projects, consistent with the PMPU, could start occurring soon after PMPU approval (if approved).

While the Draft PEIR discusses the potential effects of future sea level rise and the PMPU’s potential to exacerbate those future effects, the use of future sea level projections based on rapidly evolving climate change science to establish a baseline condition for biological resources to determine the entirety of the PMPU’s effects on biological resources is not the same consideration. Whereas the disclosure of sea level rise scenarios and a discussion of how the PMPU may exacerbate the effects of future sea level rise is an important exercise to understand the full potential effect of implementing the PMPU through 2050, the decision to use a future biological resources baseline that would factor in sea level rise requires a degree of speculation to determine what rise estimates to use (based on the year selected and the reasonably foreseeable outcome) as well as how future biological conditions would appear in future years under a reasonably foreseeable condition.

Indeed, as indicated in Table 4.13-1, there are ranges of probability related to the different scenarios. For the impact analysis selected for 2030, which considers a rise of 0.7 feet, the probability is a 5% chance of occurrence. For 2050, the estimate, which considers a rise of 1.4 feet, the probability is also a 5% chance of occurrence. As such, using one of these two scenarios as the basis for an environmental baseline for biological resources would, for purposes of CEQA, be considered speculative given they are not reasonably foreseeable at these probability percentages. Moreover, given that climate

science continues to evolve, sea level rise projections will likely be revised again in the near future if the historical trend is an indication.

Furthermore, using a future baseline to determine the proposed project's effects on biological resources would only reduce the project's impacts because it is used as a point of comparison for assessing environmental impact conclusions. (CEQA Guidelines Section 15125(a).) If rising sea levels reduce the amount of sensitive aquatic habitat in the PMPU area in future years, there would be less sensitive habitat that could be potentially affected by future development. Even if this approach was taken, the impact determinations would remain consistent with the current PEIR's impact determinations in Section 4.13 as the PEIR analyzes whether future implementation of the PMPU would exacerbate the damage caused by sea level rise. (See *San Franciscans for Livable Neighborhoods v. City and County of San Francisco* (2018) 26 Cal.App.5th 596, 620 ["residential growth within the City would occur regardless of the proposed Housing Element...it would be absurd to ask the City to hypothesize the impacts of a long-term housing plan taking hold immediately. When an amendment to a general plan takes a long view of city planning, the analysis of the amendment's impacts should do so as well."].) In the same manner, sea level rise is projected to occur regardless of adoption of the PMPU and the PEIR did not identify any exacerbating effects from implementation of the PMPU.

Potential biological impacts discussed in the PEIR are specific to impacts on sensitive species such as California Least Tern, California Brown Pelican, and other special-status avian species (See Impact-BIO-1, Impact-BIO-2, Impact-BIO-4, Impact-BIO-5, Impact-BIO-8, Impact-BIO-9), impacts on marine mammals, green sea turtles, and fishes (See Impact-BIO-3), impacts on sensitive habitats (See Impact-BIO-6, Impact-BIO-7, Impact-BIO-10, Impact-BIO-11, Impact-BIO-12, Impact-BIO-13, Impact-BIO-14), and impacts from inconsistencies with applicable biological resources plans (Impact-BIO-15). In other words, the impacts would be based on the type of action proposed by a future development project (e.g., pile driving, dredging, shading, etc.) and the natural resources present. This would carry through in future years even with any changes caused by sea level rise because the mitigation measures are designed to protect the resources that may be affected at the time a future development project is proposed and implemented. For example, should a project result in an impact on eelgrass habitat (Impact BIO-7, Impact-BIO-10, and/or Impact-BIO-11), the project would need to mitigate the impact in accordance with MM-BIO-7 and MM-BIO-10, which requires compliance with the California Eelgrass Mitigation Policy, including replacement at a 1.2:1 ratio, monitoring, post-construction surveys, eelgrass restoration and or transplanting, and several other requirements. This mitigation applies if the project would impact eelgrass regardless of when

implementation may occur. As such, the mitigation measures adapt to the conditions because they are designed to protect the sensitive resources. Moreover, the PMPU includes specific policies to ensure rising sea levels are taken into account during future project reviews. Section 4.13.4.3 of the PEIR includes a detailed overview of the proposed PMPU policies to address Sea Level Rise, including SR Policy 3.3.1 which requires a site specific hazard report which “shall address anticipated coastal hazards over the anticipated life of the development, including, but not limited to inundation; flooding associated with storms of various return periods, including a 100-year storm; wave runup and overtopping; historic and projected future shoreline erosion; groundwater rise; saltwater intrusion; tsunamis; and changes to these hazards over time due to projected sea level rise at the site.” This includes consideration of “multiple sea level rise scenarios and projections associated with the anticipated life of the development.” This helps to ensure each future development project considers its potential exacerbating effect on sea level rise at the project level in addition to the program level evaluated within the PEIR.

Finally, the PEIR analysis notes that the PMPU contains policies to actively plan for the projected rise and requires specific measures to be taken both by the District (e.g., Adaptation Plan) and future development (e.g., identification of site specific sea level rise hazards and adaptation strategies). As discussed in the impact analysis conclusions on page 4.13-41:

“As identified in Section 4.13.4.3, the proposed PMPU includes several policies to reduce or avoid risks posed by sea level rise and storm surge, including existing structures, human health, and sensitive resources. These policies require, among other things, permittees to submit site-specific hazards reports to the District that address anticipated coastal hazards over the anticipated life of the development (SR Policy 3.3.1). Other proposed PMPU policies require permittees to site and design development to avoid effects from projected sea level rise considering the anticipated life of the development and, if coastal hazards cannot be completely avoided, to plan, design, and implement adaptation strategies (see SR Policy 3.3.2). Additionally, to reduce the risks posed to neighboring properties and the natural environment from coastal protection devices, the proposed PMPU requires the prioritization of nature-based adaptation strategies, where feasible (SR Policy 3.3.4). If coastal protection devices are used, they must be designed to minimize adverse effects on local sand supply, recreation, habitat, scenic views, beach width, coastal fill, and effects on coastal access and other Public Trust uses (SR Policy 3.3.10). Sea level rise and increased “storminess” due to climate change may increase wave uprush, which would be

analyzed on an individual development basis, as required in SR Policy 3.3.1. Specific design approaches would be reviewed by the District as specific development proposals are submitted for development review. All future development allowed under the proposed PMPU would be required to demonstrate consistency with the proposed PMPU policies related to sea level rise. Thus, the policies associated with the proposed PMPU would ensure that new development of water and land uses would not exacerbate any existing and/or projected damage to the environment, including existing structures, human health, and sensitive resources, in association with sea level rise and storm surge. Moreover, any flooding would occur irrespective of any future PMPU-related development. As such, the proposed PMPU would not exacerbate the potential for inundation due to projected sea level rise or storm surge, and impacts would be less than significant."

No changes to the Draft PEIR or PMPU are warranted in response to this comment.

Dennis Campbell, Planning Department  
January 10, 2022  
Page 4

decision to apply only the current sea level baseline is problematic and flawed. Further, the guidelines (CEQA Section 15126.2) clarify that "... (lead) agencies should evaluate any potentially significant impacts from locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk), taking into account both short-term and long-term conditions in those areas." In that case, the lead agency could determine that it is "... appropriate and necessary to address how a project may exacerbate existing environmental hazards in NEPA reviews... such as whether a proposed action will exacerbate hazards associated with the impacts of climate change. For example, an agency reviewing a coastal development project should consider how impacts such as sea level rise and increased precipitation might affect flood risk in the area and whether the project might further exacerbate the flood risk." This implies that the EIR should analyze both the project's impact on the environment as well as the (predictable change in) the environment on the project. However, the EIR states on Page 4.13-13 that CEQA does not direct agencies to analyze the environment's effects on a project but does require analysis when a project could exacerbate existing environmental hazards or conditions. Because both project and environmental (sea level rise) effects potentially will impact (i.e., reduce) tideland natural habitats, especially wetlands, the EIRs analysis should reflect both effects. (see discussion at: <http://blogs.law.columbia.edu/climatechange/2019/01/10/california-adopts-ceqa-guidelines-aimed-at-improving-consideration-of-ghg-emissions-and-climate-change-impacts-in-environmental-reviews/>).

(3) The Environmentally Superior Alternative. The Alternatives to the Proposed Project do not provide a substantive "environmentally superior alternative" option. The bay has suffered great losses of its historical natural wetlands acreage, functions and values, as documented in the District's own Integrated Natural Resources Management Plan (INRMP) and as described in the EIR, it those resources face further diminishment because of sea level rise. None of the Alternatives significantly conserves more of the bay's critically-reduced wetlands (e.g., shallow subtidal, intertidal and marsh) than the proposed project.

#### Biological Impacts

In a 16Nov2021 letter to the Port on the Draft PMPU SWIA raised the concern that it did not present sufficient data/evidence to determine the predictable net impact on tideland habitats in light of sea level rise and project implementation (including the numerous protective policies for built assets). The EIR does not sufficiently address the potential impact of the loss of natural habitats/wetlands

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O2-4  
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O2-5

O2-6

O2-7

## Response to Comment O2-5

This comment is based on an incorrect understanding of CEQA Guidelines Section 15126.2 and applicable case law. The law is clear that CEQA requires an EIR to analyze the potential impacts of a proposed project on the environment, but does not require an EIR to study the potential impacts of changes in the environment on a project. (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4<sup>th</sup> 455, 474.) For this reason, the courts have held that the portion of CEQA Guidelines Section 15126.2 referred to in this comment is inconsistent with CEQA's statutory provisions. (*California Building Industry Ass'n v. BAAQMD* (2015) 62 Cal.4<sup>th</sup> 369, 390.) Other than limited exceptions not applicable to the PMPU, an EIR need only consider whether a proposed project may exacerbate any existing environmental hazards. (*Id.* at p.392.) Section 4.13, *Sea Level Rise*, of the PEIR correctly applied these legal principles in the analysis of impacts associated with sea level rise. This comment is similar to and expands on Comment O2-4. Please see the response to Comment O2-4. In addition, please see page 4.13-37 of the PEIR for a discussion on the potential effects on biological resources from future sea level rise.

As discussed in the response to Comment O2-4, the PEIR concludes that all future development allowed under the proposed PMPU would be required to demonstrate consistency with the proposed PMPU policies related to sea level rise and the policies associated with the proposed PMPU would ensure that new development of water and land uses would not exacerbate any existing and/or projected damage to the environment, including existing structures, human health, and sensitive resources, in association with sea level rise and storm surge. The PEIR also points out that any flooding would occur irrespective of any future PMPU-related development. The Draft PEIR concludes that the proposed PMPU would not exacerbate the potential for inundation due to projected sea level rise or storm surge, and impacts would be less than significant. Also, note that the PEIR is not environmental review under the National Environmental Policy Act (NEPA), which was quoted and cited by the commenter. Rather, the PEIR is an environmental analysis under CEQA and therefore, NEPA is inapplicable.

No additional changes to the Draft PEIR are necessary in response to this comment.

## Response to Comment O2-6

This comment is similar to Comment O2-30 of this letter, which also alleges that the Draft PEIR does not provide a substantive environmentally superior alternative. Please see the response to Comment O2-30.

Dennis Campbell, Planning Department  
January 10, 2022  
Page 5

within the public trust tidelands. The statement in the PMPU (WLU Policy 2.4.1 "There shall be no net loss of Conservation/Intertidal and Conservation Open Space acreage throughout Tidelands.") does not necessarily translate to preservation of existing natural habitats because "Conservation/Intertidal" (PMPU Table 3.1.1 lists this as 268.7 acres, but the EIR Table 4.13.1-3 lists 1525 acres of Conservation/Intertidal) and Conservation Open Space" (4.1 acres per the EIR, Table 4.13.1-3). Those are planning categories, not formal natural resource categories, so a commitment to no net loss of those Water/Land Use categories does not ensure no net loss of the Bay's tideland natural resources (especially wetlands).

Page 4.3-31. The following statement in this section highlights why not addressing PD 5 and PD 6 (and the Pond 20 portion of PD 7) in the EIR is a substantial flaw: "Many of the marshes in south San Diego Bay occur along unarmored shorelines and exist in areas and planning districts that are not described under the proposed PMPU." The EIR's failure to analyze the PMPU's (30-year) effects from adopting the Elements, Standards and Policies on all of the public tidelands creates a large gap regarding the "many marshes [and other wetland habitats] in south San Diego Bay." How then can the public understand the significance of (and reliance on) – and the District staff implement - Ecology (ECO) Policies stating that it will strive/explore/pursue opportunities to conserve and even expand wetlands throughout the Bay. That implies the EIR should analyze the effects of the proposed project for ALL PDs and whether implementing projects/actions in those two PDs and Pond 20 would affect implementation of the proposed project – and in particular, implementation of ECO Policies.

Page 4.3-85. The description of the District's Environmental Mitigation Property Policy identifies potential qualifying sites exist around the Bay ("Environmental mitigation property refers to land, water area, natural or constructed habitats, credit for the removal of shading over open water, or other assets, held in trust by the District and that could be used to offset the environmental impacts of projects...[and] Due to the limited area of mitigation property available to the District, each project requiring mitigation shall be evaluated through an administrative procedure as described in BPC Policy No. 735..."). The EIR does not explain/evaluate how this resource relates to – or would compete with - the water use category/type of "Conservation/Intertidal" or land use category/type of "Conservation Open Space." The obvious need for and significance of qualifying mitigation sites – and the current exclusion of the Pond 20 mitigation bank site from the EIR – argues for an analysis of the proposed project on all tideland natural resource assets.

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O2-7  
cont.

O2-8

O2-9

## Response to Comment O2-7

Please see response to Comment O2-4. In addition, please see Draft PEIR Section 4.3, *Biological Resources*, for the analysis of marine habitat, including the potential loss of wetlands from future development that is proposed consistent with the PMPU. As determined under Impact-BIO-7 (Permanent and Long-Term Overwater Coverage from Introduction of New Structures), Impact-BIO-10 (Temporary Water Quality and Sedimentation Impacts on Eelgrass Beds During Project Construction), Impact-BIO-11 (Permanent Overwater Shading of Eelgrass Beds by Newly Constructed Structures), Impact-BIO-12 (Direct Loss of Eelgrass from Dredging Activities), and Impact-BIO-14 (Reduction in the Ecological Value of Benthic Communities from Increased Depths Created by Dredging Activities), future development consistent with the proposed PMPU would have potentially significant impacts on marine habitat. Mitigation measures that would reduce any loss of sensitive aquatic habitat to less than significant include MM-BIO-7, MM-BIO-10, and MM-BIO-11. Notably, mitigation measure MM-BIO-7 and MM-BIO-10 require projects to restore damage to wetland or eelgrass habitat within the San Diego Bay at a 1:1 or 1.2:1 ratio, respectively. Moreover, under the Coastal Act, future development projects must be consistent with the PMPU, including WLU Policy 2.4.1 which requires that there be no net loss of Conservation/Intertidal and Conservation Open Space acreage throughout the Tidelands. As such, there would be no net loss of sensitive aquatic habitat as a result of the PMPU's implementation.

## Response to Comment O2-8

This comment raises the same issue as Comment O2-3 (i.e. exclusion of other PDs from the PMPU), and the commenter is referred to Master Response M-1 and to response to Comment O2-3, regarding analyzing the effects of the PMPU's implementation [implementation of Elements, Policies, and Development Standards] on other PDs and areas outside of the PMPU boundaries. In addition, the respective goals, objectives, and policies of the National City Bayfront Plan (PD5), Chula Vista Bayfront Plan (PD6), and Pond 20 Mitigation Bank Project (Pond 20 portion of PD7) apply to PD5, PD6, and the Pond 20 portion of PD7, respectively. Each of these plans has policies and mitigation measures that are designed to conserve and, in many cases, create or enhance sensitive habitat in the bay. The PMPU would not conflict with those policies or mitigation measures. On the contrary, implementation of the PMPU and the aforementioned plans would result in improvements to habitat within the bay. Moreover, simply because the PMPU is focused on PDs 1-4, PD7 (excluding Pond 20), and PDs 8-10 does not mean that application of the goals, policies, and development standards

of the PMPU would not result in beneficial effects on the entire bay. The increase in Conservation/Intertidal designation would lead to greater conservation in the bay, which is anticipated to have a net positive impact on bay habitats. In addition, application of ECO policies would, over time, improve biological resources on Tidelands and within the bay. Please see O2-13 for a discussion of important ECO policies proposed within the PMPU. It is also important to note that the District is not the sole agency with jurisdiction within the bay. Continued improvements in the bay will include contributions by the U.S. Navy as well, including continued application of the joint INRMP.

### **Response to Comment O2-9**

The comment faults the EIR for not evaluating how *BPC Policy 735 – Environmental Mitigation Property* interacts with the PMPU Land Use Designations for Conservation/Intertidal and Conservation Open Space. The purpose of the EIR is to analyze and disclose the physical environmental impacts of the proposed project on the environment, not to provide the type of legal analysis proposed in the comment. (CEQA Guidelines § 15126.2(a).) *Policy 735* is discussed on page 4.3-85 of the Draft PEIR, and “establishes a policy for the allocation of environmental mitigation property within District Tidelands...It is the policy of the District that property suitable for mitigation, which is held in trust by the District, will be retained for District-funded capital development and major maintenance projects. Due to the limited area of mitigation property available to the District, each project requiring mitigation shall be evaluated through an administrative procedure, as described in *BPC Policy No. 735*, to ensure that environmental mitigation property is only used for the most appropriate project. Further, unused mitigation land and new mitigation opportunities on District Tidelands that are not encumbered by a project will be under the control of the District and will be added to the District's accounting of available mitigation property. New mitigation land or credits will be managed in accordance with the District's administrative policy for use of District Environmental Mitigation Property.”

As such, *BPC Policy 735* is not intended to identify sites for mitigation but to establish a priority of projects that may mitigate on Tidelands, if such mitigation land/water is available. As stated, new mitigation opportunities on District Tidelands that are not encumbered by a project will be under the control of the District and will be added to the District's accounting of available mitigation property. This could come at the time development is proposed and is seeking to mitigate or otherwise avoid impacts on sensitive habitat.

The PMPU's water and land use designations include permissible land and water uses, some of which include areas for "Conservation / Intertidal uses," which, as stated in PMPU Table 3.1.4, allow for "management of habitat, wildlife conservation, and environmental protection. This designation allows scientific research, education and other uses that support environmental protection and restoration. This designation is complementary to land use designations of Conservation Open Space, Open Bay/Water, and Recreational Open Space." As such, the Conservation/Intertidal and Conservation Open Space designations are possible sources for habitat mitigation banking and lands proposed for banking would follow the administrative procedures established by *BPC Policy 735*.

Please also see response to Comment 02-3 and Master Response M-1 for the commenter's reference to Pond 20. In addition, the fact that the Pond 20 portion of PD7 is not included in the PMPU does not prevent Pond 20 from being considered environmental mitigation property pursuant to *BPC Policy 735*, if the District determines that would be appropriate.

### **Response to Comment 02-10**

As discussed under CEQA Guidelines Section 15126.2: "An EIR shall identify and focus on the significant effects *of the proposed project* on the environment." It is not the purpose of CEQA to address existing environmental deficiencies, such as the loss of "historic natural wetlands," meaning wetlands that have been lost or "historically diminished" in the past and not a result of the proposed PMPU. (See *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059 ["The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope"].) As such, the District does not agree with the opinion of the commenter that the threshold should be changed as suggested. Changing the Threshold of Significance 2 for potential impacts on biological resources in Section 4.3.4.4 also is unnecessary because the PEIR analyzed whether the PMPU would exacerbate the effects of sea level rise on sensitive natural resources on page 4.3-37 in Section 4.13, *Sea Level Rise*, and identified the PMPU policies which would avoid or minimize such impacts (pages 4.13-13 – 4.13-17). Please see the response to Comment 02-4, 02-5, and 02-7, the latter of which describes that MM-BIO-7 and MM-BIO-10 would ensure no net loss of existing sensitive aquatic habitat. No changes to the PEIR are required in response to this comment.



Dennis Campbell, Planning Department  
January 10, 2022  
Page 6

Page 4.3-86. The Thresholds of Significance criteria do not specifically include the combined effects of the project's potential impacts compounded by sea level rise on the Bay's historically-diminished wetland habitats including subtidal, intertidal and marsh, which is suggested as a relevant analysis by the guidance in CEQA Section 15126.2 cited previously. The existing/current environmental baseline for these wetlands habitats already represents a fraction of their historical acreages and with sea level rise projected to increase by a foot or more by 2050, the compounding impacts of potential project developments and rising sea level are expected to significantly reduce the remaining acreages of those wetland types.

To address this concern, the Threshold of Significance #2 ("Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations by CDFW, NMFS, or USFWS.") should be revised, and the analysis reassessed to specifically include projected SLR effects. The threshold would be revised: "Have a substantial adverse effect (i.e., a loss of existing wetland acreages, functions and values), when projected sea level rise effect is factored-in, on any riparian, coastal wetland or other sensitive natural community identified in local or regional plans, policies, or regulations by CDFW, NMFS, or USFWS."

The concern about the potential impacts from the combined effects of the proposed project's actions and sea level rise is an imminent one. As cited in the County of San Diego's Regional Decarbonization Framework plan (<https://www.sandiegocounty.gov/content/dam/sdc/lueg/regional-decarb-frameworkfiles/RDF%20First%20Draft%20CompleteOct28.pdf>), a City of San Diego draft report (ICF - Sea Level Rise Vulnerability Assessment - Draft (2019)) predicts local sea level rise (SLR) of approximately 0.25 meters, or about 1 foot, by 2030. The report found that 0.25 meters of SLR would inundate about 43% of the City's remaining salt marshes. The negative implications (i.e., future losses) for Bay wetlands out to the 2050 timeline for the PMPU cannot be overemphasized.

This concern is also justified based on the findings in the District's SLR Assessment report – particularly Tables 3.25 and 3.30 – that document projected losses of eelgrass, saltmarsh and upland habitats (the last being important to serve as possible landward accommodation/creation of habitat). As that report states, those loss estimates are likely to be higher than calculated because the report: "...likely underestimates the decline due to a variety of assumptions required for this analysis, assuming there is adequate time for habitat to respond in advance of rising seas."). SWIA and other groups outlined this threat in several letters and pre-CEQA comments to the District, but the PMPU did not provide

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02-10

02-11

02-12

## Response to Comment 02-11

CEQA does not require an EIR to analyze either the potential impacts of an existing environmental hazard like sea level rise or the combined impacts of an existing environmental hazard and a proposed project. Instead, CEQA requires an EIR to analyze whether the proposed project would exacerbate the adverse effects of an existing hazard. The PEIR thoroughly analyzed whether the PMPU would exacerbate the potential adverse effects of sea level rise in Section 4.13, Sea Level Rise. The County of San Diego's and City of San Diego's plans and assessments do not apply within the District's jurisdiction and do not supersede the District's own Climate Action Plan or its 2019 SLR Vulnerability Assessment. Also note that the County report cited by the commenter – and the City's assessment – were in draft form, when the comment was prepared. An EIR need not consider draft plans or reports. The District has prepared its own vulnerability assessment pursuant to AB691 (*Sea Level Rise Vulnerability Assessment and Coastal Resiliency Report, 2019* [2019 SLR Vulnerability Assessment]), which is included as Appendix I to the Draft PEIR and is discussed in detail on pages 4.13-6 and 4.13-9 through 4.13-11 of the PEIR. As indicated in the PEIR, the District's report served as the basis for the analysis of potential impacts related to sea level rise in Section 4.13, Sea Level Rise. Please also see response to Comment 02-4.

## Response to Comment 02-12

This comment is similar to the concerns raised in Comments 02-4, 02-5, 02-7 and Comment 02-10 concerning the combined effects of sea level rise and future development under the PMPU. Please see the responses to those comments. As indicated, CEQA does not require the PEIR to evaluate and mitigate for the loss of habitat associated with sea level rise. Therefore, the District is not required to ensure full conservation and enhancement of Tideland wetlands as part of the CEQA process for the PMPU, as requested by the comment. The PEIR serves to analyze the effects on the environment that may result from implementation of the project. This includes the PMPU's potential to exacerbate the potential adverse effects associated with sea level rise. As indicated in the PEIR, the PMPU would not exacerbate the adverse effects of sea level rise on sensitive aquatic habitat (see page 4.13-41 of the Draft PEIR). In addition, please see the response to Comment 02-7, which cites the PEIR and explains that there would be no net loss in sensitive aquatic habitat as a consequence of PMPU implementation. No changes to the Draft PEIR are required in response to this comment.

Dennis Campbell, Planning Department  
January 10, 2022  
Page 7

affirmative commitments to ensure full conservation and enhancement of tideland wetlands. Absent any affirmative commitment (see the ECO Policies cited below), and with no affirmative/specified wetland acreage conservation commitments, the EIR cannot responsibly justify a finding of less-than-significant impacts for project effects (after applying the identified mitigation measures) that are addressed by Threshold #2. A similar concern applies to Threshold #1 regarding potential impacts to that could have a substantial adverse effect on any riparian habitat or other sensitive natural community. In fact, the EIR does not address this issue: Table 4.3-1 (Summary of Significant Biological Resources Impacts and Mitigation Measures) evaluates issues related to noise, lighting, turbidity and other "direct" potential project effects. It does not specifically evaluate the potential impacts to tideland wetland acres, functions and values from project actions combined with sea level rise, which as described above, are expected to be significant across the San Diego region's wetlands during the timeline of the PMPU.

Page 4.3-87 et seq. The PMPU ECO Policies (Section 4.3.4.3) establish the intent of the PMPU to protect/conservate wetlands, but do not establish an affirmative set of project commitments to conserve and/or enhance tideland wetlands. They are written as permissive policies (e.g., to strive/explore/pursue opportunities to conserve and even expand wetlands throughout the Bay), with no requirements to ensure that wetland acres, functions or values will be maintained or enhanced.

The PMPU's delineation of "Conservation/Intertidal" and "Conservation Open Space" areas within the bay does not appear to cover all of the wetlands. And, the PMPU does not affirmatively commit to conserve, enhance or create wetlands; it only makes that a possible outcome. As illustrated in the following Ecology Policies (this is only a partial list):

ECO Policy 1.1.13 The District shall identify locations throughout the Bay that could support habitat enhancement, restoration, and protection to benefit sensitive habitats and State and federally listed species. After specific locations are identified, the District shall: a. Explore opportunities (emphasis added) for specific restoration, enhancement, and mitigation banking projects in these areas.  
ECO Policy 1.1.14 Strive (emphasis added) to achieve a net increase of wetland habitat acreage from baseline conditions throughout the Bay;  
ECO Policy 1.1.22 The District shall strive (emphasis added) to conserve and enhance marine intertidal and subtidal habitat areas that remain in the Bay in an effort to reduce fragmentation, help improve habitat functionality and to create a

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O2-12  
cont.

O2-13

O2-14

## Response to Comment O2-13

Please see response to Comment O15-14 for discussion of permissive policy language. Additionally, please note that the PMPU is the District's planning document for water and land uses within the PMPU area, and specifies overall policy guidance. A planning policy document is meant to guide the District's future actions pertaining to water and land uses, mobility, ecology, economics, environmental justice, safety/resiliency, and future development's site and building design. Such a policy document is not written as project-specific conditions of approval but instead and depending on the aim of a policy, the District may exercise its discretion to include either policies with more permissive and exploratory language or to create mandatory policies. In summary, the PMPU policies are generally intended to serve as guidelines for future development, not inflexible mandates. Conformance with these policies is assured by the fundamental requirement that future development approved by the District must be consistent with the policies of the PMPU.

As indicated in response to Comment O2-3, there are existing regulations, plans, and programs in place that serve to protect tideland biological resources, with which the PMPU is consistent. Please see the biological resources regulatory setting included under Section 4.3.3. In addition, please see the impact analysis that follows in Section 4.3.4, which includes discussion and mitigation to ensure compliance under Thresholds 1 through 5, with Thresholds 2, 3, and 5 specifically addressing existing regulations, plans, and programs in place to protect sensitive biological resources. Threshold 5, in particular, provides a consistency analysis with the Integrated Natural Resources Management Plan (INRMP) that applies to the entire bay. As determined therein, the PMPU would not conflict with the INRMP, upon incorporation of mitigation. Furthermore, the commenter does not accurately summarize the contents of the PMPU's policies. As discussed in response to Comment O2-30, the PMPU includes a number of policies designed to protect sensitive aquatic habitat, as well as address SLR. For example, WLU Policy 5.1.2 requires that "Intertidal and Conservation Open Space use designations shall be enhanced, restored, and protected as further described in ECO Goal 1 (Chapter 3.3, Ecology Element)."

ECO Policy 1.1.2 requires that "The District shall prioritize and pursue opportunities for the protection, conservation, creation, restoration, and enhancement of sensitive habitats and State or federally listed coastal species." ECO Policy 1.1.3 requires that "Future development adjacent to conservation areas and other sensitive habitats shall:

- a. Be coordinated, sited, and designed to avoid impacts where feasible or where legally required; if avoiding impacts is not feasible, or

avoidance is not legally required, mitigate impacts in the following order of preference:

1. On-site;
  2. In a mitigation bank;
  3. In the same ecoregion with the Bay;
  4. Elsewhere in the Bay; or
  5. In the same watershed of the Coastal Zone;
- b. Require biological monitoring as determined by the District and/or the wildlife agencies; and
  - c. When affecting disturbed sensitive habitat areas, restoration or enhancement must occur to the greatest extent feasible.

ECO Policy 1.1.5 requires that “Landside development shall establish and maintain ecological buffers of 100 feet between the landside development and a saltmarsh wetland to preserve and protect the wetland habitat for the anticipated life of the development. The precise width of the buffer is to be based on the location, type of habitat, and quality of habitat.”

ECO Policy 1.1.10 requires that “Development above the water or adjacent to sensitive habitat areas should use ecologically sensitive lighting that is shielded and directed away from the water or sensitive habitat areas, sensor activated, and of the lowest possible color temperature that also meets public safety requirements.” ECO Policy 1.1.12 requires that “Science-based management practices shall be used on Tidelands to guide water, sediment, and natural resource decisions.” ECO Policy 1.1.13 requires that “The District shall identify locations throughout the Bay that could support habitat enhancement, restoration, creation, and protection to benefit sensitive habitats and State and federally listed species. After specific locations are identified, the District shall:

- a. Explore opportunities for specific restoration, creation, enhancement, and mitigation banking projects in these areas; and
- b. Coordinate with resource agencies and regulatory agencies to permit projects that provide multiple benefits to Tidelands areas.”

ECO Policy 1.1.18 requires that “~~Coastal flooding~~ Adaptation strategies or other natural resource management practices shall be implemented to protect coastal habitats and ecosystem function under a range of future sea level rise and climate change scenarios.”

SR Policy 3.2.3 requires that “The District shall create and periodically update a sea level rise adaptation plan that:

- a. Considers best available science and applicable regional, State, and Federal adaptation planning guidance;

- b. Builds upon previous analyses of coastal hazards that are caused or exacerbated by projected sea level rise;
- c. Provides recommendations for adapting structures and facilities, coastal access, recreational areas, coastal-dependent development, contaminated sites, and other infrastructure and coastal resources to projected sea level rise conditions,
- d. Explores the potential for nature-based sea level rise adaptation strategies; and identify areas that could integrate natural resource protection, enhancement, and restoration solutions while providing appropriate SLR resilience;
- e. Identifies alternative opportunities or plans for adapting to coastal hazards such as but not limited to: balance or realignment of natural habitat and the built environment, softening hardened shoreline structures, restoring or enhancing submerged habitats for coastal resiliency, or replacing in-kind public recreation areas, accessways, and other Public Trust resources that could be lost due to inundation or damage associated with sea level rise;
- f. Establishes a monitoring protocol and requirements for evaluating sea level rise impacts on all Tidelands uses over time; ~~and~~
- g. Establishes a schedule for performing future Tidelands' sea level rise vulnerability assessments and social vulnerability assessments; ~~and~~
- h. Includes an environmental justice component that addresses how development may affect potential flooding and inundation related to sea level rise in adjacent disadvantaged communities; and
- i. Includes an outreach and engagement process that would be focused on collaborative adaptation planning with adjacent disadvantaged communities."

SR Policy 3.3.1 requires that "Permittees shall submit a site-specific hazard report to the District using best available science and considers best practices as provided by Federal, State, or regional guidance on coastal resiliency."

This list is not intended to be exhaustive, but provides the commenter with a number of proposed policies that require mandatory action from the District or future project proponents related to protecting sensitive aquatic habitats and avoiding exacerbating the effects of sea level rise. These are not permissive policies as the commenter suggests.

Moreover, as also discussed in the response to Comment 02-7, mitigation measure MM-BIO-7 and MM-BIO-10 require future development projects to restore damage to wetland or eelgrass habitat within the San Diego Bay at a

Dennis Campbell, Planning Department  
January 10, 2022  
Page 8

connected network of marine intertidal and subtidal habitat areas throughout Tidelands.  
ECO Policy 1.1.23 The District shall pursue opportunities (emphasis added) to preserve, enhance or restore marine intertidal and subtidal habitats in areas that have historically been impacted by development.

Unlike the PMPU's definitive quantification of proposed commercial and recreational marina berths, additional square footage of new building areas, height limits in the PDs or subplanning sections of PDs (e.g., Table 3-4), the PMPU's Ecology Element Policies fail to provide appropriate specifications, specificity or commitments (acres, functions, values) for all of the tideland wetlands. So, the EIR cannot responsibly assess the impacts to tideland wetlands. This is a critical failure and we disagree with the EIR's conclusions on Page 4.3-102 in regard to potential tideland wetlands losses (whether in terms of acreages, functions or values).

Page 4.3-90. Section 4.3.4.4 (Project Impacts and Mitigation Measures). Threshold 1 and Threshold #2 focus on biological impacts in regard to key questions whether the project will "...have a substantial adverse effect...on any species identified as a candidate, sensitive, or special status species...or on any riparian habitat or other sensitive natural community... in local or regional plans, policies, or regulations, or by CDFW and USFWS?" However, the project effects must, as described previously, include the combined effects from project actions and sea level rise. Sea level rise is a documented and quantifiably predictable environmental condition (at least for the timeframe of the PMPU out to 2050) that has direct implications for the District's PMPU and its associated future actions. The EIR does not appropriately analyze these effects nor do the proposed mitigation measures effectively address/ameliorate potential impacts to tideland wetlands.

This Section of the EIR identifies many other reasonably foreseeable potential impacts (Impacts-BIO-xx) and proposes mitigation measures (MM-BIO-xx) to minimize and mitigate those specified impacts. We are in general agreement with that part of the Biological Resources impacts analysis and proposed mitigation measures in the EIR.

Page 4.3-122. For the same reasons described in our objection to the EIR's analysis of Thresholds #1 and #2 – that is does not analyze project effects combined with sea level rise effects - the analysis for Threshold 3 is inadequate.

Page 4.3-146. Section 4.3.5.4 (Cumulative Impact Determination and Mitigation). Our preceding comments regarding the EIR's failure to provide

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O2-14  
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O2-15

O2-16

O2-17

O2-18

1:1 or 1:2 ratio, respectively. Therefore, there would be no net loss of sensitive aquatic habitat from implementation of the PMPU.

## Response to Comment O2-14

The commenter expresses a general opinion that the PMPU does not include all wetlands within the Conservation/Intertidal and Conservation Open Space, but no specific examples of omitted wetlands are provided and the District is not aware of any wetlands being located outside of the PMPU's Conservation/Intertidal water designation. Therefore, the District is unable to formulate a response to the general point the commenter is attempting to make. Please see responses to Comments O2-4, O2-7 and O2-13.

As indicated on page 4.3-32 of the Draft PEIR, wetlands within the PMPU area, as defined by the U.S. Army Corps of Engineers, are present as minor amounts of coastal salt marsh mainly in PD7 as well as in a portion of PD9. Freshwater, brackish marsh, and riparian scrub do not occur within areas described under the proposed PMPU. The Draft PEIR indicates that shorebirds and other species may depend on resources across multiple marshes such that the system of marshes across San Diego Bay may work to strengthen the value of overall ecosystem functions and the value of small pockets of salt marsh habitat that exist in PD7. Specifically, coastal salt marsh provides foraging habitat for numerous birds and nesting habitat for several sensitive avian species, particularly the Federally and State-listed light-footed Ridgway's rail (*Rallus obsoletus levipes*) and the State-listed Belding's savannah sparrow (*Passerculus sandwichensis beldingi*). As such, the PMPU designates areas of coastal salt marsh within the Conservation/Intertidal designation to ensure its conservation.

Outside of the Conservation/Intertidal and Conservation Open Space designations identified in the PMPU, wetlands are located within the boundaries of the Chula Vista Bayfront and the Pond 20 Mitigation Bank site, each of which are governed by separate documents (Chula Vista Bayfront Plan and Chula Vista Bayfront Master Plan Natural Resources Management Plan and Pond 20 EIR, respectively). The wetlands in these areas are planned for restoration, and conservation. No changes have been made to the PMPU or Draft PEIR.

The commenter also claims that the PMPU does not commit to conserving, enhancing, and creating wetlands. The District disagrees.

The only USACE defined wetlands within the PMPU area are coastal salt marsh. The PMPU designates areas of coastal salt marsh within the Conservation/Intertidal designation.

As defined in the PMPU on page 58, the conservation/Intertidal water use designation is primarily reserved for the management of habitat, wildlife

conservation, and environmental protection. This designation allows scientific research, education and other uses that support environmental protection and restoration. This designation is complementary to land use designations of Conservation Open Space, Open Bay/Water, and Recreational Open Space, which may involve public access points or piers where appropriate. Marine Technology permitted as a secondary use in this designation must be consistent with California Coastal Act Section 30233.

As defined in the PMPU on page 59, the Conservation Open Space designation is primarily reserved for the management of habitat and wildlife conservation and environmental protection. This designation supports the Conservation/Intertidal and Open Bay/Water use designations. This designation allows scientific research, education, and other uses that support environmental protection and restoration.

Moreover, WLU Policy 2.4.1 requires that there is no net loss of the acreage between these two designations. Conservation/Intertidal and Conservation Open Space use designations shall be enhanced, restored, and protected as indicated in WLU Policy 5.1.2. Additionally, Measure MM-BIO-7 and MM-BIO-10 require future development projects to create and restore damaged wetlands or eelgrass habitat within the San Diego Bay at a 1:1 (if eelgrass exists on the site of a future development or a project proponent purchases credit in an approved mitigation bank) or 1.2:1 ratio (if planting new eelgrass), respectively. As such, there would be no net loss of sensitive aquatic habitat and the PMPU is planning for conservation, restoration, and the potential creation of wetland habitat. No changes to the PMPU or PEIR have been made in response to this comment.

The commenter compares how marina berths, additional square footage of new building areas, and height limits in the PDs are quantified and suggests the Ecology Element Policies could provide specifications, specificity, and commitments (acres, functions, values) for all District Tideland wetlands similar to general future development specifications provided. Section 30711 of the Coastal Act specifies what must be included in a port master plan. Related to habitat areas it must include: “An *estimate* of the effect of development on habitat areas and the marine environment, a *review* of ... habitat areas and quantitative and qualitative biological inventories and proposals to minimize and mitigate any substantial adverse impacts.” (Section 30711(a)(3) (emphasis added).)

The reason for providing development parameters in the PMPU is to provide the District and public with an understanding of the development authorized under the PMPU. Section 30711 of the Coastal Act requires this inclusion – land and water uses where known and details of appealable projects in

sufficient detail for the Coastal Commission to find conformance with Chapter 3. (Sections 30711(a)(1), (4), 30715.)

In addition, the Draft PEIR requires an estimate of the amount of future development to analyze the construction and operational impacts that could occur for a variety of environmental issue areas. (See Appendix G to the State CEQA Guidelines.) To assess impacts on biological resources (among other resource areas), the Draft PEIR requires the potential location of future development and the types of activities associated with construction and operation of the potential development to determine the environmental impacts and their potential significance. From there, the Draft PEIR identifies mitigation measures to avoid or reduce potentially significant impacts.

Finally, the commenter claims that the Draft PEIR cannot assess impacts to wetlands because the PMPU does not quantify the amount of wetland habitat as it does for the extent of potential future development. The comment seems to be comparing apples to oranges. The PMPU describes and, where appropriate, quantifies the changes in existing conditions that may occur under the PMPU (e.g., increased number of proposed marina berths, additional square footage of building areas and height limits). However, the PMPU does not provide “specifications, specificity or commitments” for all tideland wetlands because the PMPU does not propose any change in the existing wetlands. CEQA Guidelines Section 15204(a) explains that “reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors.”

The Draft PEIR delineates the location of all sensitive habitat throughout the PMPU geographic boundaries (see Figures 4.3-1 through 4.3-8). As such, the Draft PEIR includes sufficient information to analyze the potential effects on wetland and other sensitive habitat from the allowable water and land uses and the planned improvements (proposed development). No development would occur within wetland habitat identified within the PMPU area, which is protected under the Conservation/Intertidal water use designation. Moreover, the Draft PEIR includes several mitigation measures, including MM-BIO-7 and MM-BIO-10, that are designed to mitigate any potential loss of sensitive habitat types, including eelgrass, to ensure there would be no net loss and in certain cases a net increase in sensitive habitat (e.g., direct eel grass habitat impacts are mitigated at a 1.2:1 ratio where for every 1 square-foot of eel grass impacts, 1.2 square feet of replacement is required). No changes to the Draft PEIR are required in response to this comment. However, to provide

additional information related to biological resources, a table that contains the biological habitats within land and water use designations, listed by PD, is provided as Attachment 1 to this chapter of the FEIR. In addition, figures are provided that illustrate the information provided in the table.

**Response to Comment O2-15**

The commenter also raises this issue in Comments O2-4, O2-5, and O2-7 (i.e., considering the combined effects of sea level rise and the PMPU to determine the PMPU's effect on biological resources being caused by the PMPU) of this letter. Please see the District's responses to those comments. No changes to the PEIR are required in response to this comment.

**Response to Comment O2-16**

The commenter's support for the potential biological resource impacts and required mitigation measures in the Draft PEIR is noted for the record and for Board consideration. No additional response is necessary.

**Response to Comment O2-17**

This comment is similar to the comment raised in Comments O2-5, O2-7, and O2-15, which opines that the Draft PEIR should reflect the combined effect of the project on tideland natural habitats and the effect of sea level rise on natural habitats. Please see the responses to Comments O2-5 and O2-7. No changes to the PEIR are required in response to this comment.

**Response to Comment O2-18**

This comment is similar to the concerns raised in Comment O2-4, O2-5, O2-7, and O2-12 which address the need for a future baseline for biological resources that includes sea level changes, the need to evaluate impacts from sea level rise combined with the PMPU to determine the PMPU's effects, and the potential effects on wetland habitat. Please see the responses to those comments. No changes to the Draft PEIR are required in response to this comment.



Dennis Campbell, Planning Department  
January 10, 2022  
Page 9

substantial evidence and appropriately analyze the combined project potential effects and sea level rise effects on tideland wetlands also apply to the Cumulative effects determination and mitigation. We strongly disagree that the PMPU provides the appropriate level of specificity and substantial evidence regarding its wetlands commitments, the EIR does not include an analysis of combined project actions and sea level rise effects, and therefore cannot effectively analyze and identify necessary project avoidance, minimization, and mitigation that would sufficiently address those potential wetland impacts.

#### Greenhouse Gas Emissions and Energy

Page 4.6-25. The District's 2013 CAP GHG emission reduction target for 2020 reflects current state law, but its 2030 target (25% less than 2006 levels by 2035) is outdated and significantly lower than the State's 2030 target (40% reduction by 2030). Section 3.4.2(C) cites the Port's Climate Action Plan as a key part of its GHG reduction plan. But that plan does not conform to current state GHG emission reduction legislation that has been enacted or targets that have been adopted since the plan was approved by the Port. Therefore, on its own, it is not a sufficient commitment to reduce GHGs and does not justify the EIR's conclusion that - "As noted above, the proposed PMPU is considered consistent with the provisions of the identified plans if it meets the general intent of the applicable plans."

Since the District's Green Port Plan and Green Port Policy were adopted in 2007, "green" practices and technologies have advanced significantly. We concur with the EIRs finding for Impact GHG-1 that the PMPU, because it relies on the CAP, would result in Significant and Unavoidable (GHG emission) effects even after applying mitigation measures.

The District should rectify the inadequacy of the PMPU (and the CAP upon which its GHG mitigation is based) by adding additional mitigation measures to specify that the CAP will be revised to comply with State GHG emission targets (i.e., Ex Order B-30-15 for a 40% reduction by 2030) and support longer term goals (i.e., net zero 2045) by a time certain, such as within one-year of approval of the PMPU and certification of the FEIR. Similarly, a mitigation measure should be added that the Green Port Plan/Policy will be updated by a time certain. Those additional mitigation measures are justified because the PMPU's timeline goes out to 2050 and all of the current State targets and goals fall within that timeframe. Failing to do so will place the District further behind the State's GHG emission reduction targets and impede regional GHG emission reduction goals and commitments.

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O2-18  
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O2-19

O2-20

O2-21

## Response to Comment O2-19

This comment reflects a fundamental misunderstanding of the PEIR's analysis of the PMPU's potential impacts associated with GHG emissions provided in Section 4.6, *Greenhouse Gas Emissions and Energy*, of the PEIR. Although the PEIR used, in part, the CAP's 2020 GHG emission reduction target in the impact analysis, which the comment agrees reflects current state law, the PEIR did not use the CAP's 2030 target. Instead, as stated in the explanation of the thresholds of significance used to analyze GHG impacts, the PEIR used the State's 2030 target: "the numerical efficiency targets used herein are based on local emission reductions goals and development projections for 2020 from the District's CAP, which are equal to 1990 levels, continued growth in development, and emission reductions required to meet the statewide reduction targets for 2030 and post-2030." (Draft PEIR, Section 4.6.4.2, *Thresholds of Significance*, p. 4.6-36.) The PEIR also does not suggest the District's CAP, on its own, is "a sufficient commitment to reduce GHG emissions" as the comment asserts. Instead, the PEIR identifies eleven other mitigation measures that will reduce GHG emissions associated with the PMPU. (Draft PEIR, pp. 4.6-43 – 4.6-45, 4.6-48 – 4.6-49.) Finally, the comment improperly mixes the PEIR's analysis of whether the PMPU will meet GHG emission reduction targets under Threshold of Significance 1 with the PEIR's analysis of whether the PMPU would conflict with an applicable GHG emission reduction plan under Threshold of Significance 2. These are different questions, which do not require the same answer. Under CEQA, a project that may not meet the State's GHG emission reduction targets may nonetheless be consistent with applicable GHG emission reduction plans. (See *City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465, 491.) The language cited from PMPU Section 3.4.2(C)-I is a statement of fact, not a PMPU policy, as assumed in the comment. More specifically, that section states: "In 2013, following State guidance and targets established by Assembly Bill 32, the District became the first port in California to adopt a Climate Action Plan (CAP). The CAP identifies initial GHG reduction goals through 2035 and a palette of potential GHG reduction policies and measures, which were selected to reduce GHG emissions generated from Tidelands' activities. The GHG reduction measures identified in the CAP include a range of actions related to transportation and land use, energy conservation and efficiency, alternative energy generation, clean transportation, water conservation, and waste reduction." Furthermore, the Draft PEIR does not rely upon the CAP policies to ensure that GHG impacts are less than significant. Additionally, more information has been added to the Final PEIR regarding the MCAS. As discussed on Draft EIR page 4.6-46 and as revised "While the MCAS [a non-binding strategic plan], future CAP

updates to the District's climate action goals and targets, and other District efforts are likely to result in emission reductions over the life of the proposed PMPU, the effects of the GHG emission reductions that may result from these efforts cannot be quantified at this time because the timing and other specific details about the implementation of these efforts are not known at this time. (See also *In Re Bay-Delta* (2008) 43 Cal.4<sup>th</sup> 1143, 1172 ["program is to be implemented over a 30 year period...it is therefore impracticable to foresee with certainty" project impacts.] Additionally, the MCAS implementation is subject to feasibility."

As noted on Page 4.6-50 of the Draft PEIR, while the CAP meets the 2020 statewide GHG reduction target from AB 32, many of the measures in the CAP will continue to be implemented and result in emission benefits well beyond the 2020 timeframe. Various mitigation measures in the Draft EIR, including MM-AQ-9 and MM-AQ-10 (green building practices) and zero-emission (MM-AQ-12 and MM-GHG-2) and will ensure consistency with the current CAP and other statewide plans, policies, and regulations. Moreover, various PMPU policies will ensure continued progress towards emission reductions. For instance, SR Policy 3.1.1 states that the District shall periodically update ~~the District's CAP~~ its climate action goals and targets to ensure alignment with the PMPU and with the District and State goals and targets for GHG emissions. ECO Policy 3.1.2 directs the District to encourage development of various clean air action measures, such as energy efficiency building design and alternative powered equipment and vehicles. In addition, EJ Policy 3.2.2 states that maritime development shall transition to clean, modern, and operationally efficient marine terminal facilities and working waterfront.

While the CAP is not sufficient on its own to achieve long-term reduction, the CAP's GHG reduction measures, mitigation measures incorporated into the Draft PEIR, along with various PMPU policies, will ensure that 2030 long-term reductions are achieved and are in-line with statewide reduction targets and goals. (Note that the Draft PEIR does conclude that "because CARB has not formally adopted a plan to achieve the carbon neutrality goal set by EO B-55-18, it cannot be stated with certainty that the project would result in emissions that would represent a fair share of the requisite reductions toward the statewide carbon neutrality goal." As such, a significant and unavoidable impact [Impact-GHG-1] was identified after mitigation.) Although changes were made to Section 4.6 of the PEIR, no changes to the PEIR are required in response to this comment.

### **Response to Comment O2-20**

The commenter's support of the conclusion of Impact-GHG-1 is noted for the record and for Board consideration. No additional response is necessary.

**Response to Comment O2-21**

Please see response to Comment O2-19. During the Final PEIR's preparation, SR Policy was amended to state the following:

SR Policy 3.1.1: The District shall periodically update ~~the District's CAP~~its climate action goals and targets to ensure alignment with this Plan and with the District and State goals and targets for greenhouse gas emissions and shall start ~~the CAP~~to update these goals and targets no later than two years of the effectiveness of the certification of this Plan, and may periodically update ~~the District's CAP~~them thereafter.

As shown, the Policy states that the District shall periodically update its climate action goals and targets to ensure alignment with this Plan and with the District and State goals and targets for GHG emissions. Further, the District shall start these updates no later than two years of the effectiveness of the certification of this Plan, and may periodically update the them thereafter. Because this is a mandatory policy in the proposed PMPU, it does not need to be a mitigation measure. In other words, this is a project feature. Updating the District's climate action goals and targets will require analysis, which may take more than a year, as requested by the commenter. Such a policy or mitigation measure would be infeasible as a year is not a reasonable amount of time to draft and update climate action goals and targets, in a successful manner. Furthermore, the timing of the update to these goals and targets does not affect the District's responsibilities with respect to State GHG emission reduction targets, which are set forth in separate and independent laws, regulations, policies and plans. (See Draft PEIR, Section 4.6, *Greenhouse Gas Emissions and Energy*.) Future development allowed under the PMPU will be required to demonstrate that it does not conflict with or obstruct implementation of the State's GHG emission reduction targets. Therefore, the time needed to update the climate action goals and targets will not place the District further behind State GHG emission reduction targets or impede regional GHG emission reduction goals. Additionally, the District's Green Port Program and Policy, discussed in Section 4.15.3.3 of the Final PEIR, does not have a specific implementation date because it is a policy which "establishes guiding principles..." and is not a specific action. Therefore, it is not feasible to set a specific date for implementation of a guiding policy which will inform individual decision making in the future. No changes to the PEIR are required in response to this comment.

Dennis Campbell, Planning Department  
January 10, 2022  
Page 10

Page 4.6-82. We do not concur with the EIR finding for Impact-C-GHG-1 that the PMPUs cumulative GHG effects are Less Than Significant. Though the District's GHG emissions are a relatively small portion of the region's GHG emissions, the finding for Impact-GHG-1 is that the PMPU has a Significant and Unavoidable impact because it cannot achieve future State targets and goals. In light of the substantial reductions of District GHG emission that would be required (and are not currently required by its CAP) to meet those targets and goals, even an incremental increase in cumulative GHG emissions is significant and cumulatively considerable. The implementation of the identified mitigation measures would not reduce impacts to less than significant. Therefore, the EIR finding is not supported with substantial evidence.

#### Land Use and Planning

Page 4.9-9. This section on land use and planning does not address the District's 2019 "Sea Level Rise Assessment Report" that was prepared as a requirement of AB 691. SVIA submitted comments on that report and identified serious gaps in its analysis and commitments that will affect land uses and planning. Specifically, the report described future losses of wetlands – primarily due to predictable sea level rise – but not how those losses would be mitigated; it prioritized protecting and accommodating (i.e., hardening) District infrastructure and uses to sea level rise over adjusting (i.e., moving or removing) District infrastructure and uses. It also applied "...an adaptive management approach to address projected SLR, defined as "a process of iteratively planning, implementing, and modifying strategies for managing resources in the face of uncertainty and change" (IPCC 2014)." That "adaptive management" approach makes it difficult-to-impossible to know how much constraint future asset protection/accommodation/adjusting would place on wetland habitats. It also limits the EIRs ability to appropriately analyze Threshold 2 ("...discusses any environmental impacts caused by the proposed PMPU due to a conflicts with any land use plans, policies, and regulations that apply to the District and were adopted for the purpose of avoiding or mitigating an environmental impact." Page 4.9-11).

Page 4.9-17. Other than reciting WLU Policy 5.1.2 (Conservation/Intertidal and Conservation Open Space use designations shall be enhanced, restored, and protected as further described in ECO Goal 1 (Chapter 3.3, Ecology Element), the proposed mitigation measures do not address the potential impacts from future land uses on all of the public tideland wetlands. As we have noted previously, the category "Conservation/Intertidal" does not include all of the District's natural tideland wetlands. [For example, the PMPU (Table PD1.1) does not identify any "Conservation and Intertidal" areas in the Water and Land Use

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O2-22

O2-23

O2-24

## Response to Comment O2-22

This comment arises out of a typographical error on page 4.6-82 of the Draft PEIR with respect to the PEIR's conclusion, as to whether mitigation measures identified in the PEIR would reduce Impact C-GHG-1 to less than significant. The same error occurred in Table 4.6-1. Although the analysis of cumulative GHG impacts determined that Impact C-GHG-1 would be significant even after implementation of the recommended mitigation measures, the conclusion incorrectly stated that mitigation would reduce Impact C-GHG-1 to less than significant. (Draft PEIR, Section 4.6, Greenhouse Gas Emissions and Energy, pp. 4.6-2 - 4.6-3, 4.6-80 – 4.6-81.) These typographical errors have been corrected in the Final PEIR to reflect the analysis contained with Section 4.6, *Greenhouse Gas Emissions and Energy*. The analysis for Impact-C-GHG-1 and Impact-C-GHG-2 on page 4.6-81 and 4.6-82 remains unchanged and accurate. In addition, information for Impact-C-GHG-1 was correctly stated in another location in summary Table 4.6-1, under "Rationale for Finding After Mitigation," which states: "Mitigation would reduce PMPU-related GHG emissions and would achieve the efficiency metric; however, because it cannot be stated with certainty that the project would result in emissions that would represent a fair share of the requisite reductions towards the statewide carbon neutrality goal, impacts would remain cumulatively considerable and unavoidable."

Similarly, Section 4.6.5.3, Project Contribution stated: "...because it cannot be stated with certainty that the project would result in emissions that would represent a fair share of the requisite reductions toward the statewide carbon neutrality goal, impacts would remain significant for both 2030 and 2050. Therefore, after mitigation, the proposed PMPU would result in cumulatively considerable impacts related to 2030 and 2050 because it would impede achievement of the State reduction targets and goals, and Impact-C-GHG-1 would be cumulatively considerable and unavoidable."

The District has corrected any mistaken references to a less than cumulatively considerable impact. As this does not change the underlying impact analysis included within the Draft PEIR, the change is one of clarification and not substantive. (*Habitat and Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1292, FN6.) No additional revisions to the PEIR are necessary in response to this comment.

**Response to Comment O2-23**

The comment is correct that Section 4.9, *Land Use and Planning*, does not discuss the District's AB 691 report. As expressly disclosed in the first paragraph of Section 4.9: "A discussion of the California Coastal Commission's (CCC's) Sea Level Rise Policy Guidance is included in Section 4.13, Sea Level Rise." In Section 4.13, the PEIR explains that the District's 2019 *Sea Level Rise Vulnerability Assessment and Coastal Resilience Report* [2019 SLR Vulnerability Assessment] informed the development of the proposed PMPU policies and the methodology used in the PEIR for analyzing the PMPU's potential to exacerbate the hazards associated with sea level rise. (Draft PEIR, p. 4.13-6, 4.6-9 – 4.6-11.) A separate or repetitive discussion of the AB 691 report in the Land Use and Planning section of the PEIR is not necessary or required.

The commenter also raises general concerns with the 2019 AB 691 report, noting that there was not sufficient mitigation on how to address sea level rise. However, the 2019 AB 691 report is not proposed as part of the PMPU update. Although the PEIR discusses the PMPU's policies concerning adaptive management and analyzes the potential impacts on natural habitats and sensitive resources, the comment does not raise any issue with respect to the sea level rise information and analysis provided in the Draft PEIR. Therefore, no additional response to the commenter's general issue with the 2019 AB 691 report is necessary.

The comment's objections regarding adaptive management reflect the limits of what is appropriate and possible in a program EIR. The PEIR discusses the PMPU provisions regarding adaptive management, but cannot provide a detailed discussion of how much constraint future asset protection/ accommodation/ adjusting would place on wetland habitats because the timing, location, scale and design of future development is not yet known. As explained in the PEIR, when future development is proposed, it will be subject to site specific environmental review pursuant to CEQA Guidelines Sections 15152 and 15168, which will include disclosure and discussion of whether the development proposal would exacerbate the hazards associated with sea level rise or require the implementation of adaptive management strategies at the time or in the location the development is proposed.

Dennis Campbell, Planning Department  
January 10, 2022  
Page 11

categories for PD 1, but intertidal areas are present, and appear to designated as "Open Bay/Water." Nor has the District provided sufficient clarity in its AB 691 SLR Assessment report to allow an appropriate analysis of land use impacts in light of projected sea level rise in the EIR. However, the project's cited mitigation measures provide multiple definitive commitments to ensure that development land uses will not be significantly impacted by the project. That approach fails to recognize and treat tideland natural resources on a comparable status/priority as other tideland resources/uses.

O2-24  
cont.

Page 4.9-39 to 4.9-41. In light of our prior comments, we disagree that the PMPU provides sufficient commitments to be determined that it is consistent with Coastal Act Sections 30230 (Marine resources shall be maintained, enhanced, and where feasible, restored...); 30231 (The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored...); and 30240 (. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas...). The EIR fails to appropriately analyze the PMPU's failure to make affirmative policy commitments to conserve and enhance the District's complete set of tideland wetlands (not just conservation/intertidal categorized areas); failure of the EIR to appropriately analyze the combined effects of SLR and the PMPU's proposed allowable development, hazard/safety and other infrastructure projects on those resources; and an inadequate/incomplete SLR Assessment evaluation of adaptation needs and costs or conflicts with development and hazard/safety infrastructure in relationship to conserving the District's tideland wetlands.

O2-25

#### Sea Level Rise

Page 4.13-2. The EIR acknowledges the District's sea level rise assessment and projected losses of wetland habitats (i.e., Sea Level Rise Assessment Report Table 3.25). Losses of about 100 acres of available saltmarsh and 60 acres of available uplands are projected by 2050 (Table 3.25), but that reflects no assumed actions by the District to implement adaptive measures - particularly those which could be implemented to protect built assets that would limit landward transitions of habitats. It is not clear how habitat acreages in the SLR report (e.g., eelgrass and salt marsh) relate to the acreages of existing/baseline wetland habitat acres in EIR Table 4.13.1-3 (e.g., conservation/intertidal, conservation open space).

O2-26

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## Response to Comment O2-24

The commenter is citing page 4.9-17 of the Draft PEIR, which is a section of the Land Use and Planning Section that describes some of the PMPU's policies that may avoid or reduce potential impacts on land use and planning. The policy cited by the commenter is WLU Policy 5.1.2, which states that "Conservation/Intertidal and Conservation Open Space use designations shall be enhanced, restored, and protected as further described in ECO Goal 1 (Chapter 3.3, Ecology Element)." This is not mitigation, but a mandatory policy of the PMPU that would benefit natural resources in the PMPU area.

As indicated in Section 4.9, *Land Use and Planning*, no significant land use and planning impacts were identified and no mitigation is required. In addition, please see response to Comment O2-14 as it relates to potential impacts on wetlands and the commenter's prior comment regarding not including all District wetlands in the Conservation/Intertidal designation, which indicates there would be no planned improvements proposed by the PMPU on coastal salt marsh, the only USACE wetland habitat present within the PMPU area. Coastal salt marsh is present in PD7 and in smaller quantities in PD9. Both of these locations of coastal salt marsh are in the protected Conservation/Intertidal water use designation. Further, in PD9, a portion of the Conservation/Intertidal area is also designated as an Ecological Opportunity Area. These Areas would be slated for restoration and enhancement, or possibly additional nature-based shoreline solutions including shoreline stabilization (see ECO Policy 1.1.15 and Figure 3.3.2). No changes to the Draft PEIR are required in response to this comment.

The commenter restates a previous comment that there is not sufficient clarity in the 2019 *Sea Level Rise Vulnerability Assessment and Coastal Resilience Report* [2019 SLR Vulnerability Assessment] to appropriately analyze land use impacts in relation to project sea level rise in the PEIR. However, the Draft PEIR does not analyze the 2019 report to determine the impacts associated with implementing the report, which is already approved. The Draft EIR analyzes the impacts associated with implementing the PMPU. The sea level rise estimates provided in the 2019 report are used as the basis for the Draft PEIR analysis to remain consistent between documents and because it still represents current understanding on sea level rise in San Diego Bay. Please see the response to Comment O2-23 for additional response about why the Land Use and Planning section of the Draft PEIR does not include review for conflicts with the 2019 report. Finally, the commenter suggests that the same level of detail provided by the Draft PEIR on the potential impacts from development on the existing environment should be done to recognize and treat tideland natural resources

on a comparable status/priority as the other tideland resources/issues. However, the Draft PEIR analyzes the reasonably foreseeable amount of development based upon the building intensity standards and associated policies proposed by the PMPU. (See *High Sierra Rural Alliance v. County of Plumas* (2018) 29 Cal.App.5th 102 [General Plan EIR based upon reasonably foreseeable buildout assumptions from historic development patterns].) Please also see responses to Comments 02-7 and 02-9.

Although there are policies in the PMPU that address habitat conservation, enhancement, and potentially creation, as well as water designations that protect wetlands (i.e., Conservation/Intertidal), the PMPU does not include any wetland habitat creation projects in its list of planned improvements, and such proposals are too speculative to analyze at this time. This does not mean they will not occur in the future, consistent with the policies and water/land use designations that would support such actions. However, no sites have been identified as part of the PMPU. A wetland habitat creation project, for example, would need to comply with the mitigation measures identified in the Final PEIR. Any specific impacts on the environment beyond the impacts and mitigation measures already identified in the Draft PEIR would need to be addressed in a subsequent CEQA document and would be based on the specific details of the proposed future project. In addition, and as noted in previous responses to comments in this letter, mitigation measures such as MM-BIO-7 and MM-BIO-10 would ensure there would be no net loss of sensitive aquatic habitat as a result of future development proposed consistent with the PMPU. No changes to the PEIR are required in response to this comment.

### **Response to Comment 02-25**

The commenter raises issues discussed under previous comments to indicate that the PMPU is not consistent with Coastal Act Sections 30230, 30231, and 30240. Please see responses to Comments 02-4, 02-5, 02-13, 02-14, 02-23, and 02-24 above. Please also see Table 4.9-1 on pages 4.9-39, 4.9-40, and 4.9-44 of the PEIR. A consistency analysis is provided for all three Coastal Act Sections referenced by the comment.

Section 30230 of the Coastal Act indicates that “Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-

term commercial, recreational, scientific, and educational purposes.” (See page 4.9-39 of the PEIR.)

As discussed on page 4.9-39 of the PEIR, “Marine resources within the proposed PMPU area would be impacted by implementation of the proposed PMPU; however, implementation of mitigation measures would ensure that species of special biological or economic significance are protected (see Section 4.3 of this Draft PEIR). In addition, the goals, objectives, and policies of the Ecology Element are devoted to the enhancement, conservation, restoration, and maintenance of biological resources, including through the establishment of buffers around sensitive habitat and wetland enhancement. The District would prioritize and pursue opportunities for the protection, conservation, creation, restoration, and enhancement of sensitive habitats and State or Federally listed coastal species (ECO Policy 1.1.2); establish and maintain ecological buffers around sensitive habitats (ECO Policy 1.1.5); and identify locations throughout the Bay that could support habitat enhancement, restoration, and protection (ECO Policies 1.1.13, 1.1.15, 1.1.22, and 1.1.23). Furthermore, ECO Policy 1.1.3 requires future development adjacent to conservation areas and other sensitive habitats, such as riparian habitats and natural streams, to be coordinated, sited, and designed to avoid impacts where feasible or where legally required. If avoiding impacts is not feasible, or avoidance is not legally required, impacts must be mitigated. Mitigation measures have been identified to reduce any impacts the proposed PMPU may have on sensitive habitats (see Section 4.3 of this Draft PEIR).” As indicated in previous responses to comments in this letter, MM-BIO-7 and MM-BIO-10 would ensure no net loss of sensitive aquatic habitat by requiring a 1:1 replacement ratio of any impacted wetlands (not anticipated under the PMPU given wetlands are included in the Conservation/Intertidal water use designation) or a 1.2:1 replacement ratio for any directly impacted eelgrass habitat. The PEIR concludes the PMPU would be consistent with Coastal Act section 30230.

Section 30231 of the Coastal Act indicates that “The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.” (See page 4.9-40 of the PEIR.)



As discussed on page 4.9-40 of the PEIR, “The Ecology Element of the proposed PMPU identifies goals, objectives, and policies that focus on healthy ecosystems, a clean environment, and collaborative stewardship. ECO Policy 1.1.3 requires future development adjacent to conservation areas and other sensitive habitats, such as riparian habitats and natural streams, to be coordinated, sited, and designed to avoid impacts where feasible or where legally required. If avoiding impacts is not feasible, or avoidance is not legally required, impacts must be mitigated. As discussed in Section 4.8, *Hydrology and Water Quality*, PMPU policies would reduce potential impacts to violations of water quality by prioritizing the protection and enhancement of water quality (ECO Policy 2.1.1), committing to implementing initiatives to reduce copper loads from recreational vessels (ECO Policy 2.1.6) encouraging the use of alternative non-copper based antifouling paints (ECO Policy 2.1.7), committing to prioritizing and pursuing opportunities for the protection and enhancement of sediment quality (ECO Policy 2.2.1), reinforcing compliance with the MS4 permits and other legal requirements to minimize pollution impacts (ECO Policy 2.3.1), implementing measures to prevent pollution impacts and adverse impacts from runoff flows from all development and maintenance activities (ECO Policy 2.3.4), and implementing measures to protect and improve water quality from development projects located in areas identified as impaired under Section 303 (d) of the Federal Clean Water Act (ECO Policy 2.3.5). Additionally, mitigation measures have been identified to ensure that implementation of the proposed PMPU would not adversely affect the marine environment (see Section 4.3 and Section 4.8 of this Draft PEIR).” The PEIR concludes the PMPU would be consistent with Coastal Act section 30231.

Section 30240 of the Coastal Act indicates that “(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.” (See page 4.9-44 of the PEIR.)

As discussed on page 4.9-44 of the PEIR, “ECO Policy 1.1.3 requires future development adjacent to conservation areas and other sensitive habitats, such as riparian habitats and natural streams, to be coordinated, sited, and designed to avoid impacts where feasible or where legally required. If avoiding impacts is not feasible, or avoidance is not legally required, impacts must be mitigated. Mitigation measures have been identified to reduce any impacts the proposed PMPU may have on those habitats (see Section 4.3 of

this Draft PEIR).” The PEIR concludes the PMPU would be consistent with Coastal Act section 30240.

Additionally, the issues raised have already been addressed in responses to comments O2-4, O2-5, O2-13, O2-14, O2-23, and O2-24. Please see the responses to those comments. Given that all of the commenter’s previous comments have been responded to and the commenter’s rationale for potential inconsistency with Coastal Act Sections 30230, 30231, and 30240 is based on those prior comments, the District disagrees with the commenter’s opinion that the consistency table (4.9-1, Project Consistency with Relevant Goals, Objectives, and Policies) is not supported by substantial evidence and notes that multiple reasons are provided that demonstrate the PMPU’s consistency with Coastal Act Sections 30230, 30231, and 30240.

### **Response to Comment O2-26**

As the commenter noted, there are differences between the acreages of existing/baseline wetland habitat acres in the District’s 2019 SLR Vulnerability Assessment and the conservation/intertidal classification in Table 4.13-3 of the Draft PEIR. In general, the 2019 study reports higher acreage of wetland habitat areas than the conservation/intertidal land use designation in the Draft PEIR. There are two primary reasons for the differences. First, the 2019 study classified habitat types based on current vegetation types and elevation data. It breaks out the habitat types into eelgrass, salt marsh, beach/dune, and uplands. In the PMPU, broader water and land use categories are used, such as conservation/intertidal and open bay/water. However, the larger reason for differences between the analysis is that the 2019 study included all of the District’s land/water areas, whereas the PMPU excludes the National City Bayfront, the Chula Vista Bayfront, and Pond 20 and accordingly, the Draft PEIR does not analyze these areas. These areas contain significant acreages of eelgrass, salt marsh, and upland habitat. The potential impacts of development allowed under the adopted plans for PD5, PD6 and the Pond 20 portion of PD7 on these biological resources are analyzed in the Final EIRs certified by the District for the Chula Vista Bayfront Master Plan, the National City Balanced Plan and the Wetlands Mitigation Bank at Pond 20.

Dennis Campbell, Planning Department  
January 10, 2022  
Page 12

The EIR's approach to addressing estimates of habitat losses within the reasonably agreed-to predictable timeline out to 2050 does not use the guidance in the document, "Making California's Coast Resilient to Sea Level Rise: Principles for Aligned State Action (2020)" which outlines planning and assessment "...principles, one of which includes consideration of establishing a minimum of 3.5 feet of sea level rise by 2050, as a sea level rise projection, are focused on six key issues: Best Available Science, Partnerships, Alignment, Communications, Local Support, and Coastal Resilience Projects. The 3.5 feet of sea level rise corresponds to a 2100 "likely" sea level rise scenario, but the State agencies recommend that planning for that value begin sooner. The principles are non-regulatory guidelines that are meant to be used in planning, policy setting, project development, and decision-making by State agencies, and they serve as a living document, to which additional formal endorsement of other principles can be added." As stated on Page 4.23-10, the District has elected not to apply that guidance. The District's assessment of SLR effects is by its own admission likely to be an underestimate (as stated in its SLR Assessment Report), and by not using a 3.5 foot increase by 2050 in its analysis of impacts (per the above cited report's guidance), this Programmatic EIR underestimates the potential impacts from SLR and PMPU actions.

Additionally, and has been reported widely, recent evidence strongly suggests that sea level rise is increasing above past/recent projections (<https://news.sky.com/story/cop26-record-sea-level-rise-and-past-seven-years-to-be-warmest-ever-un-climate-report-finds-12456154>; <https://www.carbonbrief.org/daily-brief/ice-shelf-holding-back-antarcticas-doomsday-glacier-is-fracturing-and-wont-last-long-scientists-warn>), which further exacerbates the EIR's underestimation of the significance of SLR effects on tideland assets – both natural and built. Therefore, the EIRs reliance of the SLR report's approach to evaluating impacts in relation to tideland asset, especially the evaluation of tideland natural habitats' Sensitivity, Adaptive Capacity and Consequences, is an insufficient, if not flawed, assumption when analyzing potential impacts.

Page 4.13-13. We do not agree with the EIR's assertion that "...California Environmental Quality Act (CEQA) does not direct agencies to analyze the environment's effects on a project but does require analysis when a project could exacerbate existing environmental hazards or conditions." For the District, whose land management is almost exclusively limited to public trust tidelands that are fully affected by sea level rise, sea level rise is a unique environmental effect that requires a more robust analysis. As noted earlier in our comments regarding CEQA Section 15126.2 in regard to sea level rise (one of several climate change effects), there is a reasonable argument for having the EIR

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02-27

02-28

02-29

## Response to Comment O2-27

As covered in the Draft PEIR, Section 4.13 (starting on p. 4.13-9), a full assessment of the 3.5 feet of sea level rise by 2050 scenario is included in the PEIR. The scenario is not used for the impact analysis for two reasons. First, as stated in this comment, the California Coastal Commission (CCC) has not included the 3.5 feet by 2050 scenario within the CCC Sea Level Rise Policy Guidance and this principle applies only to state agencies. Second, there are no reliable sources that project 3.5 feet of sea level rise by 2050. The highest projections for 2050, as represented by the H++ scenario in the CCC Sea Level Rise Policy Guidance (a scenario that is so uncertain it is not assigned a probability of occurrence), is only 2.8 feet. Further, the PEIR's SLR impact conclusions do not change based on the 3.5-foot elevation CCC SLR Principle. The PEIR included analysis of three SLR probabilities that include elevations from 3.5 feet to seven feet, each for disclosure purposes.

The commenter's remark that the District's 2019 SLR Vulnerability Assessment states that it underestimated the impacts of sea level rise has been taken out of context (see PEIR, Appendix I, p. 126). The 2019 SLR Vulnerability Assessment was focused on understanding how habitats may shift over time with sea level rise to inform the future development of effective adaptive management strategies to maintain the maximum practicable diversity in habitat capable of supporting species and other ecosystem services. The study analyzed future sea level rise scenarios on current natural resources and land uses. It assumed that if land is currently available at a higher elevation, the habitat would move to that area, from its previous habitat area, because the previous habitat would be too submerged for the vegetation. The 2019 SLR Vulnerability Assessment clarifies that this approach likely underestimates some of the impacts of sea level rise since habitats may not be able to shift that quickly depending on the observed rate of sea level rise and that future development may impede this movement. It is possible that future planning efforts could develop approaches to help facilitate these upland transitions to maintain diversity in habitat.

In contrast, the PEIR takes a more conservative approach to assessing impacts since the purpose of the PEIR is to inform decision-makers and the public of potential significant environmental impacts. Rather than assuming that all habitat or water and land uses that may be able to shift to a new area do so, it assumes no shift in habitat or water and land uses, and thus, reports all flooded areas as exposed to sea level rise. This represents a "worst case" scenario. However, there are many uncertainties which do not allow for a more accurate analysis at this time. Therefore, it is more appropriate to

disclose the potential worst-case impacts in the PEIR rather than underestimate the potential impacts.

Furthermore, even if the greater levels were assumed, it would not change the significance conclusions in the PEIR's Sea Level Rise analysis. As discussed in response to Comment O2-4, the commenter disagrees with the Supreme Court case precedent which explains "ordinary CEQA analysis is concerned with a project's impacts on the environment, rather than with the environment's impact on a project and its users or residents." (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 662 Cal.4th 369.) In addition, please see the response to Comment A11-7. Please also see response to Comment O2-28, which discusses that extreme sea level rise scenarios are now viewed as less plausible.

### **Response to Comment O2-28**

Recently, scientists have been moving away from extreme high-end sea level rise scenarios. For example, in the recently released Global and Regional Sea Level Rise Scenarios for the United States (NOAA 2022)

(<https://oceanservice.noaa.gov/hazards/sealevelrise/sealevelrise-tech-report.html>; page 61; included with the administrative record supporting this FEIR), the authors elected to remove the extreme sea level rise scenario that they had included in the prior version of the report, stating "as a result of improved understanding of the timing of possible large future contributions from ice-sheet loss, the "Extreme" scenario from the 2017 report (2.5 m global mean sea level rise by 2100) is now viewed as less plausible and has been removed." This is the most authoritative report on sea level rise projections available in the United States. In summary, while there are individual alarming news articles about ice sheet melt and iceberg calving in any given year, the long term projections for sea level rise due to extreme ice-sheet loss have been scaled back in recent years.

Furthermore, SR Policy 3.3.1 also requires a site-specific hazard report, which considers "projected future shoreline erosion, groundwater rise, saltwater intrusion, tsunamis; and changes to these hazards over time due to projected sea level rise at the site." As part of this site-specific analysis the District will consider and plan for "potential future impacts on on-site natural resources." Such future site-specific analyses will take into account the most up to date information on sea level rise projections at the time those studies are prepared.

Dennis Campbell, Planning Department  
January 10, 2022  
Page 13

analyze both project's impact on the environment as well as the environment's (i.e., sea level rise) impact on the project. Sea level rise is a predictable, progressive environmental condition that will cause physical changes to the District's tidelands that are unlike any other environmental factor. It, combined with proposed PMPU project developments, essentially "squeezes-down" the available tideland area that would allow for conserving, enhancing and creating new habitat (by allowing habitat transitions). We believe that the combined effects of sea level rise and future project implementation under the PMPU are not appropriately analyzed in the EIR. The PMPU prioritizes "built assets" and provides specific numbers of boat berths, hotel rooms, etc. as well as prioritizes protective measures to facilitate their development – and in contrast provides no affirmative commitment to preserve current tideland natural habitat acreages, functions and values. And, the SLR Assessment Report did not factor-in protection and adaptation effects that could be applied to built assets on the tideland natural habitats – particularly shallow subtidal, intertidal and marsh wetlands – which further confounds the analysis of the project's (PMPU's) potential impacts. SWIA and others submitted a letter (3Oct2017) that outlined how the District should use SLR to conserve and restore tideland wetlands.

#### Alternatives Analysis

The Alternatives to the Proposed Project do not provide a substantive "environmentally superior alternative" option. The bay has suffered great losses of its historical natural wetlands acreage, functions and values, as documented in the District's own Integrated Natural Resources Management Plan (INRMP) and as described in the EIR.

The alternatives proposed in the EIR are essentially trade-offs among built environment and active recreational activities, with little effect on reducing potential impacts to tideland natural resources. It is unclear how reducing commercial uses and marine berths (Alternatives 2 and 3), centralizing commercial recreation/hotel rooms (Alternative 4), or reducing/removing roadway – all of which then increase recreational open space – are substantively less impacting alternatives. Active recreational uses have impacts on natural areas, so increasing one impacting project effect while reducing another does not necessarily constitute a substantively less-impacting alternative to the proposed project. More to the point, none of the alternatives appears to substantively reduce potential impacts to tideland natural areas.

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Southwest Wetlands Interpretive Association • P.O. Box 575 • Imperial Beach, CA 91933  
Tel. (619)575-0550

O2-29  
cont.

O2-30

## Response to Comment O2-29

The commenter raises issues contained in several prior comments. Please see responses to Comments O2-4, O2-5, O2-14, O2-23, and O2-24. The PEIR correctly states the legal principle that CEQA does not require the PEIR to analyze the potential impacts of the environment on the project, but does require the PEIR to assess whether the PMPU would exacerbate the effects of environmental hazards like sea level rise. (*California Building Industry Ass'n v. BAMQD* (2015) 62 Cal.4<sup>th</sup> 369; *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4<sup>th</sup> 455.) No changes to the PEIR are required in response to this comment.

## Response to Comment O2-30

CEQA Guidelines Section 15126.2(a) requires the PEIR to analyze a range of reasonable alternatives that would feasibly attain most of the project objectives and would avoid or substantially reduce any of the significant impacts of the PMPU. The PEIR also is not required to provide a "substantive" environmentally superior alternative. Instead, CEQA Guidelines Section 15126.2(e)(2) provides that, if the "no project" alternative is the environmentally superior alternative considered in the PEIR, the PEIR also must identify the environmentally superior alternative among the other alternatives. The PEIR applied this principle properly in Section 6.5.6 (page 6-63) of the PEIR, where it identified Alternative 2, One-Third Reduced Growth Alternative, as the environmentally superior alternative.

CEQA does not require the PEIR to consider every conceivable alternative to the PMPU. Furthermore, the Draft EIR is only required to provide a reasonable range of alternatives. The PMPU Draft PEIR included analysis of five alternatives: Alternative 1 – No Project Alternative, Alternative 2 – One-Third Reduced Growth Alternative, Alternative 3 – One-Half Reduced Growth Alternative, Alternative 4 – Harbor Island Centralized Commercial Recreation Alternative, and Alternative 5 – Recreation Open Space Alternative.

A detailed analysis of alternatives was included in Draft PEIR Chapter 6, which included a comparison of all alternatives in Section 6.5.6. As noted therein "there are different tradeoffs for each alternative, depending on the specific resource areas. Individuals and the decision-makers may weigh these resource areas differently." As shown in Table 6-3, the Draft PEIR proposed several alternatives which reduce GHG emissions and Biological Resource impacts. Furthermore, all significant impacts in Section 4.3, *Biological Resources*, were mitigated to less than significant. The recommended mitigation measures include MM-BIO-7 and MM-BIO-10 which require projects to restore damages to wetland or eelgrass habitat within the San Diego Bay at a 1:1 ratio or a 1.2:1 ratio, respectively.

The comment states it is unclear how Alternatives 2 and 3, the reduced development alternatives, or Alternative 4, Harbor Island Centralized Commercial Recreation Alternative, are substantively less impacting alternatives or how they substantively reduce potential impacts to tideland natural areas. However, nothing in CEQA requires the PEIR to include an alternative that focuses primarily on reducing impacts to tideland natural areas. CEQA does not require the PEIR to consider alternatives that would reduce all of the PMPU's significant impacts; CEQA only requires the PEIR to consider alternatives that would reduce any of the PMPU's significant impacts. (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4<sup>th</sup> 523, 546.) The PEIR considered the reduced growth and centralization alternatives because their reduced density or intensity of development would avoid or substantially lessen a number of the PMPU's significant impacts. For example, with respect to Alternative 2, the PEIR explained that a "reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities. (Draft PEIR, p. 6-21.) With respect to impacts on biological resources, the PEIR acknowledged Alternative 2 would have impacts similar to the PMPU, but found that this alternative would reduce impacts in comparison to the PMPU because of the reduced intensity of development. (Draft PEIR, p. 6-23.)

Finally, the PMPU includes a number of policies designed to protect and restore wetlands, and address Sea Level Rise, as under response to Comment O2-4 and O2-13. SR Policy 3.3.1 also requires a site-specific hazard report, which considers "projected future shoreline erosion, groundwater rise, saltwater intrusion, tsunamis; and changes to these hazards over time due to projected sea level rise at the site." As part of this site-specific analysis, the District will consider and plan for "potential future impacts on on-site natural resources."

Other relevant policies not already mentioned in O2-4 or O2-13 include:

**ECO Policy 1.1.1:** Strive to achieve a net increase of wetland habitat acreage from baseline conditions throughout the Bay.

**ECO Policy 1.1.15:** The District shall identify various ecological opportunity areas within water use designations that have shallow subtidal or intertidal habitat that may benefit from additional restoration or enhancement, or additional nature-based shoreline solutions including shoreline stabilization.

(refer to Figure 3.3.2 Ecological Opportunity Areas for an identification of approximate locations for initial ecological opportunity areas).

**ECO Policy 1.1.23:** The District shall pursue opportunities to create, preserve, enhance or restore intertidal and subtidal habitats in areas that have historically been impacted by development.

**ECO Policy 1.2.1:** In cooperation with regional, State, and federal resource agencies, the District shall develop a mitigation credit program, subject to agency approval, to improve habitat quality and compensate for unavoidable wetland losses through the protection, restoration, and creation, ~~and enhancement~~ of wetland habitats.

**ECO Policy 4.1.1:** The District shall establish and continue partnerships and collaboration with key agencies and stakeholders, including the U.S. Navy and U.S. Fish and Wildlife Service refuges, adjacent disadvantaged communities, relevant indigenous communities and tribes to enhance conservation, protection, and restoration of natural resources in and around the Bay and Tidelands. These partnerships may include combining resources and identifying complementary programming and policies to be implemented to improve the ecology of the Bay.

**ECO Policy 4.1.4:** The District shall engage with regulatory agencies on coastal resiliency measures to address potential future environmental stressors, such as seawater intrusion, habitat conversion, and ocean acidification.

Please see responses to Comments 02-4, 02-5, 02-7, 02-26, 02-27, 02-28, and 02-29, all of which discuss the PEIR's approach to and analysis of Sea Level Rise.

Dennis Campbell, Planning Department  
January 10, 2022  
Page 14

Final Remarks

Our focus on the natural resource concerns, especially the long-term future impacts to tideland wetland habitats, reflects the missions and primary objectives of our organizations. It does not imply that concerns raised by other organizations, such as the Embarcadero Coalition and Environmental Health Coalition, are not also important. Given the great amount of time and funding the District has put into the PMPU and the 30-year planning time horizon, it is critical that the CEQA analysis fully and appropriately addresses all of the potentially significant effects of the project. We strongly recommend that the District revise the Draft EIR to reflect our comments and suggested changes.

O2-31

Our contact to discuss this letter is Bill Tippetts ([billtippetts@gmail.com](mailto:billtippetts@gmail.com)).

Sincerely,

Michael A. McCoy, President SWIA

William Tippetts, Secretary SWIA

Dan Silver, Executive Director EHL

James A. Peugh, Conservation  
Chair SDAS

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Tel. (619)575-0550

**Response to Comment O2-31**

This comment is a conclusionary comment and does not raise any environmental issues that require a response.



## 2.5.3 Comment Letter O3: Save Our Heritage Organization

Amie Hayes, Senior Historic Resources Specialist



Save Our Heritage Organization  
Protecting San Diego's architectural and cultural heritage since 1969

Letter  
O3

Friday, January 7, 2022

Port of San Diego  
Attn: Planning Department  
P.O. Box 120488  
San Diego, CA 92112-0488

Re: Port Master Plan Update Draft Program Environmental Impact Report

Port Commissioners and Planning Department staff,

After reviewing the November 2021 Port Master Plan Update Draft Program Environmental Impact Report, Save Our Heritage Organization (SOHO) supports Alternative 3, the One-Half Reduced Growth Alternative, which is the environmentally superior alternative. However, as the fourth largest port in California, we remain disappointed that a historic preservation element is not included within the Port Master Plan Update and that a historical resources and cultural landscape survey was not prepared as part of the environmental process. While the draft acknowledges and evaluates 43 previously recorded archaeological and historical resources, there are numerous other potentially significant resources within the Port's jurisdiction. Historical and cultural resources support the Port's mission related to "providing community benefit" and "a balanced approach to...environmental stewardship." SOHO continues to assert the need to prepare a comprehensive historical resources and cultural landscape survey in accordance with CEQA as part of the environmental process, which is a best practice, provides transparency, and helps streamline later review processes.

SOHO supports Alternative 3, the environmentally superior alternative, because it reduces several development impacts and increases recreation and open space opportunities. As the most sustainable and environmentally responsible alternative, SOHO supports the need to reduce impacts to air quality and health, biological resources, greenhouse gas emissions, water quality, public services, and utilities. Further, this alternative prioritizes San Diegans and their quality of life. Additionally, SOHO strongly supports preservation of the remaining La Playa Piers, establishing view corridors and increased setbacks in the Embarcadero District, retaining appropriate height limits, the Shelter Island nature trail, designating Navy Pier as open space, and the South Bay's Bayshore Bikeway connection. These historic and cultural amenities, as well as those not yet identified as significant, all enhance and contribute to the character of the port, which is why they should be identified within their own element.

Under CEQA, a historical resources and cultural landscape survey must be prepared to identify any potentially significant resources and landscapes at the local, state, and federal levels as well as the criteria by which they may be eligible for designation. This survey should then inform a historic preservation element with specific goals and policies identified within the Master Plan itself, such as the General Plan of the City of San Diego, which includes a model historic preservation element. As part of this Master Plan update, a historic preservation element should identify all the historical contexts within each planning district area, such as the Tiki architecture on Shelter Island, and include a list of resources that contribute to each identified context.

O3-1

O3-2

O3-3

O3-4

O3-5

3525 Seventh Avenue • San Diego CA 92103 • www.SOHOsandiego.org • 619/297-9327

### Response to Comment O3-1

The District appreciates Save Our Heritage Organization's (SOHO's) review of the PEIR. The commenter's support for Alternative 3, One-Half Reduced Growth Alternative, is noted and has been included within the record for Board consideration. No changes to the Draft EIR are required in response to this comment.

### Response to Comment O3-2

The commenter suggests that the District must perform a "comprehensive historical resources and cultural landscape survey." To the extent the request for a "comprehensive" survey is meant to encompass the entirety of the District's jurisdiction, it should be noted there are 5,129 acres within the District's water and land use designations, including hundreds of existing structures.

As explained in the CEQA Guidelines, "[t]he degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy." (CEQA Guidelines Section 15146.) Similarly, CEQA Guidelines Section 15204(a) explains "reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors."

The Draft PEIR explained that "without any projects proposed for development at this time, it is beyond the scope of this program-level analysis to perform site-specific evaluations. Site-specific surveys are appropriate once there is a better understanding of the areas that would be affected and how they would be affected (i.e. details about specific development proposals are known). Critically, this changes over time and structures that were not sufficiently old enough to warrant consideration during preparation of this analysis may be at the time a development is proposed." (Draft EIR page 4.4-31.) It would be infeasible for the District to survey 5,129 acres of lands and hundreds of structures, when there is no specific development proposal, and when buildout of the plan area is

anticipated to occur over the next 30 years. Furthermore, such surveys could become outdated when considering a 30-year planning horizon. (See also Pub. Res. Code § 5024.1(g) [Setting a five-year time limit for use of a survey].)

The Draft PEIR's analysis of historic resources included an in-depth records search, which complies with CEQA Guidelines Sections 15146 and 15204(a). Draft PEIR Section 4.4.2.4 explained "A record search was conducted by the South Coastal Information Center (SCIC) on April 24, 2017, to identify cultural resources within the proposed PMPU area and its quarter-mile buffer. The SCIC maintains the California Historical Resource Information System (CHRIS) database for San Diego County and keeps a record of all reported cultural resource studies and findings within the county. The record search revealed that 275 previously recorded cultural resources are located within a 0.25-mile buffer but outside of the proposed PMPU area. A total of 43 previously recorded cultural resources have been identified within the proposed PMPU area, of which 16 are archaeological resources and 27 are historical (or built environment) resources. [¶] In addition, research was conducted to identify properties not documented in the record search results that are within the PMPU area and listed in the NRHP, the CRHR, or local historical resources registers." Site specific cultural resource surveys will be performed with CEQA analysis for specific development projects.

Although the comment states there are numerous other potentially significant resources within the District's jurisdiction, the comment does not identify any such resources which should have been included in the PEIR's discussion of the environmental setting but were not.

In addition, the PEIR states that modification to built environment resources that are 50 years old or older, or which would approximate 50 years old or older by the time any modification or demolition would occur, would require evaluation consistent with mitigation measure MM-CUL-1. MM-CUL-1 is required to ensure that any future development projects that could affect a potentially significant historical resource (i.e., generally approximately 50 years or older) would be required to conduct a historical resource assessment that will include: (i) defining an appropriate historical resources study area for the proposed project, (ii) surveying and researching the area to identify built resources known to qualify as historical resources under CEQA as a result of previous designation, and (iii) formally evaluating built resources not previously designated that could potentially qualify as historical resources under CEQA by applying the criteria for listing in the CRHR. Moreover, the study area will account for potential direct and indirect impacts on historical resources, including alterations to the immediate setting of any historical resource that could cause an adverse change in the

resource's significance. If the project-level evaluation is determined to be significant, then MM-CUL-1 requires additional steps to avoid or minimize any impact to the significant resource. Measures include avoidance, alternation in accordance with SOI-standards, relocation, historical resource archival documentation, interpretation, and as a last resort, salvage of historically important materials. Although a historical resources and cultural landscape survey can serve as one method to establish baseline conditions, it is not required to establish baseline conditions for cultural resources. No changes to the PEIR are required in response to this comment.

Additionally, Public Resources Code Section 30711 states the required contents of a port master plan, including proposed uses where known; the projected design and location of certain areas within the port's jurisdiction; an estimated effect of development on habitat areas and the marine environment, review of existing water quality, habitat areas and biological inventories and proposals to minimize and mitigate any substantial adverse impacts to the same; a list of appealable projects and proviso for adequate hearings and public participation. Additionally, the Port Act Section 19 addresses the content of the Port Master Plan. A historic preservation element is not required by either of these laws. Moreover, the District takes into account its member cities' ordinances addressing historic resources. No changes to the PEIR have been made as a result of this comment.

### **Response to Comment O3-3**

The commenter's support for Alternative 3, One-Half Reduced Growth Alternative, is noted and has been included within the record for Board consideration. No changes to the Draft EIR are required in response to this comment.

### **Response to Comment O3-4**

The District notes the commenter's support for preserving the La Playa Piers, which is currently reflected in the Draft PMPU, establishing view corridors and increased setbacks in the Embarcadero District, retaining appropriate height limits, the Shelter Island nature trail, designing Navy Pier as open space, and the South Bay's Bayshore Bikeway connection. Each of these issues raised is addressed in the PMPU policies. The comment related to the PMPU including an element specific to these issues raises a policy issue, not an environmental issue, and has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

**Response to Comment 03-5**

This comment repeats the commenter's request in Comment 03-2 that the PMPU include a historic preservation element and the PEIR include a historical resources and cultural landscape survey for the entire District. Please see the response to Comment 02-2. Neither CEQA nor the California Coastal Act require the PMPU to include a historical preservation element or an EIR to include a historical resources and cultural landscape survey. Neither CEQA Guidelines Section 15126.2, which sets forth the requirements for an EIR's consideration and discussion of significant environmental impacts in general, nor CEQA Guidelines Section 15064.5, which sets forth the requirements for determining the significance of impacts to archaeological and historical resources in particular, contains such a requirement. Moreover, the comment does not identify any historical or cultural resources within the District's jurisdiction, which should have been included in the PEIR but were not. An EIR is not required to provide all information or to perform every study requested by a reviewer. (CEQA Guidelines Section 15204(a).) Section 4.4.2 of the PEIR includes an extensive discussion on both the prehistory and history of each planning district within the PMPU. That discussion includes the known significant resources within the PMPU geographic boundaries that is grouped by planning district. The information provided in the PEIR establishes the baseline condition to which changes associated with the PMPU can be analyzed against.

The commenter also mentions the need to include a PMPU element specific to cultural and historical resources. The comment further indicates that such a historic preservation element should identify historical contexts, within each planning district, and should discuss, as an example, a context discussion about Tiki architecture on Shelter Island. However, Section 30711 of the Coastal Act, which identifies the required content of a port master plan, does not contain such a requirement.

The PEIR does provide the historical and, when appropriate, architectural contexts for each planning district within the PMPU area. Regarding Tiki Modern style architecture, the PEIR's Cultural Section, on page 4.4-13, under the heading "History of the Planning Districts," provides a long historical review of the Tiki Modern-style and Tiki Polynesian style architecture and lists examples of each within the backdrop of the historical development at Shelter Island. Additionally, the PEIR's Environmental Setting highlights Tiki architecture in relation to its potential significance as a cultural landscape. This discussion is found on pages 4.4-31 and -32, under Historical Resources, within Planning District 1 (Shelter Island). These instances illustrate examples of how the PEIR Cultural Resources section addresses Shelter Island and they are indicative of how each planning district, within

the PMPU geographic boundaries, was similarly described and analyzed for potentially significant impacts.

Therefore, the PEIR's analysis of potential impacts on historical and cultural resources is adequate and complete and complies with the requirements of CEQA. In addition, substantial historical information and context concerning the issues raised in this comment have been provided as part of the CEQA analysis within the PEIR. Moreover, mitigation measures are provided in the PEIR to ensure all potential impacts to significant historical resources are avoided, minimized, or reduced.

SOHO recommends adoption of Alternative 3, the One-Half Reduced Growth Alternative, in addition to the inclusion of a historic preservation element and preparation of a comprehensive historical resources and cultural landscape survey in accordance with CEQA, because this is a best practice, provides transparency, and will streamline later processes.

O3-6

Thank you for the opportunity to comment,



Amie Hayes  
Senior Historic Resources Specialist

### Response to Comment O3-6

The District appreciates SOHO's review of the PEIR. The commenter's support for Alternative 3, inclusion of a historical preservation element, and preparation of a historical resources and cultural landscape survey are noted and are part of the record for Board consideration. Please see the prior comments and associated responses. No changes to the Draft EIR are required in response to this comment.

## 2.5.4 Comment Letter O4: San Diego County Archaeological Society

James W. Royle, Jr., Chairperson



### San Diego County Archaeological Society, Inc.

Environmental Review Committee

20 December 2021

Letter  
O4

To: Mr. Dennis Campbell  
Planning Department  
San Diego Unified Port District  
P.O. Box 120488  
San Diego, California 92112-0488

Subject: Draft Program Environmental Impact Report  
Port Master Plan Update

Dear Mr. Campbell:

I have reviewed the cultural resources aspects of the subject DPEIR on behalf of this committee of the San Diego County Archaeological Society.

Section 4.4 of the document provides an excellent, comprehensive overview of the potential for cultural resources in each of the districts of the UPD's jurisdiction. It will provide a strong basis for consideration of potential impacts to cultural resources in future individual projects.

We do have a few comments to offer on the DPEIR:

1. As with any study of the cultural resources of an area or resource which is in support of a programmatic EIR, the nominal 45- or 50-years old window of significance needs to be treated as a moving window. Some resources can age into that window. O4-1
2. We recommend having archaeological and Native American monitoring of geotechnical test boring work in areas where the nature of the fill and subsurface is not already well-known, to help identify any areas where subsequent monitoring should be required, or where it is unnecessary. O4-2
3. We also recommend, if it was not already done, of the Tax Factor 1928-29 aerial photos of the Bayshore. I myself have done this for a few areas to assist a friend who is writing a book on tuna boat construction in San Diego. These photos have been digitized by the County DPW and are available at DPW offices in Kearny Mesa., as well as a few other locations. O4-3
4. And while the areas around the bay which were utilized for trash disposal may be considered deposits lacking stratigraphy, they may still provide a window into the San Diego of the late 19<sup>th</sup> and early 20<sup>th</sup> Centuries. Hence, archaeological monitoring may still be worthwhile. O4-4

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

### Response to Comment O4-1

The District appreciates the San Diego County Archaeological Society's (SDCAS's) interest in the project and input regarding cultural resources. No environmental issue is raised in this introductory comment that requires a response under CEQA. Responses to individual comments follow.

### Response to Comment O4-2

The District acknowledges that under special circumstances it is possible that a structure or building may be deemed significant even if it has not yet reached 50 years old or that as time goes on buildings may reach this threshold. As indicated in the criteria established for the California Register of Historic Resources, built environment resources that qualify as historical resources are generally 50 years old or older. However, the criteria indicate that resources may be eligible for listing if it can be demonstrated that sufficient time has passed to understand the significance of a resource less than 50 years old (14 CCR 11.5, Section 4852 [d] [2]). Therefore, to ensure that built resources that may not have yet met the 50-year cut off are not excluded from any evaluation simply based on age, MM-CUL-1 has been modified to indicate that any structure or building that appears to meet one or more of the criteria for listing with the CRHR and NRHP shall require evaluation by an SOI-qualified architectural historian to determine if a historical resource assessment, as defined under MM-CUL-1, would be required. The PEIR's analysis of potential impacts on historical resources treated the 45- to 50-year old window of significance as a "moving window." As stated on page 4.4-46 of the PEIR: "The proposed PMPU does not plan for or authorize any specific development project that would cause a change in the known historical resources in PD2, PD3, PD4 and PD10. However, PD1, PD2, PD3, PD4, PD8, PD9, and PD10 all contain built resources that will reach the 50-year age benchmark for consideration as potential historical resources under CEQA within the next 35 years." For this reason, the PEIR concluded that potential impacts on yet-to-be-identified historical resources would be significant (MM-CUL-1).

### Response to Comment O4-3

MM-CUL-2 has been updated to include archaeological and Native American monitoring during geotechnical test borings where the nature of the fill and subsurface is not already known. Please see the update to MM-CUL-2 in Chapter 4, *Revisions to the Draft EIR*.

Thank you for the opportunity to participate in the public review of this DPEIR. Please also include SDCAS in the review of individual projects proposed under it.

I 04-6

Sincerely,

  
James W. Royle, Jr., Chairperson  
- Environmental Review Committee

cc: ICF International  
SDCAS President  
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

### Response to Comment 04-4

The PEIR contains extensive information related to the historical context of the District Tidelands. Identifying an additional source of historic information, while potentially helpful for future project evaluations, is not required for the cultural environmental setting of the PEIR. However, MM-CUL-2 has been updated to indicate that potential sources of information include Sanborn fire insurance maps, U.S. Geological Survey maps, and Tax Factor 1928-1929 aerial imagery.

### Response to Comment 04-5

Impact-CUL-2 identifies potential impacts to identified archaeological resources, which includes trash dumps (P-37-017104/ CA-SDI-15118; P-37-028564/ CA-SDI-18377; P-37-028565/ CA-SDI-18378; P-37-028978/ CA-SDI-18583). MM-CUL-2 would apply to ground disturbance at one of these sites and monitoring would be required if steps listed in MM-CUL-2 indicate that monitoring is necessary. No changes to the Draft EIR have been made as a result of this comment.

### Response to Comment 04-6

The District appreciates SDCAS's comments on the project and will continue to include SDCAS on the District's list of organizations receiving CEQA documents during the public review period.



## 2.5.5 Comment Letter O5: Coronado Cays HOA (All letters)

Dennis Thompson, President, Board of Directors

C.C.H.O.A.  
505 Grand Caribe Cswy.  
Coronado, CA 92118



HOMEOWNERS ASSOCIATION

Office 619.424.3923  
Fax 619.424.3923  
www.cchoa.org

Letter  
O5

Port Commissioners  
Port of San Diego  
Attn. Planning Department  
3165 Pacific Highway  
San Diego, CA 92101

January 10, 2022

Re. Comments on the Port Master Plan Draft Program EIR and the Draft Port Master Plan dated November 2021

Dear Board of Port Commissioners:

The Coronado Cays Homeowners Association ("CCHOA") appreciates the opportunity to provide comments on the November 2021 Draft Port Master Plan, as well as the Program EIR. We also appreciate the fact that the Port has worked closely with the CCHOA to take into account our comments in the Master Plan Update, and we look forward to continuing our work with the Port to significantly enhance and preserve for the public the strong ecological elements present in our South Bay location.

O5-1

The Coronado Cays is a unique community of waterfront homes in the South San Diego Bay, surrounded by Silver Strand State Beach to the west and the north, and the San Diego Bay National Wildlife Refuge to the east and the south on the bay side. We are adjacent to the Bayshore Bikeway and are home to the Port's only native plants park, Grand Caribe Shoreline Park. We strongly support the expansion of Grand Caribe Shoreline Park into the north section of Grand Caribe Isle. This re-designation would preserve unique scenic vistas and view corridors, as well as expand the native plant garden and habitat areas in Grand Caribe Shoreline Park.

O5-2

Our three most significant comments, discussed below, are: (1) that we continue to strongly support the "no new hotel rooms" language in the PMPU, as does the entire Coronado community, despite a recent hiccup on the part of the City Council, which was quickly reversed; (2) we oppose the location of a potential water transfer point in the Coronado Cays at the Yacht Club as this is a residential area, and a water transfer point is already shown at the Loews Hotel, right next door; and (3) we strongly support the extension of Grand Caribe Shoreline Park into the adjacent parcel to the north, currently used for boat storage, as well the creation of a mitigation bank next to Grand Caribe Shoreline Park on Grand Caribe Isle South. Our other comments are then listed as they are shown in the November 2021 draft Master Plan.

O5-3

**PD 9.13 and PD 9.25: "No new hotel rooms."**

O5-4

We continue to strongly support the "no new hotel rooms" language in Sections PD 9.13 and PD 9.25. Although the Coronado City Council appeared to waiver regarding this language at a recent Council meeting,

### Response to Comment O5-1

The District appreciates the Coronado Cays Homeowners Association's interest in the PMPU. This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

### Response to Comment O5-2

The comment expresses support for the proposed expansion of Grand Caribe Shoreline Park and does not raise any issue with the content or adequacy of the PEIR or the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment will be passed on to the Board of Port Commissioners for its consideration.

### Response to Comment O5-3

The commenter provides a summary of the main comments in the letter and indicates that there are other comments that follow. The comment expresses support and opposition for policies in the PMPU but does not raise any issue with the content or adequacy of the PEIR or the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment will be passed on to the Board of Port Commissioners for its consideration.

### Response to Comment O5-4

The comment expresses support for the provisions of the PMPU stipulating that no new hotel rooms can be developed in Planning Districts 9 and 10. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment will be passed on to the Board of Port Commissioners for its consideration.

Comments on the Port Master Plan Draft Program EIR and the Draft Port Master Plan dated November 2021  
January 10 2022

2 | Page

the overwhelming community response in favor of no new hotel rooms in both Planning Districts 9 and 10, covering all of the City of Coronado, caused the Council to modify their comments letter and delete the paragraph from their draft letter suggesting that the “no new hotel rooms” language be removed. The proposal to remove this language came as a shock to the community, which had worked tirelessly for several years to have this provision included in the updated Port Master Plan. Community support for no new hotel rooms in PD9 and PD10 is extremely strong. We note that the PMPU does allow for remodeling or other modifications of existing commercial areas, “within the existing footprint of the development,” [PD5.9.3] which allows existing hotels, such as the Loews, to remodel appropriately.

05-4  
cont.

**PD9.20:** “Develop a water-based transfer point at the northern portion of Grand Caribe, as generally depicted in Figure PD9.3.”

The CCHOA opposes the creation of a water-based transfer point on Grand Caribe Isle. We note that a water-based transfer point is planned for the Loews Hotel docks, next door to the Coronado Cays, and that this would be a more appropriate location. The transfer point proposed for Grand Caribe Isle is located in a residential neighborhood and the current proposed transfer point is at the private Yacht Club. In addition, the road leading to the Yacht Club is currently a private road and not a city street. A transfer point at the Loews would allow easier access to the adjacent Silver Strand State Beach, as well as the public-serving amenities of the Loews Hotel.

05-5

**PD9.18:** “The passive, nonprogrammed Grand Caribe Shoreline Park will be expanded north of Grand Caribe Causeway, . . .”

The CCHOA strongly supports the expansion of Grand Caribe Shoreline Park into the north portion of the Isle, which is currently used for boat storage. Expanding this native “botanical experience” park will fulfill the Port’s goals of enhancing and protecting the natural resources, both land and water-based, in the South Bay. PD5.9.4(A). We also support the “passive, nonprogrammed” description of this park as appropriate. We look forward to continuing to work with the Port on enforcing the rules that apply to this park, and suggest signage similar to that proposed to the new Sweetwater Park.

05-6

**PD9.18.b:** “Adjacent development in Commercial Recreation areas shall include amenities, such as restroom facilities, to serve the public visiting Grand Caribe Shoreline Park.”

The CCHOA opposes the subsection, which calls for restrooms to be built in the area next to the park. The City of Coronado maintains public restrooms, surrounded by ample parking, at the nearby Coronado Cays Park, which is an 8-minute walk or 2-minute drive from Grand Caribe Shoreline Park. In addition, visitors to the small café near Shoreline Park can use the café’s restrooms. Because the park is a passive and nonprogrammed park, calling for additional restrooms to be built is not necessary.

05-7

**PD9.24:** “Create wetland habitat to be used as a mitigation bank at Grand Caribe Isle South.”

The CCHOA strongly supports the creation of a mitigation bank on South Grand Caribe Isle. The Port has been discussing this project with our community since 2009, when sand was removed from this location to

05-8

## Response to Comment 05-5

The comment is directed at the content of the PMPU, specifically about the proposed water-based transfer point on Grand Caribe Isle, but does not raise any issue with the content or adequacy of the PEIR or the CEQA process. However, please note that although Figure PD9.3 includes a water-based transfer point at Grande Caribe Isle, the PMPU delineation of this water-based transfer point shows only a general location and a specific location will be determined during a future design process. In addition, the Grand Caribe Isle location is not planned as a connector mobility hub like the Crown Isle subdistrict location nearby and to the north but would be a smaller transfer location based on, and consistent with, the existing marina’s function. No access to private roadways or property would be needed to access and use the transfer point. Further, shuttles could be used to transfer people from the shore to the other areas of Coronado.

## Response to Comment 05-6

The comment expresses support for the proposed expansion of Grand Caribe Shoreline Park and its proposed description. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment will be passed on to the Board of Port Commissioners for its consideration.

## Response to Comment 05-7

This comment expresses opposition to a specific aspect of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment will be passed on to the Board of Port Commissioners for its consideration.

## Response to Comment 05-8

The comment expresses support for the proposed creation of a mitigation bank on South Grand Caribe Isle. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment will be passed on to the Board of Port Commissioners for its consideration.

Comments on the Port Master Plan Draft Program EIR and the Draft Port Master Plan dated November 2021  
January 10 2022

3 | Page

remediate soils at the Hilton Bayfront Hotel. We look forward to working with the Port to create a mitigation bank project that provides public access by retaining the path around the entire south isle, as well as enhancing the environment.

05-8  
cont.

**Other comments:**

**Table PD9.1: Increase Conservation/Inter-tidal acreage from 18.76 to 50.64 acres.**

We support this increase in acreage and find that it is appropriate for the Port's environmental and conservation planning principles for this District.

05-9

**PD9.5 and PD9.17: "Residential piers and docks adjacent to off-Tidelands residences in the Coronado Cays may be repaired or replaced in-kind..."**

We support these provisions, which allow Cays homeowners to repair and replace their docks as long as there is no additional shading or fill added to the Bay floor. The CCHOA recently renewed its five-year "like for like" dock replacement permit, which allows it to both provide a service to its homeowners in terms of streamlining the dock replacement permitting process, as well as helping to educate homeowners about the various requirements that apply to dock replacements.

05-10

**PD9.15 and PD9.29: "Structures shall not exceed 35 feet in height."**

We strongly support the Port's inclusion of building height standards from the surrounding community (City of Coronado). This height limitation will ensure that buildings in our Planning District will conform appropriately to the surrounding community.

05-11

**PD9.26: 6-foot wide nature trails for both North and South Grand Caribe Isle.**

We support the six-foot wide nature paths proposed for both North and South Grand Caribe, as opposed to the 12-foot wide paved promenade that was proposed in an earlier draft. Six-foot wide, unpaved paths are much more appropriate for this natural environment.

05-12

**PD9.27: "Preserve the scenic vista areas" at Grand Caribe Shoreline Park and the northeast portion of Grand Caribe, as well as the Grand Caribe Causeway View Corridor Extension.**

We support the both the view corridors and the view corridor extension proposed in the draft Master Plan. Preserving the views at these locations preserves and enhances the unique sense of being in the middle of nature at these locations.

05-13

**Figure PD9.2: Navigation Corridors.**

In prior comments, City of Coronado has asked that the Port take responsibility for maintaining identified navigation corridors on this map, including the navigation corridor adjacent to South Caribe Isle. We remain

05-14

## Response to Comment 05-9

The comment expresses support for the proposed increase in Conservation/Intertidal acreage. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment will be passed on to the Board of Port Commissioners for its consideration.

## Response to Comment 05-10

The comment expresses support for the PMPU provision allowing Coronado Cays residents to repair and replace their piers and docks in-kind. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment will be passed on to the Board of Port Commissioners for its consideration.

## Response to Comment 05-11

The comment expresses support for the building height standards in the PMPU. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment will be passed on to the Board of Port Commissioners for its consideration.

## Response to Comment 05-12

The comment expresses support for the proposed pathways proposed for North and South Grand Caribe Isle. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment will be passed on to the Board of Port Commissioners for its consideration.

Comments on the Port Master Plan Draft Program EIR and the Draft Port Master Plan dated November 2021

January 10 2022

4 | Page

concerned about the past lack of maintenance of navigation corridors in this area and agree with the City's comments.

05-14  
cont.

Overall, the CCHOA appreciates our ongoing, positive relationship with the Port and with Port staff regarding the PMP update, as well as other Port issues, such as dock lease renewals in Port waters and the steps the Port is taking in the PMPU to enhance the unique environmental features of our South San Diego Bay area.

05-15

Sincerely,



Dennis Thompson  
President, Board of Directors CCHOA

cc. Port of San Diego Chairman Michael Zucchet  
Port of San Diego Vice Chairman Dan Malcolm  
Port of San Diego Secretary Rafael Castellanos  
Port of San Diego Port Commissioner Jennifer Lesar  
Port of San Diego Port Commissioner Ann Moore  
Port of San Diego Port Commissioner Sandy Naranjo  
Port of San Diego Port Commissioner Frank Urtasun  
Port of San Diego Port Planning Director Lesley Nishihira  
Port of San Diego Port Program Manager Christian Anderson  
City of Coronado Mayor Richard Bailey  
City of Coronado Councilmember Mike Donovan  
City of Coronado Councilmember Marvin Heinze  
City of Coronado Councilmember Bill Sandke  
City of Coronado Councilmember Casey Tanaka  
City of Coronado City Manager Tina Friend

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## Response to Comment 05-13

The comment expresses support for the proposed view corridors and view corridor extensions in PD9.27. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment will be passed on to the Board of Port Commissioners for its consideration.

## Response to Comment 05-14

The comment regarding the past and existing navigation corridor maintenance within Planning District 9 addresses a concern that does not relate to the PMPU. CEQA does not require the PEIR to rectify existing environmental problems. The commenter's concern regarding navigation corridors is not related to the PMPU and the comment does not raise any environmental issues regarding the adequacy of the PEIR. Therefore, no changes to the PMPU and PEIR are required in response to this comment.

## Response to Comment 05-15

The District appreciates the Coronado Cays Homeowners Association's interest and participation in the proposed PMPU process. This comment does not raise any environmental issues requiring a response pursuant to CEQA.

## Response to Comment 05-16

The commenter includes additional copies of the same letter. As there is no difference between this letter and the additional copies provided, no additional responses are necessary.

## 2.5.6 Comment Letter O6: Silver Strand Beautification Project

Mary Berube and Liza Butler

Letter  
O6

Silver Strand Beautification Project  
C/O CCHOA, 505 Grand Caribe Causeway  
Coronado, CA 92118

January 10, 2022

Port of San Diego Board of Port Commissioners  
Attn: Planning Department,  
3165 Pacific Highway  
San Diego, California 92101

Subject: Comments on the revised draft Port Master Plan Update (PMPU) and PEIR released November 2021

Dear Port Commissioners and Planning Department:

The Silver Strand Beautification Project (SSBP) is a grassroots organization of Coronado residents who have worked on the following successful projects: the designation of State Route 75 as the Silver Strand Scenic Highway, the restoration of Silver Strand State Park beach, the undergrounding of electric power lines along that highway, the development of the Bayshore Bikeway's Silver Strand Nature's Bridge to Discovery nature trail, the landscaping of the highway medians, the initial development of the Port's unique Grand Caribe Shoreline Park (GCSP) as a native plant preserve and the recent effort to restore much of the lost native plant communities in the Port's GCSP in collaboration with San Diego Audubon Society. The SSBP offers its comments on the revised draft PMPU of November 2021 and the associated Program Environmental Impact Report (PEIR).

SSBP commends the Port of San Diego and its staff on adding clarity and detail to the current draft PMPU which is more inclusive of important ecological and climate concerns and is reflective of the data in the PEIR. SSBP again appreciates the community-wide collaborative spirit with which it was created. The SSBP reincorporates by reference its prior comments dated July 26, 2019 and November 16, 2020 regarding Planning District 9: Silver Strand.

1. There is a minor typographical error in the text box at page 106, fourth bullet point, which should probably read concrete, rather than concrete.

2. In Chapter 4, Baywide Development Standards, at 4.21., Standards for Recreation Open Space, the language in 4.21.2. states as a requirement: "Should be designed with landscaping OR (emphasis added) native vegetation." This is contrary to Eco Policy 1.1.1 which is to enhance, conserve, restore, and maintain the biodiversity in Tideland areas. These are standards applicable to that most public of Tidelands uses, that of Recreation Open Space. There should not be an "OR" in this standard but one which reads as consistent with Eco Policy 1.1.8 which states that "Development shall integrate drought-tolerant species native to the San Diego County coastal zone as part of landscaped areas." If "Development" can integrate San

### Response to Comment O6-1

The District appreciates the Silver Strand Beautification Project's interest and direct participation in the PMPU process. This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately, along with the District's individual responses. Please note that responses to the environmental-related issues raised in the July 26, 2019 and November 16, 2020 letters are provided in responses to O6-7.

### Response to Comment O6-2

The text cited by the commenter has been revised from "concreate" to "concrete." The comment is specific to the content of the PMPU and does not raise an environmental issue. The PMPU was revised in response to this comment.

### Response to Comment O6-3

The comment is specific to the content of the PMPU. Baywide Development Standard 4.2.1-2 will be revised as follows in the final PMPU:

Baywide Development Standards – 4.2 Recreation Open Space and Activating Features Standards:

#### 4.2.1 Standards for Recreation Open Space

2. Should be designed with ~~landscaping or native vegetation~~ an appropriate balance of softscape and hardscape based on a subdistrict's character or as specified in Chapter 5, Planning Districts for that subdistrict to provide users with visual and physical relief from paved surfaces;
  - a. Soft surfaces or softscape may include landscaping, planting ground cover, and other materials, such as mulch and turf.
  - b. Landscaping shall be consistent with ECO Policy 1.1.8 (Chapter 3.3 Ecology Element).

While the commenter's proposed revision of the PMPU is related to biological resources, no additional response is required as the comment does not raise any issue with the content or adequacy of the PEIR, nor with the CEQA process. Under CEQA Guidelines Section 15088, no further response is necessary. However, this comment has been included within the record for Board consideration.

Diego native species into a landscape plan, then so can the Baywide Development Standard for Recreation Open Space.

O6-3  
cont.

3. With regard to Planning District 9, Silver Strand, the PMPU and PEIR, together, establish how the unique habitat and environmental importance of this area contributes to the Port's legislative responsibilities to protect and promote coastal-dependent uses, protect the environment, and provide and ensure coastal access around San Diego Bay.

The PEIR's Figure 4.3-15, Sensitive Species Observation, notes multiple instances of California Least Tern, a Red Sand-Verbena observed on south Grand Caribe Isle, the nesting sites of the protected Snowy Plover on the adjacent coastline and the extent of the south bay habitat for Eastern Pacific Green Sea Turtles, just offshore of PD 9. Moreover, the PEIR describes 21 special status plant species (protected by Federal or State law) which do occur or have the potential to occur ONLY in PD 9 and the associated PD 7 which is just south of the Coronado Cays. As stated in the PEIR, the amount of eelgrass in the South Bay represents 17 percent of all eelgrass in California. In fact, the PEIR reports that there is a *significant* (emphasis added) amount of eelgrass in PD 9 which is a nursery habitat for multiple species of fish such as California halibut, provides resting and feeding sites for migratory birds, sequesters carbon, filters harmful particles within the water column, and suppresses storm surge.

O6-4

The SSPB supports the language of the PMPU in PD 9 which recognizes this vital portion of Port Tidelands, not only for its important bay habitat, but also for the passive recreation it provides for birding, walking, kayaking, fishing and bicycling.

4. The Port's Sea Level Rise Vulnerability Assessment and Coastal Resiliency Report (June 2019) at Figure 3.37 regarding Grand Caribe Isle notes an almost 10 inches of sea level rise by 2030, that is in less than 8 years, and during a 100 year storm event. This conservation/intertidal area AND road access to the rest of Grand Caribe Isle will be cut off as the roadway is inundated and the conservation/intertidal area flooded. The PEIR recognized this issue in its evaluation of FEMA Flood Zones and Stormwater Drainage, Figure 4.8-8, wherein all of Grand Caribe Isle is subject to a .2 Annual Chance Flood Hazard. In its analysis of Sea Level Rise, the PEIR at Figure 4.13-15 notes the Temporary Flooding and Inundation Under Sea Level Rise with 100-Year Storm for Silver Strand (PD9) as .25m for the land to the west of Grand Caribe Shoreline park. The PEIR at Figure 4.13-26 notes that that same area will be under permanent inundation with .5m of Sea Level Rise.

O6-5

Thus, PD9.24, which relates to the adaptive capability of creating wetland habitat to be used a mitigation bank, reinforces the PMPU's goals of safety and resiliency in the face of climate change. SSPB fully supports PD9.24 which states, "Create wetland habitat to be used as a mitigation bank at Grand Caribe Isle South."

5. SSBP, along with the City of Coronado and the Coronado Cays Homeowners Association (CCHOA), support PD9.25 which states, "No new hotel rooms are planned or allowed." The northward extension of Grand Caribe Shoreline Park is the appropriate environmental and recreational use for that parcel.

O6-6

## Response to Comment O6-4

The District appreciates the commenter's support. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether or not to adopt the PEIR.

## Response to Comment O6-5

The District appreciates the commenter's support. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether or not to adopt the PEIR.

## Response to Comment O6-6

The District appreciates the commenter's support. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether or not to adopt the PEIR.

SSBP reiterates its support of additional portions of Chapter 5.9 Planning District 9: Silver Strand as outlined in its prior comments dated July 26, 2019 and November 16, 2020.

Thank you for the opportunity to provide public comment. If you have questions or concerns regarding these comments, please contact us through the address on the first page.

Respectfully,

Mary Berube  
Liza Butler  
Silver Strand Beautification Project

Cc: Eileen Maher, Director, Environmental Conservation, Port of San Diego  
[emaher@portofsandiego.org](mailto:emaher@portofsandiego.org)  
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Coronado City Manager [tfriend@coronado.ca.us](mailto:tfriend@coronado.ca.us)

O6-7

## Response to Comment O6-7

The District appreciates the Silver Strand Beautification Project's support, interest, and participation in the proposed PMPU process. This comment does not raise any environmental issues requiring a response pursuant to CEQA, but does reference prior letters submitted that contain environmental issues. Please see the responses to the comments raised in these two letters below.

Letter Reference	Request and Corresponding 2019 Discussion Draft PMPU Citation	Response and New 2022 Draft PMPU Citation
<b>Letter dated July 26, 2019</b>		
#1	PD9.11 should encompass the necessity of maintaining the conservation/intertidal property as a buffer for sea level rise and climate change regardless of the mitigation banking process envisioned in PD9.11.	Please refer to the Vision for the Grand Caribe Isle and South Cays Subdistrict, which states that "Environmental restoration and habitat creation in this area will continue to protect the subdistrict's natural resources." Please also refer to the Ecology Element, which includes a text box that states that habitat restoration, and maintenance or expansion of habitat can be considered conservation adaptation strategies.
#2a	PD9.13 should include buffer areas to reflect adjacency of land use impacts. This area contains plant species indicative of salt marsh plan and upland transition zone habitats. Commenter states that this area currently needs	Please refer to Ecology Element Policy 1.1.5, which establishes ecological buffer zones for landside development adjacent to saltmarsh wetland habitat areas.

	better protection, and references other plans such as the Chula Vista Bayfront Natural Resources Management Plan and the Coastal Commission Development Policies.	
#2b	Commenter references work being conducted by citizen groups at Grand Caribe Shoreline Park to plant native plants.	The comment is noted for the record and will be provided to the Board prior to the decision of whether to approve the PMPU.
#2c	Commenter notes that removal of invasive plants at Grand Caribe Shoreline Park has allowed the seed bank of the Nuttall's Lotus to bloom, this is a native plant that is endangered in California.	The comment is noted for the record and will be provided to the Board prior to the decision of whether to approve the PMPU.
#2d	Commenter notes that the Grand Caribe Shoreline Park is utilized in a variety of ways recreationally, not only as a conservation/intertidal designated area. Commenter notes that lack of protection of the habitat and lack of consistent signage has led to erosion of the banks and retreat of the park.	Please see PD9.18 in the PMPU, which describes the passive nature of Grand Caribe Shoreline Park and that the expansion of the park shall be designed and developed in a manner that is complementary to adjacent natural open space and sensitive coastal resource areas. The area adjacent to the Grand Caribe Shoreline Park is currently designated as Commercial Recreation in the certified Port Master Plan, but would



		be changed to the Conservation/Intertidal designation through the Port Master Plan Update. The description of the Conservation/Intertidal designation includes: "Water areas primarily reserved for the management of habitat, wildlife conservation, and environmental protection." Please see Table 3.1.4 of the PMPU for the full description.
#2e	Commenter requests that the Grand Caribe Shoreline Park be moved from Section 8.02 of the Port Code due to the unique configuration of habitat in the area.	Please see the response to Comment #2d. In addition, the PMPU does not propose any change in the Port Code. Any amendment of the Port Code required to ensure consistency with the PMPU would take place in a subsequent Board action after adoption of the PMPU.
#2f	Commenter supports the northward expansion of the Grand Caribe Shoreline Park.	The comment is noted for the record and will be provided to the Board prior to the decision of whether to approve the PMPU.
#3	The comment is a summary comment of the previous comment, requesting that PD9.13 include buffers and signage, and	Please refer to response to Comment #2a through #2f. In addition, please refer to PD9.18.

	that the Grand Caribe Shoreline Park should only support passive use and preservation of upland habitat. The comment also acknowledges that comments 2.a through 2.f reflect the PMPU's Ecology Element goals.	
#4	Commenter suggests that the northward expansion of Grand Caribe Shoreline Park is suitable for some programmed activities and that "programmed" and "nonprogrammed" should be added as definitions.	Please refer to the PD9.18, which no longer utilizes the term "nonprogrammed."
#5	With respect to PD9.15, commenter supports nonprogrammed uses as long as buffers are established per previous comments #2a-f and that the District prevent erosion with maintenance and signage.	This comment is similar to comments #2a and #4. Please refer to responses to comments #2a and #4. In addition, please refer to the Safety & Resiliency Element and the Baywide Development Standards, which include baywide policies to address coastal resiliency and signage standards. The PMPU is a broad, long-range planning document that the District will use to govern future development within the PMPU area. It contains visions, policies, planned improvements, and development standards that guide where and how future development

		should occur. It is not intended to address site-specific management concerns.
#6	The comment supports the Scenic Vista Area at Grand Caribe Shoreline Park and also recommends adding another along the Grand Caribe Causeway in a straight line to the water's edge and Grand Caribe Shoreline Park.	Please refer to Figure PD9.4, Silver Strand Planning District – Coastal Access: View and Pathways, which included in the Draft PMPU a View Corridor Extension along the Grand Caribe Causeway.
#7	Commenter requests that the area designated as Open Bay/Water near the Coronado Cays Villages of Mardi Gras and Port Royale be changed to Conservation/Intertidal.	Please refer to Figure PD9.2, Silver Strand Planning District: Water and Land Uses, which designated additional water area in the Draft PMPU as Conservation/Intertidal in the southern portion of Planning District 9.
Letter dated November 16, 2020		
Issue A	Commenter requests additional language to be added to the Existing Setting section of Planning District 9.	Please refer to the Existing Setting section of Planning District 9, which incorporates the suggested language.
1	Commenter cites ECO Objective 1.2 and the policies that fall under the objective and suggests that it is obligatory to preserve and maintain the biodiverse integrity of the area designated as Conservation/Intertidal.	As the comment points out, this area is proposed to be designated as Conservation/Intertidal. As such, the description of Conservation/Intertidal designation applies to

		this location. Similarly, the policies in the Ecology Element apply baywide, and thus apply to this planning district.
2	Commenter requests that the parcel identified as Conservation/Intertidal be recognized and described as a location that could support habitat enhancement, restoration, and protection consistent with ECO Policy 1.1.9. The commenter also requests that this area be identified as a location that would support wetland enhancement opportunities and as a nature-based solution to address sea level rise impacts, consistent with ECO Policy 1.1.10.	Please refer to PD9.24 of the PMPU. In addition, as described in Table 3.1.4 of Chapter 3.1, Water and Land Use Element, the Conservation/Intertidal designation identifies “Water areas primarily reserved for the management of habitat, wildlife conservation, and environmental protection.” Thus, as this area is designated as Conservation/Intertidal, it is already identified as an area intended for use types that support this designation. Please refer to the text box on page 106 of the PMPU, which explains that wetland and other coastal habitat restoration and creation may be considered an adaptation strategy.
3	Commenter states that the Port should recognize within the language of the revised PMPU that this area will be crucial to adaptation and resiliency efforts. The comment	Please refer to the text box on page 106 of the PMPU, which explains that wetland and other coastal habitat restoration and creation

	claims that the PMPU does not acknowledge that an area such as the Conservation/Intertidal area is important to creating a barrier to landside tenants.	may be considered an adaptation strategy. In addition, please refer to ECO Policy 1.1.17, which prioritizes the use of nature-based solutions.
4	Commenter requests additional language be added to the Planning District 9, Grand Caribe Isle and South Cays Subdistrict Vision section.	Please see 5.9.4(A) Vision for the Planning District 9, Grand Caribe Isle and South Cays Subdistrict, which added this language into the Draft PMPU.
Issue B	This comment is similar to comment “Issue A” and comment #4. The commenter requests additional language be added to the Existing Setting for Planning District 9 and the Vision for the Grand Caribe Isle and South Cays Subdistrict Vision.	Please refer to responses to comments “Issue A” and #4.
Issue C	Commenter requests that a definition of “marine” be added to the PMPU or that Ecology Element policies be revised to include not only marine habitat, but wetlands and adjacent transition habitat.	Please refer to ECO Policies 1.1.21, 1.1.22, and 1.1.23, which added language in the Draft PMPU regarding habitat connectivity and continuity, and include intertidal and subtidal habitats.
Issue D	Commenter express support for the northward expansion of Grand Caribe Shoreline Park.	The comment is noted for the record and will be provided to the Board prior to the decision of whether to approve the PMPU.

## 2.5.7 Comment Letter O7: Coronado Village Homeowners Association #1

Harry B. Robins, Jr., Co-President

Letter  
O7

CORONADO VILLAGE HOMEOWNERS ASSOCIATION

January 10, 2022

By Email (PMPU@portofsandiego.org)

Unified Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Re: **Objections to Port's Proposed Master Plan (Revised October 2021)**  
– North Coronado

Dear Unified Port Commissioners:

Please accept these objections to the Revised Proposed Master Plan of the Unified Port of San Diego (the "Plan") for the North Coronado Subdistrict (the "Ferry Landing").

We ask the Port to revise the Plan to make consistent with the 1979 Memorandum of Understanding with the City of Coronado (the "MOU") which has legally guided the Port's development plans for the Coronado Subdistricts. Pursuant to the MOU, which recognizes Coronado's Tidelands Overlay Zone ("TOZ"), which restricts certain development in Coronado's subdistricts, the Plan must be revised to (a) set aside the entirety of the Eastern portion of the Ferry Landing (the dirt lot next to Il Fornaio) as recreational open space while maintaining free and abundant parking (in order to abide by the ratio of recreational and commercial space pursuant to the MOU and TOZ; (b) provide for redevelopment criteria (for existing structures only) that reflects the character and low-impact nature of the existing build, while maintaining site lines and views. In addition, a further Environmental Impact Review ("EIR") should be completed in conjunction with the Plan given that the last review in 1990 does not reflect the explosive residential and commercial growth in the area, the updated geological surveys that disclose significant seismic faults on the Ferry Landing property, as well as the threats that sea level rise pose, all of which dictate that less commercial development is the most prudent approach to the Ferry Landing property.

### Summary of Comments

- The Plan for the Ferry Landing as currently contemplated does not incorporate the MOU and TOZ by providing the correct ratio of open recreational spaces adjacent to easy and free parking so that the public may partake of Bayshore activities.
- The Plan posits development inconsistent with the residential character of the neighborhood as well as the preservation of existing vistas and views by permitting excessive height limitations.
- The Plan does not contain sufficient restrictions that require the Port or any leaseholder to engage in limited remediation to the property that is consistent with the historical significance of the neighborhood, i.e., the unifying principle that connects the Ferry Landing on the Bay to the Hotel Del Coronado.

07-1

07-2

07-3

### Response to Comment O7-1

This comment refers to a Memorandum of Understanding (MOU) approved by the District and the City of Coronado (City) in connection with a previous update of the Port Master Plan (PMP) in 1979. The MOU included a mutually agreed upon set of guidelines for development in 53 acres of District tidelands in Coronado. As discussed in more detail below, the MOU does not relate or apply to the present proposed PMPU and does not restrict or otherwise affect the District's authority or discretion with respect to the proposed PMPU.

The Port Act grants the District and the Board of Port Commissioners the sole land use and land management authority of all Tidelands, among numerous the powers and authority therein granted. (Cal. Harbor and Navigation Code, Appendix 1, Sections 5, 14, 35, 56.) The Port Master Plan is the land use plan that sets forth the uses and development parameters for all District Tidelands (Cal. Harbor and Navigation Code, Appendix 1, Section 19; Cal. Pub. Resource Code Section 30711.) The Port Master Plan is not a static plan and may be amended by the Board of Port Commissioners. (Cal. Pub. Resource Code Section 30716; 14 Ca. Code of Reg, Section 13636.) In fact, it is well established that a past Board of Port Commissioners may not bind a future Board of Port Commissioners in exercising its legislative authority. (*County Mobilehome Positive Action Committee v. County of San Diego* (1998) 62 Cal.App.4th 727, 734, 736; *See also Trancas Property Owners Assn v. City of Malibu* (2006) 138 Cal.App.4th 172, 181.) Relevant here, the Board of Port Commissioners of December 18, 1979, when the MOU was approved, cannot legally bind the current Board from amending the Port Master Plan, a legislative act, in the manner it sees fit. The proposed PMPU is an amendment to the existing certified plan, which is a legislative act.

The MOU was approved in connection with the District's update of the PMP in 1979. Nothing in the MOU indicates that it was intended to apply to or to restrict future PMP updates. In any event, a memorandum of understanding is generally not a legally binding document. Rather, a memorandum of understanding addresses the intent of the parties as opposed to a formal commitment. Even if the MOU were legally binding, it would be invalid. The District is prohibited from contracting away its police powers, such as land use authority. (Cal. Harbor and Navigation Code, Appendix 1, Sections 5, 56 (granting police powers to the District that were once held by the member cities and County); *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 800 (California Supreme Court found that "land

use regulations ... involve the exercise of police powers ... and it is well settled that the government may not contract away its rights to exercise its police powers” and overturing an agreement that promised that the commissions land use regulations would not apply to a certain area); *Summit Media LLC v, City of Los Angeles* (2012) 211 Cal.App.4<sup>th</sup> 921, 934 (a city could not contract away its police powers to regulate billboards because doing so was “an invalid ultra vires attempt to contract away city’s right to exercise the police power in the future.”)

The City’s municipal code is inapplicable to the District. Here, the Port Master Plan supplants the TOZ codified by the City in Chapter 86.39 of its Municipal Code. Accordingly, the 1979 MOU and TOZ have no effect on the proposed PMPU, and no changes are required.

The PMPU identifies the eastern portion of Ferry Landing as Commercial Recreation, which is the current designation under the existing Port Master Plan (PMP). (See also Gov. Code, Section 9605 [“The portions that are not altered are to be considered as having been the law from the time when those provisions were enacted.”].) The types of land uses allowed within the Commercial Recreation designation under the PMPU are primarily for visitor-serving facilities and accommodations providing shoreside public access to coastal areas. This designation supports the Recreational Berthing and Open Bay/Water use designations. This designation includes a wide range of allowable uses, and all uses in the Commercial Recreation land use designation are considered activating.

Policy PD10.14, as proposed by the PMPU, would apply to the subject site. The policy states:

“As approved under the previously certified Port Master Plan (in 1990), develop a new restaurant with up to 7,500 square feet in the southern portion of the commercial development at Ferry Landing.”

The PMPU also proposes development standards for the North Coronado Subdistrict (which includes the subject site), many of which are similar to the planning principles identified in the MOU and the TOZ that are not legally binding on the District (please see page 364 of the PMPU). The standards cover requirements for development, size, location, siting, and orientation of the required public realm features or buildings and structures. For example, development in the North Coronado Subdistrict would need to preserve scenic vistas in accordance with the PMPU’s Baywide Development Standards (Chapter 4 of the PMPU). Structures would not exceed 40 feet in height. Buildings would be set back 20 feet from the waterside promenade. Parking would need to be coordinated with the City of Coronado so as not to adversely affect adjacent parking areas. Building character would need to be context-sensitive in size, scale, and design while being in character with the adjacent community.

The commenter's request to change the land use designation of the subject site from Commercial Recreation to Recreation Open Space, to provide free and abundant parking, and to only allow for redevelopment of existing structures has been noted for the record and for Board consideration. No changes to the Draft PEIR have been made in response to this comment.

### **Response to Comment O7-2**

As required by CEQA, the PEIR includes environmental review of any changes that may occur to existing conditions on the subject site as a result of the PMPU at a programmatic level. As indicated on page 2-1 of the PEIR, the baseline used in the PEIR is approximately the time the Notice of Preparation was circulated, which was in March 2017. Therefore, conditions that have changed since 1990 would be captured in the baseline assessment included in the PEIR.

Additionally, the comment indicates that there are updated geological surveys that identify seismic faults at the Ferry Landing site, which were published after the Notice of Preparation. The District has included the updated map "Earthquake Zones of Required Investigation Point Loma Quadrangle," dated September 23, 2021, at the end of this section (see Attachment 2 to Chapter 2 *Comments Received and District Responses*). When comparing the updated map with Figure 4.5-11 of the Draft PEIR, the identified faults zones in the project area are the same. Specifically, Figure 4.5-11 indicates that there is an active Alquist Priolo Earthquake Zone to the west of the Ferry Landing, but does not include the site referenced by the comment. Similarly, the updated map indicates that the Coronado Fault runs to the west of the subject site. Both figures show identical fault zones in this mapped area.

The PMPU identifies the site as supporting up to 7,500 square feet of restaurant space (see PD10.14), which is also included in the PMPU's list of planned improvements. The planned improvements were analyzed by the PEIR, including estimating air quality and greenhouse gas emissions as well as vehicle miles travelled (VMT). Additionally, the effects from sea level rise on the subject site are shown in the PEIR (see Section 4.13, *Sea Level Rise*), and are based on the sea level rise vulnerability study prepared by the District in 2019. The impact determinations associated with all environmental resources are included in the PEIR and summarized in Table ES-1 of PEIR's Executive Summary. Details of each potential environmental effect on specific resource areas are provided in Chapter 4, *Environmental Analysis*, of the PEIR. Aside from the inclusion of the updated fault map identified above, no additional changes to the PEIR have been made in response to this comment.



- The Plan should be revised to remove the comment to PD10.14 “As approved under the previously certified Port Master Plan (in 1990), develop a new restaurant with up to 7,500 square feet.” Instead, replace that comment with: Re-designate the site as “open passive space” for a new District Park” which is necessary to respect the ratio requirements of the MOU and TOZ.
- The Plan is not consistent with the 30X30 Executive Order N-82-20 from Governor Newsom relating to the conservation of California coastal areas. In addition, additional open space will provide for mitigation “credits” for sea level rise.

O7-3  
cont.

The Draft Plan is Inconsistent with the California Coastal Commission’s Strategic Plan

The draft Plan as revised does not comport with several fundamental goals outlined in the California Coastal Commission (the “CCC”)’s five-year strategic plan adopted on November 6, 2020.

1. It Fails to Fulfill Goal number 2: Maximize Public Access and Recreation for All

Goal number 2 of the CCC strategic plan prohibits any private coastal uses that threaten public access. The CCC outlined the objectives to achieve these goals in the plan including Objective 2.1, which ensures that all public access ways are open and available, Objective 2.2, which affirmatively protects existing public access and recreational opportunities, Objective 2.3, which mandates the reduction of barriers to public access and Objective 2.4, which encourages lower-cost visitor-serving opportunities and facilities.

As currently drafted, the Plan does not set aside sufficient recreational space and access at the Ferry Landing. Indeed, the Plan should designate the Eastern portion of the Ferry Landing site (the current dirt lot) as “Recreation Open Space” and should provide for the establishment of a permanent picnic area, which would serve visitors, free public access, and, because it adjoins a sandy beach, it provides ready and quick access to the Bayshore. In addition, the “dirt lot” is adjacent to free and accessible parking – abundant parking is key to recreational activities as it supports the offloading of boats and other watercraft. Instead, the current draft is silent as this use, other than suggesting that a parking structure may be erected somewhere on the site and that the existing “footprint” of buildings must be maintained. The Plan should be amended to designate this area *solely* for public recreational use (with the exception of widening the promenade to accommodate and promote the use of the promenade for pedestrians and bikers).

O7-4

2. It Fails to Fulfill Goal number 5: Advance Diversity, Equity, and Environmental Justice

Goal number 5 of the CCC strategic plan requires the consideration of environmental justice when making permitting or land-use decisions for coastal property. Environmental justice is defined as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” In fact, the CCC plays a key role in making California’s coast accessible for all Californians, regardless of their ethnicity, gender, socio-economic status or place of residence. Part of this goal is to create a framework for identifying and analyzing project impacts on

O7-5

## Response to Comment O7-3

This comment is a summary of the individual comments that follow and the District has responded to the individual comments below. Please also see Draft PEIR Section 4.1, *Aesthetics*, Section 4.4, *Cultural Resources*, and Section 4.7, *Hazards and Hazardous Materials*.

## Response to Comment O7-4

Comment O7-4 is very similar to Comment O7-1 as it raises the issue of changing the existing Commercial Recreation land use designation, which the PMPU proposes to retain, to the Recreation Open Space designation on the eastern portion of the area, which the comment refers to as the “dirt lot,” and providing free and abundant parking. Please see response to Comment O7-1. The amount of area designated for a particular land or water use in any planning district is a policy matter within the discretion of the Board of Port Commissioners (Board), which involves the balancing of competing interests. This comment will be included in the information presented for consideration by the Board when it makes a decision whether or not to adopt the PMPU.

In addition, the commenter states that the PMPU is not consistent with Goal 2 of the California Coastal Commission’s (CCC’s) Five-Year Strategic Plan. The District is required to consider whether the PEIR would conflict with or obstruct implementation of an applicable plan. However, the CCC’s Five-Year Strategic Plan is the strategic plan for the CCC, not the District, and is therefore, inapplicable to the District. The strategic plan has laid out the goals of the Coastal Commission that it deems important over the next five years (i.e. 2021-2025) and pursuant to its authority under the California Coastal Act (CCA). As stated on page 12 of the Five-Year Strategic Plan, “The Strategic Plan provides a framework of goals, objectives, and actions to set *agency* [Coastal Commission] priorities and guide performance for the next five years.” (*Emphasis added.*)

The PEIR evaluates whether the PMPU is consistent with the CAA, as discussed in detail in Table 4.9-1 in Section 4.9, Land Use and Planning, of the PEIR. Table 4.9-1 of the PEIR analyzes in detail each of the specific concerns raised in this comment, including public access, accessible parking, and recreational open space. In Section 4.13, *Sea Level Rise*, the PEIR also demonstrates the PMPU’s consistency with the CCC’s sea level rise guidance. Because the comment has not identified any aspect of the analysis in Table 4.9-1, which it considers insufficient or incorrect, no further response is possible.

No changes to the PMPU or PEIR have been made in response to this comment.

underserved and disadvantaged communities, which the CCC will take into account when evaluating any coastal planning. Inherent in this goal is the rejection of policies that would limit *entirely free and readily accessible* use of the Bayfront. This is particularly relevant to the Ferry Landing where free and abundant parking adjoins the Bayshore promenade.

However, the draft Plan is inconsistent with these principles because it anticipates the commercialization of this property without setting aside sufficient open space and designating such space as “Recreation Open Space” for the public’s use and enjoyment. Individuals from underserved communities cannot afford to patronize high-priced restaurants adjoining the Bayshore. A picnic area where the public could bring their own food to enjoy the scenic Bayshore views, vistas and ready access to the sandy beach is the only use of this area that is fully consistent with the goal of providing equitable access to these precious and scarce resources.

Finally, if this pandemic has taught us nothing else, it has taught us that access to open and fresh air for families to enjoy should be the priority, not the erection of enclosed restaurants most families cannot afford.

#### The Plan Threatens the Environment

The Port has failed to attend to the remediation of the flooding that occurred at the Ferry Landing and has allowed the erosion of the beachfront and adjoining boardwalk to remain unrepaired – over three years after the initial damage from the December 2018 flood. Any further development along the waterfront will invariably lead to significant additional erosion and damage. The constant flow of garbage along the persistent flooding “flow zone” from 1st Street into the Bay will only worsen with any further development. Any additional development not only threatens the mammals, fish, waterfowl and other organisms that support our eco-system and environment, but also directly jeopardizes the human residents and homes in the immediately adjacent neighborhood. The rapidly aging infrastructure also places incalculable burdens on the sewer and electrical infrastructure which will not support the predicted 14% population increase in the next 20 years – this population increase comes with no further buildable land – in other words, our population will continue to grow and become more dense, but there will be no place for people to live.

#### The Plan is Inconsistent with the MOU and TOZ

The Plan completely fails to incorporate and adopt the MOU that has governed the City of Coronado and Port relationship at the Coastal Commission’s behest since 1979. The MOU was adopted in part because Coronado is primarily a residential neighborhood and is entirely unsuitable for additional commercial development, over-development or development inconsistent with current building heights and restrictions.

Any redevelopment (of existing structures only) should be consistent with the MOU and TOZ. Site lines and building heights must be maintained to the existing footprint – including the existing height lines. The character – the red roofs and angles – must be respected as it ties the Ferry Landing neighborhood to the historic Hotel Del. Charm and beauty are the priority – not sharp angles, brightly colored steel and modernized “urbanism” as depicted in the draft drawings the existing leaseholder has widely distributed. A refreshed remodel of the Ferry Landing should

O7-5  
cont.

O7-6

O7-7

## Response to Comment O7-5

Please see the response to Comment O7-4 above. Additionally, the objectives under Goal 5, through various Objectives 5.1 – 5.6, all relate to the CCC staff’s EJ commitments and actions relating to: 1) preparing guidance for including EJ policies in local LCPs, and the PMPU does include an EJ Element, as is explained below; 2) Drafting an inclusive public meeting strategy and guidance to eliminate CCC meeting barriers; 3) Including diverse and new audiences and promote equity and inclusion, by developing educational materials, providing language translation services, conducting or attending community workshops on relevant coastal-related issues, including participation. This objective is not relevant to the PMPU since it relates directly and only to CCC operations.; 4) Both Objectives 5.4 and 5.5 are totally and directly CCC objectives, as they would require: 1. CCC staff diversity, and 2. CCC staff and commissioners training on social equity, social justice, and training related to racism, respectively; 5) Objective 5.6 requires CCC staff to strengthen tribal relations and again is relevant to only the CCC. However, the PMPU EJ Element, Goal 2 applies directly to the District’s similar EJ goals, including broadening public participation for disadvantaged communities, inclusion of many different stakeholders with interests in the disadvantaged communities, and providing forums to discuss environmental concerns with the disadvantaged communities, which complies with the CCC Strategic Plan, Goal 5. Further, the PMPU EJ Element matches directly the CCC’s objective to prepare guidance to include EJ policies in local LCPs, as the PMPU EJ Element includes EJ goals, objectives, and policies. The commenter’s interpretation of the Strategic Plan’s Goal 5 and corresponding Objectives does not represent the intent of Goal 5, which does not relate to development patterns or increasing recreational space in the State. Goal 5 does not address free access to the coast or the San Diego Bay or development patterns at Ferry Landing, specifically. Additionally, and most importantly, Goal 5 does not “...require[s] the consideration of environmental justice when making permitting or land use decisions for coastal property...” Goal 5 is purely a goal requiring the CCC staff to become more aware of EJ concerns and to act on that awareness. This Goal requires CCC staff to become more inclusive of under-represented communities and to train and educate about social justice. Nonetheless, in Table 4.9-1, the Draft PEIR specifically analyzes the PMPU’s consistency with the CCA regarding low-cost visitor-serving overnight accommodations. Additionally, the PMPU includes an Environmental Justice Element, which, despite the comment’s claim, is focused entirely on equity and environmental justice, within the District’s Tidelands. The PMPU prioritizes equity throughout the PMPU, as summarized in Table 2.1, Equity Topics Throughout the PMPU.

Topics specifically identified include access to the water, access throughout the Tidelands, implementing designated truck routes within disadvantaged communities, providing recreational opportunities and open space areas, providing opportunities for recreational and subsistence fishing, providing free and lower cost opportunities for recreation and overnight accommodations, implementing clean air strategies and sustainable operations, preserving and enhancing natural habitat and ecological value, providing environmental educational opportunities, providing for and encouraging meaningful public participation, addressing workforce development, and encouraging diverse businesses.

However, the commenter suggests that having Commercial Recreational land uses present within the PMPU area, particularly at Ferry Landing, is not compliant with Environmental Justice goals and suggests that only Recreation Open Space would be compliant. The District does not agree with this opinion. The PMPU presents a wide range of water and land uses to help meet the many objectives of the PMPU, as stated in the PEIR in Chapter 3, Project Description. These objectives include the following:

1. Create an integrated vision for the District that governs the use, design, and improvement of public trust lands in accordance with Section 30711 of the California Coastal Act (CCA), the Public Trust Doctrine, and the San Diego Unified Port District Act (Port Act).
2. Within the PMPU area, create standards for new development, which serve to: 1) enhance and blend development with the surrounding character; 2) provide a balanced and diverse range of complementary uses; and 3) provide enough activation year-round and during the day-time for visitors to minimize the seasonally-related downtimes of uses on Tidelands.
3. Streamline the project review and entitlement process for implementation of the Port Master Plan.
4. Allow for an intensity and diversity of development that provides on-going and sustainable revenues to the District to ensure the longevity of the District's operations and its ability to fulfill its legislative responsibilities; balance the future needs of the maritime industry, tourism, water and land recreation; and reinvestment in critical infrastructure and maintenance of waterfront amenities and facilities as required by the Port Act and Public Trust Doctrine.
5. Provide an interconnected mobility network that encourages a range of travel modes, including the expansion of water- and land-based transit opportunities to support the movement of people, goods, and military operations.

6. Enliven the public realm by providing and maintaining recreation open space opportunities, through the creation and maintenance of: 1) public accessways; 2) physical and visual access to the water; and 3) an interconnected open space network.
7. Provide opportunities for creating a vibrant waterfront destination with a range of attractions for visitors, while protecting and restoring the environment through the proactive management of sensitive biological resources and ensuring coastal access around San Diego Bay.

Providing Recreation Open Space is an important aspect of the PMPU, but the PMPU, through extensive outreach and public planning workshops, provides a plan to meet the seven objectives described above. The Ferry Landing site, which is currently designated as Commercial Recreation in the certified PMP, would continue as Commercial Recreation space in an area within the North Coronado Subdistrict that can be described as “a visitor-focused recreation area with a variety of coastal access opportunities. Waterside promenades and pathways provide easy coastal access and connections to the water throughout this subdistrict, while the Coronado Ferry Landing offers public water-based transit to and from downtown San Diego. Tidelands Park provides a variety of land-based recreational opportunities, including play fields, a public beach, and a skate park.” Adding a restaurant to an area that is a visitor-focused recreation area is an enhancement of the existing use and helps to achieve many of the objectives described above.

No changes to the PMPU and PEIR have been made in response to this comment.

### **Response to Comment O7-6**

This a general comment in which the commenter refers to several existing environmental hazards or conditions, including flooding that occurred in December 2018, erosion, flow of garbage and aging infrastructure. CEQA does not require an EIR to rectify existing environmental hazards. Further, the commenter expresses an opinion that the flooding and related damage from erosion, garbage and the impact on wildlife, and on local residents and their homes would be aggravated by future development and increased population growth rather than recreation open space. However, the commenter does not identify any aspect of the PMPU or any specific portion of the PEIR which is inadequate or incomplete, with respect to potential impacts related to flooding, biological resources or human health and safety. The PEIR discusses flooding in Section 4.8, *Hydrology and Water Quality*. As indicated in Section 4.8.2.1, *Surface Water Hydrology and Flood Hazards*, much of the stormwater within the Coronado Bayfront Planning District (PD10) is collected by inlets, and where it flows through conveyance structures and discharges into San Diego Bay through outfall structures,

which are subject to tidal inundation. Areas that are subject to 100-year flood events within PD10 include boat marinas and portions of the shoreline. Moderate flood hazard areas include portions of the shoreline within the planning district. The FEMA flood zones within PD10 are shown on Figure 4.8-9 of the PEIR, which shows that the site is located in the 0.2% annual chance for a flood hazard. The project site is not within a floodway.

As indicated in the section on page 4.8-77:

“Areas within the proposed PMPU area that are prone to flooding under existing conditions are discussed in Section 4.8.2.1, Surface Water Hydrology and Flood Hazards. Most of the planning districts are largely built out (PD3) or would undergo little to no additional development (e.g., PD1, PD4, PD7, PD8, PD9, PD10). As such, the proposed PMPU would not result in a substantial increase in impervious surfaces compared to existing conditions. However, projects constructed within the proposed PMPU area could result in some increase in impervious surfaces compared to the existing condition, particularly in PD2. This would be evaluated case by case as part of the site-specific Drainage Study for future projects under the proposed PMPU, and project-specific design features such as detention would be implemented when necessary. In addition, any future development would be required to comply with the drainage design guidelines, standards, and ordinances of the applicable member city in which the project is located. Moreover, future development projects would generally discharge directly to San Diego Bay and would not result in flooding off site due to the nature of the receiving Bay waters (i.e., not a typical channel with bed and banks subject to erosion or overtopping). Therefore, future development projects would not include substantial changes to the existing storm drain system that would result in substantial flooding on- or off site. As such, impacts would be less than significant.

The PEIR also analyzes the potential impacts of future development on biological resources in Section 4.3. Please also see Draft PEIR Section 4.5, *Geology and Soils*, for analysis of erosion, including numerous regulations related to erosion prevention for both construction and operation, which would apply to any future development. Moreover, utility infrastructure serving future development would need to be evaluated at the time the future development is proposed to ensure sufficient capacity and integrity. Please see Section 4.15, *Utilities and Service Systems*, in the Draft PEIR.

The commenter has not identified any specific portion of the PEIR which is inadequate or incomplete and has not provided any evidence that would require changes to the conclusions in the Draft PEIR analysis that future development at the Ferry Landing site would not substantially increase the potential for a flood hazard. No changes to the Draft PEIR are required in response to this comment.

include a change in leasehold management to one that is better equipped to maintain both these minimal standards and the charm – and to achieve “understated elegance” while at the same time maintaining rigorous standards of cleanliness. The existing, abundant and *free* parking must be maintained.

07-7  
cont.

The Plan Fails to Reflect Department of Natural Resources Initiatives

To protect biodiversity, advance equitable access to nature and combat climate change, the California Natural Resources Agency (CNRA) is seeking to conserve 30 percent of the state’s land and coastal waters by 2030 (30x30). This initiative responds directly to Governor Newsom’s nature-based solutions (Executive Order N-82-20), which accelerates conservation of California’s lands and coastal waters through voluntary, collaborative action with federal and local governments, Native American Tribes, and private landowners. Setting aside open space in Planning District 10 (as well as Planning District 9, also in Coronado) furthers this initiative as any open space would be included in the targets that Governor Newsom has set. It would also be included as mitigation credits for sea level rise and addresses the Seismic faults running directly through the property. The dirt lot at the Ferry Landing is an ideal parcel to set aside as “passive open space” for all Californians to enjoy – while at the same time accomplishing these initiatives.

07-8

Thank you for considering our comments. A copy of the MOU is attached for your information.

Very truly yours,

/s/ Harry B. Robins Jr.  
Co-President  
Coronado Village Homeowners Association

07-9

Attachment

cc: Melody Lasiter, California Coastal Commission

## Response to Comment 07-7

This comment is identical to Comment 07-1 and similar to Comment 07-4, which also raise the issue of consistency with the 1979 MOU and TOZ regarding building standards and free parking. Please see the responses to Comment 07-1 and Comment 07-4. No changes to the PMPU and PEIR are required in response to this comment.

## Response to Comment 07-8

The comment refers to Executive Order N-82-20, which applies to state agencies and directs the establishment of a California Biodiversity Collaborative (Collaborative) to bring together other governmental partners, California Native American tribes, experts, business and community leaders and other stakeholders from across California to protect and restore the State’s biodiversity. The Pathways to 30 x 30 plan referenced by the commenter includes pathways with specific state actions to assist in achieving the intent of Executive Order N-82-20. The key objectives of Executive Order N-82-20 and the 30 x 30 plan are to protect California’s unique biodiversity, expand equitable access to nature and its benefits, and conserve places that help California achieve carbon neutrality and/or build climate resilience. The primary goal is to conserve 30% of California’s land and coastal waters by 2030.

Although Executive Order N-82-20 does not apply to the District, the goals, policies, and objectives of the PMPU are consistent with the 30x30 Plan’s emphasis on reducing GHG emissions, adapting to sea level rise, and preserving and enhancing biological resources. The PMPU identifies the vast majority of the Coronado Bayfront Planning District as Recreation Open Space, which would account for approximately 79.5 percent of the proposed land uses. Under the PMPU, the Commercial Recreation land use designation would account for approximately 16.8%. The remaining land use designation, institutional/roadway, would account for approximately 3.8% (See Table PD10.1 of the PMPU).

The undeveloped Ferry Landing site is in the North Coronado Subdistrict, which is a visitor-focused recreation area with a variety of coastal access opportunities. Waterside promenades and pathways provide easy coastal access and connections to the water throughout this subdistrict, while the Coronado Ferry Landing offers public water-based transit to and from downtown San Diego. Tidelands Park provides a variety of land-based recreational opportunities, including play fields, a public beach, and a skate park. As such, the site is within an area served by other Commercial Recreation land uses with access to major roads and is proposed for a Mobility Hub given its existing accessibility.

## CORONADO BAYFRONT

## MEMORANDUM OF UNDERSTANDING

## PURPOSE:

This memorandum provides a written synopsis of the background, planning efforts and mutually agreed to development guidelines for about 53 acres of Port District tidelands in Coronado.

## INTRODUCTION:

The Port District has been updating its Master Plan to bring it into conformance with the California Coastal Act of 1976. Precise plans have been developed in each of the nine Planning Districts within the Port's jurisdiction to provide specific and detailed information on long range development. As these plans are developed and adopted, they become part of the Port Master Plan.

In March, 1978, a draft report on alternative plans for Coronado tidelands was sent to the City Council. All of the alternatives included provision for a 15-acre park which had been agreed to by the Port and the City in April, 1977. The transmittal letter on the report noted that the plans were put together to facilitate discussion, that it was unlikely that any one would be adopted "as is", and that features of the various alternative plans could be used to form a composite plan. The City Planning Commission reviewed the Plan Alternatives Report on April 11, 1978. On April 14, 1978, a presentation on the Plan Alternatives was made to the City Council.

The City Council on May 4, 1978, appointed a citizens Land Use Committee to review tidelands development proposals, and communicated to the Port its interest in concurrent planning. Subsequent to the formation of the committee and at the request of the City Council, discussion of Coronado planning alternatives by the Board of Port Commissioners was postponed several times, additional information was provided, and an environmental impact study was completed.

In September, 1978, the City was notified that it was desirable to proceed with the submission of a Plan to the Coastal Commission and that one of the Plan Alternatives would be submitted unless a more definitive response was presented. The Draft Port Master Plan underwent informal review in January, 1979, before both the Regional and the State Coastal Commissions. As a result of this informal review, the Port District was encouraged to continue to work with the City to resolve issues and to seek an agreement on a plan.

Following a joint meeting of the Coronado City Council and the Board of Port Commissioners of the San Diego Unified Port District on March 13, 1979, an ad hoc committee composed of two City Council members and two Port Commissioners was established. The committee was charged with developing a mutually agreeable plan to recommend to the Port Commission and the City Council regarding the development of the 53-acre tideland segment of the Port District Master Plan. The City/Port Committee has met 12 times in publicly attended workshops,

07-9  
cont.

Importantly, the site itself is in a disturbed state and does not support sensitive habitat and does not contribute to biodiversity in a significant manner. The land is currently designated as Commercial Recreation in the existing PMP and the PMPU would continue the designation. (See Gov. Code § 9605.) Given the site is in an area with similar land uses, a restaurant use at this location would be in character with the surrounding uses.

In consideration of the draft 30 x 30 plan, it is relevant to note that the PMPU does set aside over 268 acres for the conservation/intertidal water use designation and approximately 750 acres for the open bay/water designation. These two water uses account for over half of the total PMPU area comprising the water use designations (approximately 53%). On the landside, the PMPU designates approximately 280 acres for Recreation Open Space, which accounts for just under one-third of the proposed PMPU area land uses (over 27.4%) (See Table 3.1.1 of the PMPU).

No changes to the Draft PEIR are required in response to this comment.

Page 25 of 83 B

and received and reviewed written correspondence and plan concepts from Coronado citizens.

#### ALLOCATION FORMULA:

The general concept providing the foundation for planning purposes is based on a division of the 53-acre land site into two equal allocations for commercial uses and for open space, park and recreation uses.

The area allocated to the proposed loop road, located on the north side of the San Diego-Coronado Bridge right-of-way, is considered part of the allocation for open space and park development.

The total street right-of-way area located on tidelands, except for the loop road, will be equally assigned to the major use groups or subtracted from the total area. The shoreline will be maintained for pedestrian access where feasible.

Marine related uses will be retained and expanded.

A wide array of visitor serving facilities will be introduced.

Provision will be made for direct traffic ingress and egress to the tidelands.

Tidelands development, including pedestrian access, parks, recreation activities and facilities (especially playing fields), and taking into account Development Standards which will integrate open space into all commercial development, should favor open space. Development proposals which emphasize open space will be encouraged.

#### PLANNING PRINCIPLES:

1. The San Diego Unified Port District will build and provide for the maintenance of all parks and playing fields.
2. Playing field development will include structures to accommodate maintenance equipment storage and restrooms.

No permanent structures other than restrooms will be placed on the playing fields. Temporary structures and fencing necessary for seasonal sports may be placed in the park during the appropriate season. Responsibility for the construction, placement and removal of playing field structures will be borne by the City of Coronado and/or the user groups.

3. Shoreline paths and fishing floats or piers will be incorporated to the extent feasible in the development.
4. The City will provide police and fire protection.
5. Development will comply with the City's 40-foot height limit.
6. The City will drop consideration of the 11-acre parcel as a water reclamation plant location.
7. Tidelands development will be designed to minimize increases in traffic impact.

O7-9  
cont.

## Response to Comment O7-9

Thank you for your comments on the PMPU. Responses related to comments regarding the 1979 MOU are addressed in responses to Comment O7-1, O7-4, and O7-7. No changes to the PMPU and PEIR are required in response to this comment.



Page 26 of 83 B

8. In cooperation with the City, the Port will develop traffic circulation plan for the tidelands to minimize the use of residential streets, and will bear its construction and maintenance costs.
9. The District will construct and maintain the roads on tidelands. The District will not finance or construct the loop road under the bridge, but will allocate land for such use.
10. Transbay ferry service for entertainment purposes will be suggested to prospective developers.
11. A village shuttle service (between the development area and central Coronado and the beach area) for convenience, traffic mitigation and entertainment will be suggested to prospective developers.
12. There will be no consideration of the concept of a major convention center.
13. Commercial development will be emphasized which supports and complements commercial recreational activities on tidelands.
14. The Coronado City Council shall have an adequate opportunity to review all solicitations for proposals, development proposals, and any modifications to them prior to approval by the Board of Port Commissioners.

O7-9  
cont.

## 2.5.8 Comment Letter O8: Coronado Village Homeowners Association #2

Lindy K. Elledge, Co-President

CORONADO VILLAGE HOMEOWNERS ASSOCIATION

Letter  
O8

January 10, 2022

Unified Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Re: **Objections to Port's Proposed Master Plan (Revised October 2021) – North Coronado**

Dear Unified Port Commissioners:

Please accept these objections to the Revised Proposed Master Plan of the Unified Port of San Diego (the "Plan") for the North Coronado Subdistrict (the "Ferry Landing").

We ask the Port to revise the Plan to make consistent with the 1979 Memorandum of Understanding with the City of Coronado (the "MOU") which has legally guided the Port's development plans for the Coronado Subdistricts. Pursuant to the MOU, which recognizes Coronado's Tidelands Overlay Zone ("TOZ"), which restricts certain development in Coronado's subdistricts, the Plan must be revised to (a) set aside the entirety of the Eastern portion of the Ferry Landing (the dirt lot next to Il Fornaio) as recreational open space while maintaining free and abundant parking (in order to abide by the ratio of recreational and commercial space pursuant to the MOU and TOZ; (b) provide for redevelopment criteria (for existing structures only) that reflects the character and low-impact nature of the existing build, while maintaining site lines and views. In addition, a further Environmental Impact Review ("EIR") should be completed in conjunction with the Plan given that the last review in 1990 does not reflect the explosive residential and commercial growth in the area, the updated geological surveys that disclose significant seismic faults on the Ferry Landing property, as well as the threats that sea level rise pose, all of which dictate that less commercial development is the most prudent approach to the Ferry Landing property.

### Summary of Comments

- The Plan for the Ferry Landing as currently contemplated does not incorporate the MOU and TOZ by providing the correct ratio of open recreational spaces adjacent to easy and free parking so that the public may partake of Bayshore activities.
- The Plan posits development inconsistent with the residential character of the neighborhood as well as the preservation of existing vistas and views by permitting excessive height limitations.
- The Plan does not contain sufficient restrictions that require the Port or any leaseholder to engage in limited remediation to the property that is consistent with the historical significance of the neighborhood, i.e., the unifying principle that connects the Ferry Landing on the Bay to the Hotel Del Coronado.
- The Plan should be revised to remove the comment to PD10.14 "As approved under the previously certified Port Master Plan (in 1990), develop a new restaurant with up to 7,500 square feet." Instead, replace that comment with: Re-designate the site as "open passive space" for a new District Park" which is necessary to respect the ratio requirements of the MOU and TOZ.
- The Plan is not consistent with the 30X30 Executive Order N-82-20 from Governor Newsom relating to the conservation of California coastal areas. In addition, additional open space will provide for mitigation "credits" for sea level rise.

O8-1

### Response to Comment O8-1

The comment letter is identical to Comment Letter O7. Please see the responses to that comment letter.

The Draft Plan is Inconsistent with the California Coastal Commission's Strategic Plan

The draft Plan as revised does not comport with several fundamental goals outlined in the California Coastal Commission (the "CCC")'s five-year strategic plan adopted on November 6, 2020.

1. The Plan Fails to Fulfill Goal number 2: Maximize Public Access and Recreation for All

Goal number 2 of the CCC strategic plan prohibits any private coastal uses that threaten public access. The CCC outlined the objectives to achieve these goals in the plan including Objective 2.1, which ensures that all public access ways are open and available, Objective 2.2, which affirmatively protects existing public access and recreational opportunities, Objective 2.3, which mandates the reduction of barriers to public access and Objective 2.4, which encourages lower-cost visitor-serving opportunities and facilities.

As currently drafted, the Plan does not set aside sufficient recreational space and access at the Ferry Landing. Indeed, the Plan should designate the Eastern portion of the Ferry Landing site (the current dirt lot) as "Recreation Open Space" and should provide for the establishment of a permanent picnic area, which would serve visitors, free public access, and, because it adjoins a sandy beach, it provides ready and quick access to the Bayshore. In addition, the "dirt lot" is adjacent to free and accessible parking – abundant parking is key to recreational activities as it supports the offloading of boats and other watercraft. Instead, the current draft is silent as this use, other than suggesting that a parking structure may be erected somewhere on the site and that the existing "footprint" of buildings must be maintained. The Plan should be amended to designate this area *solely* for public recreational use (with the exception of widening the promenade to accommodate and promote the use of the promenade for pedestrians and bikers).

2. The Plan Fails to Fulfill Goal number 5: Advance Diversity, Equity, and Environmental Justice

Goal number 5 of the CCC strategic plan requires the consideration of environmental justice when making permitting or land-use decisions for coastal property. Environmental justice is defined as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." In fact, the CCC plays a key role in making California's coast accessible for all Californians, regardless of their ethnicity, gender, socio-economic status or place of residence. Part of this goal is to create a framework for identifying and analyzing project impacts on underserved and disadvantaged communities, which the CCC will take into account when evaluating any coastal planning. Inherent in this goal is the rejection of policies that would limit *entirely free and readily accessible* use of the Bayfront. This is particularly relevant to the Ferry Landing where free and abundant parking adjoins the Bayshore promenade.

However, the draft Plan is inconsistent with these principles because it anticipates the commercialization of this property without setting aside sufficient open space and designating such space as "Recreation Open Space" for the public's use and enjoyment. Individuals from underserved communities cannot afford to patronize high-priced restaurants adjoining the Bayshore. A picnic area where the public could bring their own food to enjoy the scenic Bayshore views, vistas and ready access to the sandy beach is the only use of this area that is fully consistent with the goal of providing equitable access to these precious and scarce resources.

Finally, if this pandemic has taught us nothing else, it has taught us that access to open and fresh air for families to enjoy should be the priority, not the erection of enclosed restaurants most families cannot afford.

O8-1  
cont.

The Plan Threatens the Environment

The Port has failed to attend to the remediation of the flooding that occurred at the Ferry Landing and has allowed the erosion of the beachfront and adjoining boardwalk to remain unrepaired – over three years after the initial damage from the December 2018 flood. Any further development along the waterfront will invariably lead to significant additional erosion and damage. The constant flow of garbage along the persistent flooding “flow zone” from 1st Street into the Bay will only worsen with any further development. Any additional development not only threatens the mammals, fish, waterfowl and other organisms that support our eco-system and environment, but also directly jeopardizes the human residents and homes in the immediately adjacent neighborhood. The rapidly aging infrastructure also places incalculable burdens on the sewer and electrical infrastructure which will not support the predicted 14% population increase in the next 20 years – this population increase comes with no further buildable land – in other words, our population will continue to grow and become more dense, but there will be no place for people to live.

The Plan is Inconsistent with the MOU and TOZ

The Plan completely fails to incorporate and adopt the MOU that has governed the City of Coronado and Port relationship at the Coastal Commission’s behest since 1979. The MOU was adopted in part because Coronado is primarily a residential neighborhood and is entirely unsuitable for additional commercial development, over-development or development inconsistent with current building heights and restrictions.

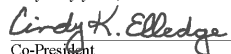
Any redevelopment (of existing structures only) should be consistent with the MOU and TOZ. Site lines and building heights must be maintained to the existing footprint – including the existing height lines. The character – the red roofs and angles – must be respected as it ties the Ferry Landing neighborhood to the historic Hotel Del. Charm and beauty are the priority – not sharp angles, brightly colored steel and modernized “urbanism” as depicted in the draft drawings the existing leaseholder has widely distributed. A refreshed remodel of the Ferry Landing should include a change in leasehold management to one that is better equipped to maintain both these minimal standards and the charm – and to achieve “understated elegance” while at the same time maintaining rigorous standards of cleanliness. The existing, abundant and *free* parking must be maintained.

The Plan Fails to Reflect Department of Natural Resources Initiatives

To protect biodiversity, advance equitable access to nature and combat climate change, the California Natural Resources Agency (CNRA) is seeking to conserve 30 percent of the state’s land and coastal waters by 2030 (30x30). This initiative responds directly to Governor Newsom’s nature-based solutions (Executive Order N-82-20), which accelerates conservation of California’s lands and coastal waters through voluntary, collaborative action with federal and local governments, Native American Tribes, and private landowners. Setting aside open space in Planning District 10 (as well as Planning District 9, also in Coronado) furthers this initiative as any open space would be included in the targets that Governor Newsom has set. It would also be included as mitigation credits for sea level rise and addresses the Seismic faults running directly through the property. The dirt lot at the Ferry Landing is an ideal parcel to set aside as “passive open space” for all Californians to enjoy – while at the same time accomplishing these initiatives.

Thank you for considering our comments. A copy of the MOU is attached for your information.

Very truly yours,



Co-President  
Coronado Village Homeowners Association

Attachment: MOU

Cc: San Diego Coast District of the California Coastal Commission; Melody Lasiter

O8-1  
cont.

O8-2

## CORONADO BAYFRONT

## MEMORANDUM OF UNDERSTANDING

## PURPOSE:

This memorandum provides a written synopsis of the background, planning efforts and mutually agreed to development guidelines for about 53 acres of Port District tidelands in Coronado.

## INTRODUCTION:

The Port District has been updating its Master Plan to bring it into conformance with the California Coastal Act of 1976. Precise plans have been developed in each of the nine Planning Districts within the Port's jurisdiction to provide specific and detailed information on long range development. As these plans are developed and adopted, they become part of the Port Master Plan.

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O8-2  
cont.

## Response to Comment O8-2

Thank you for your comments on the PMPU. Responses related to comments regarding the 1979 MOU are addressed in responses to Comment Letter O7-1, O7-4, and O7-7. No changes to the PMPU and PEIR are required in response to this comment.

and received and reviewed written correspondence and plan concepts from Coronado citizens.

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6. The City will drop consideration of the 11-acre parcel as a water reclamation plant location.
7. Tidelands development will be designed to minimize increases in traffic impact.

O8-2  
cont.

Page 28 of 83 B

8. In cooperation with the City, the Port will develop traffic circulation plan for the tidelands to minimize the use of residential streets, and will bear its construction and maintenance costs.
9. The District will construct and maintain the roads on tidelands. The District will not finance or construct the loop road under the bridge, but will allocate land for such use.
10. Transbay ferry service for entertainment purposes will be suggested to prospective developers.
11. A village shuttle service (between the development area and central Coronado and the beach area) for convenience, traffic mitigation and entertainment will be suggested to prospective developers.
12. There will be no consideration of the concept of a major convention center.
13. Commercial development will be emphasized which supports and complements commercial recreational activities on tidelands.
14. The Coronado City Council shall have an adequate opportunity to review all solicitations for proposals, development proposals, and any modifications to them prior to approval by the Board of Port Commissioners.

OB-2  
cont.

## 2.5.9 Comment Letter O9: Le Rondelet Homeowners Association

Ed Lazarski, President

Letter  
O9

Le Rondelet Condominiums  
1150 Anchorage Lane  
San Diego, CA 92106  
January 9, 2022

San Diego Unified Port District  
3165 Pacific Coast Highway  
San Diego, CA 92112

To Whom It May Concern:

I am writing to you as President on behalf of the Le Rondelet Condominiums Homeowners Association concerning the proposed Port Master Plan Update requiring 12ft to 15ft setback to allow for promenades, walkways, and setbacks.

As our building borders on the edge of Shelter Island, many of Le Rondelet residents frequently walk the waterfront in the Shelter Island area and we feel that the current setback is plenty sufficient for pedestrian access throughout the local area as it is currently configured with business, marinas, and yacht clubs.

The setback requirement will not significantly improve the waterfront walkability of the Shelter Island area, however it *will* have a significant negative impact on many of the existing businesses and clubs, which all are key components of the Shelter Island personality. In fact, implementing this setback will negatively impact the area by causing significant redesign and loss of the area's personality that has been developed over many years.

The Le Rondelet Homeowner's Association, and it's 81 residents on the edge of Shelter Island, respectfully asks that you reconsider adding additional width to already existing promenades, walkways, and setbacks that will be detrimental to this historic part of San Diego Bay.

Sincerely,



Ed Lazarski  
President, Le Rondelet HOA

O9-1

### Response to Comment O9-1

This comment is directed at the content of the PMPU, specifically about the policies related to promenade/walkway/setback requirements and raises concerns about the potential need to redesign existing buildings/structures as well as a perceived loss of the area's personality. These concerns are similar to those raised in other comments. Please see, for example, Responses to Comments BT3-1, BT4-1 through BT12-1. The PEIR addresses potential impacts from construction of the various types of potential improvements identified in the PMPU, including landside and waterside impacts. The specific concerns raised by the commenter, including potential impacts of redesigning existing buildings/structures and the potential loss of Shelter Island's personality, are addressed throughout the applicable sections of the Draft PEIR. Although CEQA does not consider loss of an area's "personality" to be an environmental impact, related issues are analyzed in Section 4.1, *Aesthetics and Visual Resources*, and Section 4.4, *Cultural Resources*, of the Draft PEIR, as they relate to aesthetics and historical resources, respectively.

In Section 4.1 of the Draft PEIR, visual character is analyzed in Threshold 3. As discussed in Threshold 3, development standards are proposed as part of the PMPU that establish requirements for the physical development of property and are intended to shape how new development would be designed, oriented, and accessed by the public. Baywide development standards (see Chapter 4 of the PMPU) would be applied consistently baywide, to development in all planning districts, except where specifically noted in a subdistrict development standard. These development standards are intended to establish requirements for all aspects of development, including size, setbacks, location, orientation, spacing, access points, massing, and height. These standards would apply to the types of physical development that are identified in the proposed PMPU, such as mobility hubs, scenic vista areas, walkways, waterside promenades, and structures. The development standards would ensure that new development maintains appropriate spacing between structures, setbacks from the road, and proper widths for walkways, sidewalks, roadways, and view corridors. Through the implementation of baywide development standards, the proposed PMPU would ensure new development would be



compatible with the existing pattern and character of development in each planning district.

In addition to baywide development standards, which are applied uniformly across all planning districts, the PMPU includes subdistrict development standards for each planning district. Future development in Planning District 1 (Shelter Island) would be required to comply with the proposed development standards that apply to development within each of its subdistricts (see Chapter 5.1 of the PMPU). The subdistrict development standards provide guidance for the development of future improvements so that the development complements the existing character and supports the proposed PMPU's vision for the planning districts. These standards would also ensure that future development and planned improvements in each subdistrict are compatible with existing development as well as other future projects. In this way, future development under the proposed PMPU would conform to the existing aesthetic character of the planning districts and would not degrade visual character or quality. Such standards would be implemented as part of the District's CDP process described in Section 4.1.3 of the Draft PEIR. Therefore, compliance with the baywide and planning district development standards would ensure consistency with the existing character of the planning districts, including the Shelter Island planning district. As a result, the PEIR identifies a less-than-significant impact for this issue.

Section 4.4 of the Draft PEIR includes an analysis of the potential for future development associated with the PMPU to result in a substantial adverse change in the significance of a historical resource. Changes in character are one of the considerations for historical resources, including both listed resources and those eligible for listing in the national or state register of historical resources. The specific criteria used to determine the significance of historical resources under CEQA are summarized in Section 4.4.3 of the Draft PEIR. As detailed in Section 4.4.4.2 of the Draft PEIR, physical effects on historical resources typically include direct disturbance and/or destruction of a resource and occur during construction. Aesthetic effects on historical resources typically consist of indirect impacts, such as changes to the visual or auditory landscape. The demolition or substantial alteration of a historical resource would constitute a significant impact. Each of these potential effects were considered and evaluated in the PEIR's impact analysis of historical resources under Threshold 1 of Section 4.4. As disclosed on page 4.4-47, construction activities associated with the future development allowable under the primary and secondary water and land uses, visions, and planned improvements (which includes appealable projects) have the potential to cause substantial adverse change in the significance of a known or yet-to-be identified historical resource within

PD1 resulting in demolition, destruction, relocation, or alteration of the resources or their immediate surroundings, which would be considered a significant impact.

To mitigate this impact, the PEIR identifies MM-CUL-1, which is required to ensure that any future development projects that could affect a potentially significant historical resource (i.e., generally approximately 50 years or older) would be required to conduct a historical resource assessment that will include: (i) defining an appropriate historical resources study area for the proposed project, (ii) surveying and researching the area to identify built resources known to qualify as historical resources under CEQA as a result of previous designation, and (iii) formally evaluating built resources not previously designated that could potentially qualify as historical resources under CEQA by applying the criteria for listing in the CRHR. Moreover, the study area will account for potential direct and indirect impacts on historical resources, including alterations to the immediate setting of any historical resource that could cause an adverse change in the resource's significance. If the project-level evaluation is determined to be significant, then MM-CUL-1 requires additional steps to avoid or minimize any impact to the significant resource. Measures include avoidance, alteration in accordance with SOI-standards, relocation, historical resource archival documentation, interpretation, and as a last resort, salvage of historically important materials.

In summary, any future development project consistent with the PMPU, including any proposed widening of the existing promenade on Shelter Island, would be required to comply with the baywide and planning district-specific development standards and would ensure consistency with the existing character of the planning districts. Additionally, should the proposed widening require modifications to existing structures, particularly those that are considered historical resources, mitigation would be required, including avoidance, alteration in accordance with SOI-standards, relocation, historical resource archival documentation, interpretation, and as a last resort, salvage of historically important materials. No changes to the PEIR are required in response to this comment.

## 2.5.10 Comment Letter O10: San Diego Fisherman's Working Group

Pete Halmay, President

Letter  
O10

San Diego Fishermen's Working Group 8021 Lemon Avenue, La Mesa, CA 91941



Michel Zucchet, Chair

January 5, 2022

Board of Port Commissioners

Sent Electronically to [pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org).

Dear Chair Zucchet and Commissioners,

Please accept the following comments from the San Diego Fishermen's Working Group (SDFWG) on the Draft Program Environmental Impact Report (PEIR) which addresses the Port's Draft Master Plan. The SDFWG is a non-profit organization representing all the major fisheries in the greater San Diego region, and includes representation from Tuna Harbor, Driscoll's Wharf, and commercial fishermen and women who utilize the area's launch ramps.

First, the SDFWG congratulates the Commission and Port Staff on the release for comments of the PEIR. It is clear that the public was heard with numerous changes and improvements made in the Port's Draft Master Plan. The SDFWG appreciates that the concerns expressed in our July 31, 2109 and November 20, 2020 letters to the Port on iterations of the DPMP were largely addressed in the PEIR. In particular, the SDFWG appreciates that the new plan recommends that all

O10-1

### Response to Comment O10-1

The District appreciates the San Diego Fishermen Working Group's interest in the proposed PMPU. This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA.

Commercial Fishing (CF) policies and use tables should apply to all Port Planning Districts.

O10-1  
cont.

The SDFWG supports the PEIR and the Draft PMP with the following comment:

#### Commercial Fishing Designated Land Acreage in Planning District 3

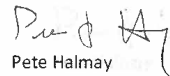
The SDFWG appreciates the staff effort to identify a total of 4.76 acres of CF designated to our industry. This was accomplished by a Port initiated survey of exiting CF area around Tuna Harbor (3.99 acres) and through designating an additional .77 acres in CF use by improvements to the Grape Street piers.

O10-2

The SDFWG, however, must point out that the existing Port Master Plan identifies 5.4 acres as CF in District 3. The SDFWG requests that the final PMP acknowledge that 5.4 acres is land acreage to be ultimately designated, and that the Port will strive over time to reach that figure in useable land space for CF in District 3.

Thank you for considering the comments of the San Diego Fishermen's Working Group.

O10-3



Pete Halmay

President

peterhalmay@gmail.com

CC SDFWG Board of Directors

## Response to Comment O10-2

The change in acreage related to the Commercial Fishing designation (as well as all other designations) is a product of the greater accuracy calculating the area that resulted when converting the prior hand-drawn designation boundary maps to digital maps (i.e., GIS). No actual loss of area designated for Commercial Fishing has occurred between the existing and proposed Commercial Fishing designations in Planning District 3 (i.e., boundaries were not redrawn to reduce the acreage designated for Commercial Fishing). Please see Table 2-1 of the Draft PEIR, which compares the acreage per designation identified between the values provided in the certified PMP and the GIS conversion of those same boundaries.

As indicated on page 2-3 of Chapter 2, Environmental Setting, of the Draft PEIR, land use designations currently mapped in the certified PMP “were converted from the hand-prepared paper maps...to digitized geographic information system (GIS) data, which allowed for more refined and accurate acreage measurements. The District used this data to modernize its geospatial maps and data. This GIS conversion led to refinements in the number of acres, within the water and land use designations and the 10 planning districts.” Based on this GIS conversion there was no loss of commercial fishing land acreage but instead, a clarification using modern methods to arrive at more accurate total acres for water and land use designations and the allowed uses. Therefore, no changes to the PEIR or PMPU are required in response to this comment.

## Response to Comment O10-3

The District appreciates the commenter's interest in the PMPU. This comment does not raise any environmental issues requiring a response pursuant to CEQA.

### 2.5.11 Comment Letter O11: CityFront Terrace HOA

Susan Miller, President

Letter  
O11

January 10, 2022

Mr. Dennis Campbell, Senior Planner  
Planning Department  
San Diego Unified Port District  
P.O. Box 120488  
San Diego, CA 92112-0488

Submitted via email to: [pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

**RE: PORT MASTER PLAN UPDATE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT COMMENTS**

Dear Mr. Campbell:

I am writing on behalf of the Board of Directors of the CityFront Terrace Homeowners Association, and the owners and nearly 600 residents of the 320 units that comprise our condominium community, to express grievous concerns with a rather obscure provision of the Port Master Plan Update Draft Program Environmental Impact Report (EIR) that threatens our safety and wellbeing, and that of others potentially affected. Specifically, page 3-70 (in Chapter 3, Project Description, of the Draft Program EIR, under the heading "Planned Improvements") states, "*Proposed landside access planned improvements would also include modifications to roadways, such as closure of Market Street between West Harbor Drive and Columbia Street and reconfigurations to West Harbor Drive/East Harbor Drive to more efficiently accommodate a multi-use path connecting to Martin Luther King, Jr. Promenade.*" (Emphasis added.)

Some of our key concerns are summarized below.

- This ill-conceived and unvetted proposal would turn a major arterial street in Downtown San Diego, the eighth largest city in the United States, into essentially a dead-end cul-de-sac.
- Market Street provides the only vehicular access to our main building entrance and our underground parking garage.
- For comparison purposes, the nearly 600 residents who would be affected in our community alone represent over one seventh of the entire population of the City of Del Mar. In addition to our residents and over 30 employees, several other condominium and apartment communities in the vicinity would experience similar adverse effects.
- Of perhaps greatest concern, under current conditions our property can be accessed by traffic coming from either the east or the west on Market Street. The proposed road closure would terminate access from the west, and if access from the east is temporarily blocked for some reason, emergency ingress and egress could be precluded. That scenario is unacceptable.

CITYFRONT TERRACE HOMEOWNERS ASSOCIATION

(619) 702-7729 • (619) 702-7801

## Response to Comment O11-1

This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

## Response to Comment O11-2

The District has deleted PMPU Policy PD3.56 in the PMPU. The deletion appears in the final PMPU as shown below:

**“PD3.56—Support Market Street closure between West Harbor Drive and Columbia Street, and provide a pedestrian scramble or roundabout at the West Harbor Drive/Market Street intersection, if determined feasible following coordination with the adjacent jurisdiction.”**

Page 4.14-49 of the PEIR has been revised according to the deletion. This revision did not require any alteration of the traffic analysis in Section 4.14, *Transportation, Circulation, and Mobility*, and therefore, no changes to the PEIR analysis or its significance conclusions resulted from this amendment.

Also of concern, and underscoring insufficient analysis of this issue to date, are inconsistencies among the Port Master Plan Update, the Draft Program EIR, and the Transportation Impact Study (Appendix D of the Draft Program EIR). Previously cited language in the Draft EIR clearly proposes closure of Market Street between Harbor Drive and Columbia Street. Port Master Plan Update Policy PD3.56 (under "Roadway Improvements" on page 283) states, "*Support Market Street closure between West Harbor Drive and Columbia Street, and provide a pedestrian scramble or roundabout at the West Harbor Drive/Market Street intersection, if determined feasible following coordination with the adjacent jurisdiction.*" The Transportation Impact Study (on page 22 under "Transportation Projects VMT") includes, "*Closure of the eastern leg of the Market Street/Harbor Drive intersection.*" (Emphasis added.) Is the proposed project closure of Market Street, a roundabout at the intersection of Market and Harbor, or a partial closure of Market Street (i.e., in the eastbound direction)?

Our fervent recommendation is that it be none of the above. Ideally, this provision should be excised from the Port Master Plan Update. In any case, language used should go no further than recommending options for enhancing the Market and Harbor intersection be more rigorously investigated in partnership with the City of San Diego and other stakeholders, including the affected public.

One other comment involves the previously cited language "... to more efficiently accommodate a multi-use path connecting to Martin Luther King, Jr. Promenade." Please note that bicycles, pedicabs, and shared mobility devices (e.g., motorized scooters) are prohibited on the Martin Luther King, Jr. Promenade. An alternative pathway paralleling the heavy rail tracks is dedicated to accommodate these other modes (plus an admittedly less than ideal bike lane along Harbor Drive).

Thanks for the opportunity to participate in the Port Master Plan Update process, and to comment on this Draft Program EIR. A number of our residents have participated in the extensive public outreach efforts, and previously pointed out the inadvisability of closing off Market Street. Thus, seeing it still under consideration was disappointing. We would be happy to respond to any questions, and look forward to continuing involvement in future steps. Thank you for your consideration.

Sincerely,



Susan Miller, President  
CityFront Terrace Board Homeowners Association  
Board of Directors

cc: Honorable Todd Gloria, Mayor  
Honorable Stephen Whitburn, City Councilmember, District 3

O11-3

O11-4

O11-5

## Response to Comment O11-3

Please see response to Comment O11-2, above. The deletion of PD3, Policy 3.56 responds affirmatively to this comment. The PMPU and PEIR have been revised accordingly.

## Response to Comment O11-4

According to Section 83.0308 of the City of San Diego Municipal Code governing rentable, motorized bicycles and scooters, such devices are not prohibited on Martin Luther King, Jr. (MLK) Promenade but are instead geofenced to restrict the device velocity to a maximum of three miles-per-hour. Regardless, the PMPU does not address the type of device that may or may not use a promenade connection to the MLK Promenade, but rather plans for the possible connection of a multi-use path that connects to the MLK Promenade. The type of users allowed on both the MLK Promenade and such a future connection may be regulated by the District and the City. All users would be required to follow the applicable laws and regulations in-effect, at that time. Any changes to current laws and local regulations would require approval by the appropriate jurisdiction. No changes have been made to the Draft PEIR in response to this comment.

## Response to Comment O11-5

The District appreciates the commenter's interest in the PMPU. This comment is a conclusionary comment and does not raise any environmental issues requiring a response pursuant to CEQA. Please see the responses to the prior comments. The comment's concerns regarding the PMPU will be included in the information considered by the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

## 2.5.12 Comment Letter O12: Grande North at Santa Fe Place

Dr. Kent Pryor, President



Letter  
O12

January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
Ms. Lesley Nishihira, Director of Planning  
Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)

[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Dear Mr. Stuyvesant and Ms. Nishihira:

On behalf of The Grande North at Santa Fe Place Homeowners' Association, we wish to extend our thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California's public coastal lands currently under your stewardship. We feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands, however excessive dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the terms proposed in the current draft of the PMPU, it is our opinion such balance has solidly and detrimentally shifted towards revenue generation.

O12-1

To address this inequitable shift in focus, we are respectfully requesting that The Port take the following steps.

First and most importantly, we strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan ("PMP"), referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states, "[The Port Master Plan] proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses." By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

O12-2

Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, i.e., the

O12-3

### Response to Comment O12-1

The District appreciates the Grande North at Santa Fe Place's interest in the PMPU. This comment is a general introductory comment and does not raise any specific environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

### Response to Comment O12-2

The PMPU provides a vision statement for the North Embarcadero Subdistrict which updates and expands upon the purpose statement of the NEVP. (PMPU, Section 5.3.2(A), p. 263.) The comment requests additional language be added to the PMPU which is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU. For a response to the comment's reference to the NEVP, please see the response to Comment Letter O17, Response O17-10.

### Response to Comment O12-3

The comment's concern about the alleged omission of development guidelines from the PMPU for the Central Embarcadero and South Embarcadero (both part of PD3), as well as the Chula Vista and National City Planning Districts is misplaced.

The proposed vision, planned improvements, and development standards for the Central Embarcadero and South Embarcadero are discussed in Section 5.3.3 and 5.3.4 of the PMPU, respectively. Any future development within the Central and South Embarcadero would need to consider and be consistent with these components of the PMPU, respectively. Any proposals to deviate from development standards and the land and water use designations identified in the PMPU would require an amendment to the PMPU, which would be subject to a new District development review, including CEQA and coastal act compliance. Moreover, an amendment to the PMP would also require Coastal Commission certification.



Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission's review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU's reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

O12-3  
cont.

Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways and, reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

O12-4

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

O12-5

Respectfully Submitted,

Dr. Kent Pryor  
President

The Grande North at Santa Fe Place

The National City and Chula Vista Planning Districts are located outside of the PMPU boundaries and are subject to the existing PMP and any subsequent amendments thereto. (PMPU, Section 2.2, p. 18; PEIR, Section 3.1, p. 3-2.) Please see Master Response M-1, for discussion of Planning Districts outside of the PMPU boundaries as well as why the Seaport San Diego project was not included in the PMPU.

The comment does not refer to the PEIR or raise an environmental issue. Pursuant to CEQA Guidelines Section 15088, no further response is required. However, this comment will be included in the information presented to the Board of Port Commissioners for consideration when it makes a decision whether or not to adopt the PMPU.

### Response to Comment O12-4

The comment makes a general request for amendment of language in the PMPU. Although the PMPU includes policies and development standards regarding parking, recreation and open space, height and setback restrictions, and public pedestrian pathways, the comment does not identify any specific language or recommend the amendment of any specific provision of the PMPU. The comment also does not object to the adequacy of any specific policy or development standard. To the extent the comment could be construed as broadly raising environmental issues related to noise, pollution, and traffic congestion, the PEIR addresses the potential significant impacts and mitigation measures concerning these issues in Section 4.10 (Noise & Vibration), Section 4.2 (Air Quality & Health Risk) and Section 4.14 (Transportation, Circulation & Mobility). However, the comment does not raise any specific issue with the content or adequacy of the PEIR, nor with the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. Therefore, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU. Further, the general concerns expressed regarding the PMPU comments are similar to those raised in Comment Letter O17. Please see the District's responses to Comment Letter O17, notably responses to comments O17-14, O17-19, O17-21, O17-22, and O17-29 for responses related to underground parking, podium heights, and traffic congestion.

### Response to Comment O12-5

This comment is a conclusionary comment and does not raise any environmental issues requiring a response pursuant to CEQA.



## 2.5.13 Comment Letter O13: Grande South at Santa Fe Place

Larry Allman, HOA President



Letter  
O13

January 10, 2022

Lesley Nishihira, Director, Planning  
San Diego Unified Port District  
3165 Pacific Highway  
San Diego, CA 92112

Re: Port Master Plan Update and Environmental Impact review

Ms. Nishihira,

The Grande South is a residential condominium building at 1199 Pacific Highway across the street from the Marriott and the former NAFVAC SW offices. Our Homeowner's Association manages the collective interests of 221 units with over 400 residents. We are a member of the Embarcadero Coalition and a participant in previous outreach and comment workshops with the San Diego Unified Port District (the District). We are writing again to thank the District for this opportunity to participate in shaping the future of our neighborhood and this important community resource. We are pleased with much that has been revised in the current version of the subject Port Master Plan Update (the "PMPU"). We do want to express our concerns regarding the PMPU, and the impact that future development in the North, Central, and south Embarcadero regions will have on our residents.

Our concerns fall broadly into the following areas:

- Increased traffic on Pacific Highway.  
Reducing capacity of Harbor Drive and thereby redirecting traffic onto Pacific Highway is of concern to our residents. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". We do not believe this is an appropriate finding upon which planning and development decisions could be made. The future impact of the redevelopment of Seaport Village and the approved construction and expansion of IQHQ cannot be ignored and should be incorporated into a thorough traffic study consistent with the Climate Action Plan.
- Retention and expansion of open public spaces.  
The Bayfront and North Embarcadero is a community resource and valuable attraction that must be accessible and welcome to all. The Grand South supports PMPU guidelines that secure the retention and expansion of open public spaces, freedom of movement from and into the City core, and the promise of increasing park and plaza space. This includes promoting openness along Pacific Highway as an activated transportation and view corridor to Waterfront Park and County Administration Building precinct. Inland scenic vistas should be encouraged for open space and public access from Pacific Highway and inland city toward the bayfront.

Professionally Managed by Action Property Management, Inc.  
1199 Pacific Highway, San Diego, CA 92101-3452  
(619) 236-1122 (619) 236-1436 fax  
www.thegrandesd.org

### Response to Comment O13-1

The District appreciates the Grande South at Santa Fe Place's interest in the PMPU. This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

### Response to Comment O13-2

Consistent with State CEQA Guidelines Section 15064.3, the Draft PEIR evaluates the PMPU's transportation impacts using vehicle miles traveled (VMT) rather than level of service or other delay-based metrics (e.g., congestion and roadway capacity or its operation). As detailed in Section 4.14, *Transportation, Circulation, and Parking*, of the Draft PEIR (page 4.14-65), the proposed PMPU includes transportation infrastructure improvements to provide facilities for non-automobile travel modes to help balance all travel modes along the North Harbor Drive corridor. These future transportation-related improvements include, among others, the reconfiguration of existing roadways such as Harbor Drive, which would involve a reduction in the total number of general travel lanes along Harbor Drive from four to two lanes (one lane in each direction) from Grape Street to F Street. As further described in Section 4.14, because the multi-use pedestrian and bicycle facilities and transit right-of-way improvements would provide additional multimodal transportation options and would promote alternatives to automobile use, they would be expected to result in fewer automobile trips and reduce VMT. As a result, the Draft PEIR concludes that future transportation improvements in PD3 would not induce travel, and the effect on the transportation system would be beneficial, helping to reduce transportation-related impacts.

However, the Draft PEIR does identify significant and unavoidable VMT impacts in Planning District 3 (Embarcadero) related to development of retail, restaurant, and recreational boat berthing uses (**Impact-TRA-1**), as well as some of the proposed roadway network changes (e.g., extension of A Street between Pacific Highway and North Harbor Drive) (**Impact-TRA-3**). As required under CEQA, the Draft PEIR identifies mitigation measures to reduce these significant VMT-related impacts to the extent feasible. Specifically, **MM-TRA-1** requires the District to develop an impact fee program to fund transportation infrastructure improvements that would reduce VMT, while **MM-TRA-2** requires future project proponents to make a proportionate fair

share contribution to develop and expand VMT-reducing infrastructure, including but not limited to, mobility hubs. As detailed in Section 4.14, because the timing and exact location of infrastructure improvements have not been identified, and the funding programs have not yet been implemented, the impacts are considered significant and unavoidable because it cannot be guaranteed that the necessary improvements would be implemented prior to the operation of any new development under the proposed PMPU.

Additionally, **MM-TRA-3** requires future projects that would generate more than 110 daily trips to implement of a Transportation Demand Management (TDM) plan, which would provide incentives to use alternative modes of transportation instead of individual vehicles to reduce VMT induced by development projects and transportation infrastructure improvements. However, it is not possible to quantify the effectiveness of the recommended mitigation measures because the location, timing, and design of new development allowed under the proposed PMPU is unknown at this time. Thus, after the incorporation of mitigation, the Draft PEIR concludes that VMT-related impacts would remain significant and unavoidable. While these impacts were determined to be significant and unavoidable in the Draft PEIR, additional site-specific analysis will be conducted when future projects are proposed, at which time additional project-specific information would be available and additional mitigation measures may be identified to further reduce significant impacts, potentially to a less-than-significant level. Because the comment does not state why it considers the PEIR's analysis and conclusions not an appropriate finding upon which planning and development decisions should be made, and the comment does not identify any feasible mitigation measures to reduce VMT impacts which were not considered in the PEIR, no further response is warranted.

The commenter also raises concerns regarding the Seaport Village redevelopment and approved IQHQ project, within the City of San Diego jurisdiction (also referred to as the Pacific Gateway Development and Navy Broadway Complex), suggesting that their impacts cannot be ignored and should be incorporated into a thorough traffic study consistent with the Climate Action Plan. The Transportation Impact Study prepared for the PMPU (Appendix D of the Draft PEIR) evaluated both a base year scenario and a Horizon Year (2050) scenario using the San Diego Association of Governments' (SANDAG) travel demand forecasting model. The 2050 scenario is derived based on the planned land uses (i.e., planned projects) and mobility improvements within the region, as well as population and employment projections. Because the IQHQ project (also referred to as the Pacific Gateway Development and Navy Broadway Complex) is an approved project by the City of San Diego, it was included in the VMT modeling assumptions for 2050. Additionally, the future Seaport Village

redevelopment was also included in the VMT modeling assumptions for 2050. As such, both projects were accounted for in the Draft PEIR's transportation impact analysis. It is unclear what the commenter's reference to, and linking of, an unspecified climate action plan and traffic study relates to. The PMPU's traffic study is separate from the Port's CAP. Moreover, as discussed in Chapter 2, Sections 2.3.1 and 2.3.2 of the Draft PEIR, the cumulative impact analysis primarily utilizes the Plan Method, which uses a summary of projections contained in an adopted local, regional, or state plan or related planning document. This is in contrast to the List Method, which includes a list of past, present, and probably future projects. Due to the regional draw of uses along the Bay, which typically attracts local and visiting regional populations, the Plan Method was determined to be the most appropriate method for the PMPU's cumulative analysis. The projections used in the Draft PEIR are based on SANDAG's latest regional growth forecast (Series 14). The Series 14 regional growth forecast takes into account land use plans and development projects that were in the planning phase and/or approved at the time the forecast was accepted by the SANDAG Board of Directors for planning purposes, which occurred on October 25, 2019. To be conservative, the cumulative analysis also took into consideration additional regionally significant plans and programs that may not have been accounted for in SANDAG's Series 14 Regional Growth Forecast (see Table 2-2 of the Draft PEIR), including future redevelopment of the Seaport Village area (Draft PEIR, Table 2-2, # 11). These additional plans and programs had either been adopted or were currently in the planning phase at the time the Notice of Preparation was issued for the Draft PEIR on March 30, 2017. Therefore, no changes to the Draft PEIR are required in response to this comment.

### **Response to Comment O13-3**

The District appreciates the Grande South's support for the PMPU's intent to retain and expand open public spaces and freedom of movement from and into the City of San Diego, and to increase the space for park and plaza uses. As shown in Figure PD3.4 of the PMPU, there are several view corridor extensions along Pacific Highway oriented towards San Diego Bay, as well as several designated scenic vistas along the bayfront of the Embarcadero Planning District. The comment is specific to the content of the PMPU, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.



The Grande South residents welcome this opportunity to collaborate with the District. We have voiced our opinions in writing and at District meetings, and we understand that you have moved in a positive direction with regard to these matters. We believe there is further work to be done.

From our perspective, the District has not appropriately integrated plans into the City core and fails consider existing and planned developments in the immediate vicinity. The current PMPU appears to promote a manicured embarcadero "island", walled off from the growing and vibrant city that it should be the grand "front door" to.

We thank you for the years of work on this project, and we hope you will take our concerns into consideration.

O13-4

Sincerely yours,

Larry Allman  
HOA President  
The Grande South at Santa Fe Place  
1199 Pacific Highway  
San Diego, CA 92101

cc: Jim Shiner, The Grande South  
Sabby Jonathan, The Grande South  
Greg Helmer, The Grande South  
Paul Herstein, The Grande South  
James Robertson, The Grande South  
On behalf of The Grande South Board of Directors

*Professionally Managed by Action Property Management, Inc.  
1199 Pacific Highway, San Diego, CA 92101-3452  
- (619) 236-1122 - (619) 236-1436 fax  
www.thegrandesd.org*

## Response to Comment O13-4

The District appreciates the Grande South's interest in the PMPU. The comment is a general summarizing the concerns raised in the letter but does not raise any specific environmental issues or concerns regarding the adequacy of the PEIR which require a response pursuant to CEQA. The comment also does not identify any existing and planned development in the immediate vicinity which the PEIR failed to consider. Accordingly, no further response is possible.

## 2.5.14 Comment Letter O14: Citizens Coordinate for Century 3

Ryan Karlsgodt, President



**C3SanDiego.org**

January 10, 2022

[info@c3sandiego.org](mailto:info@c3sandiego.org)

@CitizenSanDiego

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San Diego Unified Port District  
Attn: Dennis Campbell, Planning Department  
PO Box 120488  
San Diego, CA 92112-0488  
Submitted to [pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Dear Mr. Campbell:

Since 1961, Citizens Coordinate for Century 3 (C-3) has sought and advocated for the highest standards in urban design, community planning, and access to public open space. As a member-supported non-profit organization, we bring together residents and professionals to jointly craft solutions to the challenges we face in our city and region. Our comments on the Port's Draft Program EIR (PEIR) for the Port Master Plan Update (PMPU) are included below, and are derived from C-3 members, Directors, and our San Diego Bay Knowledge Action Network (KAN).

Port staff have done an admirable job over more than eight years to shepherd the Port Master Plan Update to its current state. We applaud the work of Port staff and look forward to completing the Port Master Plan Update soon. However, we are concerned that the exclusion of a significant in-process development – the 1HWY1 project in the Central Embarcadero – from the PMPU and the PEIR will result in the public being unable to properly analyze the PMPU and may result in unnecessary delays to the PEIR and final approval of the PMPU.

The Port and the project proponent, 1HWY1, have been working since 2016 to refine the development proposal. The terms of the Exclusive Negotiating Agreement between the Port and 1HWY1 suggests that 1HWY1 recently submitted a final development proposal to Port staff. It is time to open the process up for public review, provide potential approval by Port Commissioners, and incorporate Port staff and Commissioners' approved Planned Improvements and Development Standards for the Seaport San Diego project into the Central Embarcadero sub-district in the PMPU and the Draft PEIR.

O14-1

O14-2

### Response to Comment O14-1

The District appreciates C-3's interest in the PMPU and PEIR. As this comment does not raise any environmental issues, no response is necessary. However, responses follow on specific issues raised in the letter.

### Response to Comment O14-2

Please see Master Response M-1.

We recommend that the Port pause the PMPU and PEIR process so that it can incorporate the expected "Planned Improvements" and "Development Standards" for the 1HWY1 project into the Central Embarcadero subdistrict and the PMPU/PEIR as a whole. This will allow the public to review the PMPU and PEIR more holistically and avoid a piecemeal approach to planning and environmental impact assessment.

O14-2  
cont.

With regard to the North Embarcadero subdistrict and the related North Embarcadero Visionary Plan options assessed in the PEIR, C-3 suggests updating Option 3 to incorporate the approach found in PEIR Alternative 5 (i.e., the closing of non-emergency traffic on N Harbor Drive from Grape St to W Ash St). While the Port's preferred plan that reduces vehicular traffic on N Harbor Drive is an improvement on the status quo, this updated Option 3 would create a human-centered, crown-jewel public open space for residents and tourists alike to enjoy: the Waterfront Destination Park that the Port has been promising for years.

O14-3

We echo the San Diego Waterfront Coalition's comment regarding the need for the Port to ensure in the PMPU that the USS Midway Museum immediately build the park on Navy Pier that has been promised since 2004. Any Port commitments to establish new parks and recreation open space are undermined by this egregious delay.

O14-4

As an organization that has long advocated for unfettered public access to public lands and waters, we suggest the Port adopt the position of the California Coastal Commission on the issue of the La Playa Piers. As it stands, the Port's plan for the piers risks further delaying PMPU approval.

O14-5

Finally, C-3 supports the establishment of a third-party Design Review Board at the Port, as mitigation for environmental impacts and as a general point of good public policy. The idea was proposed to the Port in a September 25, 2020, letter from local architects Megan Groth, Heather Ruszczyk, and Scott Bales. As they noted in their letter, "a third party Design Review Board composed of architects, landscape architects, developers, artists, engineers and other building professionals would provide a degree of transparency, accessibility, and accountability to the public outreach process as well as a way for the Port to receive expert advice on their planning and building projects. The intent is for a Design Review Board to be integrated into the current project review process - at early, mid and late stages of projects - so as not to create any additional roadblocks but instead contribute to a more robust and efficient approval process.

O14-6

C-3 is also in support of comments from the Southwest Wetlands Interpretive Association (SWIA) and the Environmental Health Coalition (EHC) regarding issues water quality, sea level rise, the Port's Climate Action Plan and Greenhouse Gas emissions, and pollution. We also raise the following environmental issues with regard to the Draft PEIR:

O14-7

- How are upstream areas bordering the District being monitored to anticipate impacts to the Port?
- How is stormwater runoff being mitigated at each drainage outfall location in the Port District? We applaud the mapping of each outfall, however, we feel the PEIR should also document mitigation strategies at each outfall location including nature-based green infrastructure solutions such as wetlands. When spatially constrained, other proprietary filtration methods

O14-8

## Response to Comment O14-3

The comment asks the District to amend the description of Option 3 to include closure of a portion of N. Harbor Drive to non-emergency traffic. The comment does not raise an environmental issue concerning the adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no response is required and no changes to the Draft PEIR have been made in response to this comment. However, the comment will be included in the information presented to the Board of Port Commissioners when they consider whether or not to adopt the PMPU or any modification thereof.

## Response to Comment O14-4

To date, Navy Pier has not been incorporated into the certified PMP and is still within Coastal Commission's jurisdiction. The current Port Master Plan states "the conversion of the pier to a 5.7-acre memorial park is a specific planning goal of the Port" (see page 64 of the Port Master Plan). Additionally, on April 13, 2011, after an appeal to the Coastal Commission, the Coastal Commission issued the NEVP Phase 1 Coastal Development Permit (CDP). This CDP includes a condition that "converting Navy Pier into a park" is to be analyzed under CEQA and incorporated into the Port Master Plan, if approved by the Board, and then transmitted to Coastal Commission for its consideration. (CCC CDP, Item 6.a. - Appeal No. A-6-PSD-11-006, p. 28 (April 13, 2011); District Clerk Document No. 58230, Filed November 8, 2011). None of these require conversion of Navy Pier to a park. However, as a policy decision, the Board recently approved an MOU with the U.S.S. Midway Museum to fund improvements to Navy Pier and a park thereon (April 12, 2022, Board Item No. 2022-0098, Clerk Document No. 74154, Filed May 20, 2022). On February 9, 2023, the Coastal Commission approved a CDP for the District and the U.S.S. Midway for the conversion of Navy Pier to "Freedom Park." As established by special conditions contained in the CDP, the park must be completed within 5 years of the approval of the CDP (February 2028). The PMPU identifies the Navy Pier as Recreation Open Space. Furthermore, as indicated on page 264 of the PMPU, there is a "Special Allowance" that applies to the site. As identified in the PEIR, Chapter 3, Project Description, the PMPU "proposes to designate the entire Navy Pier as Recreation Open Space on the Embarcadero Planning District Water and Land Use Map [Figure PD3.2]."

Although the District continues to take substantive steps to provide this park, the commenter's suggestion to "immediately build the park on Navy Pier" will be forwarded to the decision-makers for their consideration when they determine whether or not to adopt the PMPU. However, because

this comment does not raise an environmental issue or address the adequacy of the PEIR, no further response is required.

#### **Response to Comment O14-5**

The comment requests the District adopt the Coastal Commission's position regarding the La Playa Piers. This comment does not raise issue with the adequacy of the PEIR and no additional response is required. The comment will be included in the information considered by the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

#### **Response to Comment O14-6**

The comment suggests the creation of a "Design Review Board" with a review process "at early, mid and late stages of projects" as mitigation for unspecified environmental impacts. The comment does not identify any specific significant environmental impact which requires mitigation by creation of a design review board. The comment also does not identify any specific environmental issue or concern regarding the adequacy of the PEIR. The suggestion would also be inconsistent with the project objectives, which call for "Streamlin[ing] the project review and entitlement process for implementation of the Port Master Plan." Pursuant to CEQA Guidelines Section 15088, therefore, no further response is required. However, the comment raises a policy issue which will be presented to the Board of Port Commissioners for consideration when they make a decision whether or not to adopt the PMPU.

#### **Response to Comment O14-7**

The District notes the commenter's support of comments from SWIA and EHC. Please see the District's responses to those comment letters (Comment Letter O2 and Comment Letter O1, respectively).

#### **Response to Comment O14-8**

The PEIR analyzes the PMPU's effect on the environment, including the effect from future projects that would be proposed consistent with the PMPU's goals, objectives, and policies. However, CEQA does not require the PEIR to analyze the environmental effects of existing sources of water pollution on the project (here, the PMPU). CEQA also does not require the PEIR to mitigate existing environmental conditions. Moreover, development and stormwater off Tidelands is not within the District's jurisdiction.

The PEIR analyzes the potential impacts related to stormwater runoff associated with future development allowed under the PMPU, under Threshold 3 in Section 4.8, *Hydrology & Water Quality* of the PEIR. The

PEIR determined that compliance with applicable water quality laws and regulations would ensure that stormwater runoff impacts would be less than significant. The PMPU also contains several policies that will benefit water quality, within the PMPU area, and ultimately as it relates to water that drains into the San Diego Bay and Pacific Ocean. As discussed under Section 4.8.4.3, the PMPU contains policies that require the District to prioritize and pursue opportunities for the protection and enhancement of water quality (ECO Policy 2.1.1), reduce waste (including as part of future development projects) (ECO Policy 2.1.3), continue to conduct long-term monitoring of water sediment, eelgrass, birds, and marine life in the Bay (ECO Policy 2.1.5), implement initiatives to reduce copper loads from vessels (ECO Policy 2.1.6, 2.1.7, and 2.1.8), protecting and enhancing sediment quality (ECO Policy 2.2.1), implementing remediation and restoration efforts in a manner that maximizes ecological benefits, including water quality and ecosystems (ECO Policy 2.2.2), require all owners and operators of stormwater conveyances on Tidelands to comply with the municipal stormwater permit (MS4) and other legal requirements to minimize pollution impacts in the Bay (ECO Policy 2.3.1), provide educational information to the public and tenants related to runoff and increased runoff flows and pollution prevention measures to minimize or reduce impacts on water and sediment quality (ECO Policy 2.3.2), require development projects that would disrupt shoreline fill or Bay sediment to remove contaminated fill or appropriate clean and remediate the fill in a manner consistent with applicable requirements (ECO Policy 2.3.3), require all development projects and maintenance activities to implement measures to prevent pollution impacts and adverse impacts from runoff flows (ECO Policy 2.3.4), and require development projects located in areas identified as impaired under Section 303(d) of the Clean Water Act to implement measures to protect and improve water quality (ECO Policy 2.3.5).

Aside from the policies proposed by the PMPU, future site-specific development would be required to comply with existing stormwater and water quality-related regulations. For instance, as discussed in detail under Threshold 1 on page 4.8-54 of the PEIR, construction activities would need to comply with the Construction General Permit (if the construction area is greater than 1 acre) and prepare a Stormwater Pollution Prevention Plan or the District's Jurisdictional Runoff Management Plan (all construction activities).

In addition, and as discussed in detail on page 4.8-58 of the PEIR, future site-specific development projects, once operational, would need to implement operational-related BMPs as required by the District's JRMP and Stormwater Management and Discharge Control Ordinance in order to be



compliant with the MS4 permit, as well as the State Water Resources Control Board's General Industrial Permit (where applicable). Moreover, certain project sites have individual National Pollution Discharge Elimination System permits (e.g., BAE Systems, NASSCO, Continental Maritime of San Diego). Other water quality permits include Boatyard General Permit and Dewatering General Permits.

Beyond the water quality-related policies proposed by the PMPU and the comprehensive coverage provided by existing water quality regulations, the PEIR also requires specific mitigation to avoid creating or exacerbating Bay water quality impacts, including monitoring turbidity and constituents of concern during construction-related sediment disturbance (MM-WQ-1), implementing best management practices during construction-related sediment disturbance (MM-WQ-2), applying silt curtains during construction-related sediment disturbance with contaminants of concern (MM-WQ-3), implementing a Dredging Management Program (MM-WQ-4), implementing a Sediment Management Program (MM-WQ-5), implementing post-dredging remediation (MM-WQ-6), removing and Disposing of creosote piles properly (MM-WQ-7), preparing and implementing a Marina Best Management Practice Plan and Copper reduction measures (MM-WQ-8), and conducting water quality monitoring of aquaculture operations (MM-WQ-9).

No changes to the PEIR have been made in response to this comment.

should be used to filter localized toxins at the “end of the line”. If unmitigated, we risk further pollution, sedimentation, and degradation of marine habitats.

- When planning for sea level rise, each outfall location should have a “retreat” strategy documented in the PEIR.
- What are the riparian and wetland restoration strategies to mitigate sea level rise in risk prone communities, parks, and common open space?
- How much area of parks and recreation open space will be required to mitigate sea level rise during a 100 year storm 20 years from now? How can we continually expand these areas going forward to address sea level rise?

O14-8  
cont.

O14-9

O14-10

O14-11

Thank you,

Ryan Karlsgodt

President,  
Citizens Coordinate for Century 3

## Response to Comment O14-9

Drainage outfalls that receive stormwater from upland locations and anticipated increases in sea level rise are existing or future environmental conditions. As stated in the response to Comment O14-8 above, CEQA does not require the PEIR to evaluate the effect of existing or projected environmental conditions on the proposed project (PMPU). Instead, CEQA requires the PEIR to analyze whether the PMPU would exacerbate the adverse environmental consequences associated with these environmental conditions. The PEIR provides this analysis in Section 4.13, *Sea Level Rise*. Please see Response O2-4 to SWIA/Audubon/EHL for additional discussion of Sea Level Rise.

In 2019, the District prepared a sea level rise vulnerability study pursuant to AB691 that was submitted to the CA State Lands Commission (<https://www.slc.ca.gov/ab-691/sea-level-rise-impact-assessments/>). The vulnerability study helped to establish where and how sea level rise may impact resources on District Tidelands. The PMPU is a broad planning document that addresses water and land uses and includes policies that will guide the District’s decisions for the next approximately 30 years. As such, the PMPU includes many policies that target future decisions and actions related to sea level rise. Specifically, the District has proposed SR Policy 3.2.3 in the PMPU to ensure future adaptability to rising sea levels. The policy requires the creation and periodic updates to a sea level rise adaptation plan that considers best available science and applicable regional, State, and Federal adaptation planning guidance; builds upon previous analyses of coastal hazards that are caused or exacerbated by projected sea level rise; provides recommendations for adapting structures and facilities, coastal access, recreational areas, coastal-dependent development, contaminated sites, and other infrastructure and coastal resources to projected sea level rise conditions; explores the potential for nature-based sea level rise adaptation strategies; identifies alternative opportunities or plans for adapting to coastal hazards such as but not limited to: balance or realignment of natural habitat and the built environment, softening hardened shoreline structures, restoring or enhancing submerged habitats for coastal resiliency, or replacing in-kind public recreation areas, accessways, and other Public Trust resources that could be lost due to inundation or damage associated with sea level rise; establishes a monitoring protocol and requirements for evaluating sea level rise impacts on all Tidelands uses over time; establishes a schedule for performing future Tidelands’ sea level rise vulnerability assessments and social vulnerability assessments; includes an environmental justice component that addresses how development may affect potential flooding and inundation related to sea level rise in adjacent

disadvantaged communities; and includes an outreach and engagement process that would be focused on collaborative adaptation planning with adjacent disadvantaged communities.

Additionally policies include SR Policy 3.3.1, which would require permittees to submit site-specific hazards reports to the District that address anticipated coastal hazards over the anticipated life of the development; SR Policy 3.3.2, which requires permittees to site and design development to avoid effects from projected sea level rise considering the anticipated life of the development and, if coastal hazards cannot be completely avoided, to plan, design, and implement adaptation strategies, and SR Policy 3.3.4, which is designed to reduce the risks posed to neighboring properties and the natural environment from coastal protection devices by prioritizing nature-based adaptation strategies.

No changes to the Draft PEIR have been made in response to this comment.

### **Response to Comment O14-10**

This comment, as with the prior comment O14-9, asks how the PEIR addresses rising sea levels. Please see the response to comment O14-9 above. Please also see response to Comment O2-4 (SWIA/Audubon/EHL) for discussion of Sea Level Rise and wetlands/riparian areas.

As discussed under CEQA Guidelines Section 15126.2: "An EIR shall identify and focus on the significant effects of the proposed project on the environment." It is not the purpose of CEQA to address existing environmental deficiencies or impacts not caused by the project. (See *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059 ["The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope"].) Please see Draft PEIR Section 4.3, *Biological Resources*, for the analysis of wetlands and riparian areas. As noted therein, Measure MM-BIO-7 and MM-BIO-11 require projects to restore damage to wetlands within the San Diego Bay at a 1:1 ratio.

No changes to the Draft PEIR are required because of this comment.

### **Response to Comment O14-11**

This comment, as with the prior comment O14-9, asks how the PEIR mitigates for rising sea levels, over time, and particularly, asks what total parks and recreation acreage will mitigate for SLR with a 100-year storm, in the next 20 years. Although an EIR must analyze whether a proposed project would exacerbate existing environmental conditions like sea level rise, CEQA does not require an EIR to analyze the effects of the existing environment on a project, such as a park. Section 4.13 of the PEIR analyzes potential impacts associated with sea level rise. Information regarding the

effect of sea level rise on park and recreation open space, due to a 100-year storm in the future is provided in Table 4.13-4 and in Figures 4.13-9 through 4.13-16. Table 4.13-4 provides the various SLR probabilities and their associated timeframes, which identifies at what year such a possible probability might occur. Therefore, an estimate of the impact from SLR on parks and recreation can be estimated for the next 20 years. The sensitivity and adaptiveness of parks and recreation open space to sea level rise, and the consequences of sea level rise on such land uses, are discussed on pages 4.13-37 and 4.13-38 of the PEIR. The PMPU includes policies intended to address sea level rise and storm surge (see SR Policy 3.2.3, SR Policy 3.3.1, SR Policy 3.3.2, SR Policy 3.3.4) and all future development would be required to be consistent with the PMPU's policies. In addition, the proposed project's potential to exacerbate SLR impacts on public access and recreational facilities are addressed in Table 4.13-6. Specifically, the analysis determined that the PMPU is consistent with the Coastal Commission's Sea Level Rise Adaptation Strategy goals, including the goals related to public access and recreation. The analysis specifically points to SR Policy 3.3.5 to 3.3.10 and SR Policy 3.2.1. Please see the response to comment O14-9. No changes to the Draft PEIR have been made in response to this comment.

## 2.5.15 Comment Letter O15: Save Our Access

Josh Chatten-Brown, Kate Pettit, Attorneys for Save Our Access



January 10, 2022

*Via E-mail (pmpu@portofsandiego.org)*

Port of San Diego  
Planning Department  
P.O. Box 120488  
San Diego, CA 92112

**Re: Comments on the San Diego Unified Port District's Proposed Port Master Plan Update and Draft Program Environmental Impact Report**

Dear Port of San Diego Planning Department:

On behalf of Save Our Access, we provide the following comments regarding the Port's proposed Port Master Plan Update ("PMPU") and Draft Program Environmental Impact Report ("PEIR").

The PMPU fails to disclose and analyze redevelopment of Seaport Village in Central Embarcadero following the Port of San Diego's ("The Port") selection of 1HWY1 as the successful proposer of the Seaport Village Project; its execution of an Exclusive Negotiating Agreement between the Port and the developer; and its requests in 2020 and 2021 for a preliminary Public Trust consistency determination of the Seaport Village redevelopment project from the State Lands Commission. Despite the Port's concurrent planning for development of Seaport Village, the PMPU claims that "[t]he [Central Embarcadero] Subdistrict, 'which is mostly made up of Seaport Village, shall remain as existing conditions with the exception of maintenance . . . and tenant improvements . . .'" (PMPU, p. 277.) The Port's piecemeal review of Port development and the PEIR's failure to provide an adequate project description of the PMPU violate the California Environmental Quality Act ("CEQA").

The PMPU's lopsided focus on hotels, commercial space, and restaurants in comparison to a minimal increase in public park acreage fails to align with the Port's own stated policies and violates the Port's fiduciary duties under the Public Trust Doctrine and its legal responsibilities under the California Coastal Act. The Port painted a grand vision for the San Diego Port in its original Port Master Plan that provided the public

O15-1

O15-2

### Response to Comment O15-1

Please see Master Response M-1. This comment is similar to Comment O15-5, which provides a more detailed version of this summary comment. Please also see the response to Comment O15-5. No changes to the PEIR are required in response to this comment.

### Response to Comment O15-2

This and related comments below generally allege that the PMPU, and in particular PDs 2 and 3, are inconsistent with the Public Trust Doctrine and the California Coastal Act because the commenter claims that the PMPU improperly facilitates hotel development instead of parks, recreational spaces and adequate public access.

This comment expresses the author's opinion that the PMPU focuses more on hotels, commercial space, and restaurants than on public park acreage and that this lopsided focus violates the Public Trust Doctrine and the California Coastal Act. As explained in detail below, the Port Act specifies the uses for land and water within the District's jurisdiction. However, neither the Port Act, the Coastal Act, nor the Public Trust Doctrine requires the District to devote more or less acreage to one permitted use than to another. While the comment may disagree with the PMPU's proposed acreage allocations, this disagreement does not mean that the PMPU is insufficient or violates any applicable law or regulation. In addition, the comment's objection to the acreage allocation relates to the PMPU, not the PEIR. The PEIR merely describes the content of the PMPU and analyzes the potential significant environmental effects of the PMPU. Since the comment does not identify any portion of the PEIR which is inadequate, no further response is required by CEQA.

As discussed on pages 4.9-7, 4.9-8, and pages 4.9-30 through 4.9-71 of the Draft PEIR, the proposed PMPU is consistent with the Public Trust Doctrine. The State of California holds all of its navigable waterways and the lands lying beneath them as trustee of a Public Trust for the benefit of the people. (*Colberg Inc. v. State ex rel Dept. of Public Works* (1967) 67 Cal.2d 408, 416.) While Public Trust uses originally focused upon navigation, commerce, and fisheries, Public Trust uses have been interpreted to include broad array of uses such as fishing, hunting, bathing, swimming, boating, anchoring, and general recreation. (*Bohn v. Albertson* (1951) 107 Cal.App.2d 738, 740.) As discussed in *Zack's, Inc. v. City of Sausalito* (2008) 165 Cal.App.4th 1163, 1176 "Trust lands may be

devoted to purposes unrelated to the trust if such purposes are incidental to and accommodate trust uses...” (See also *People v. City of Long Beach* (1959) 51 Cal.2d 875,879-880 [Y.M.C.A. for members of the armed services, which included a dormitory, meal service, entertainment, social rooms, lounge, game rooms, tailor shops, was consistent with Public Trust uses]; *Martin v. Smith* (1960) 184 Cal.App.2d 571, 574, 577, 578 [restaurant, bar/cocktail lounge, motel, swimming pool; shops and a parking area permissible trust uses]; and *Haggerty v. City of Oakland* (1958) 161 Cal.App.2d 407, 413 [hall for exhibitions, conventions and banquets, including food, beverage, and novelty shops are permissible trust uses].)

One of the legal errors in the commenter’s argument is the failure to recognize that “[t]he public uses to which tidelands are subject are sufficiently flexible to encompass changing public needs. In administering the trust the state is not burdened with an outmoded classification favoring one mode of utilization over another.” (*Marks v. Whitney* (1971) 6 Cal.3d 251, 259 relying upon *Colberg*, supra, 67 Cal.2d 408, 421-422.) Hence, the District, as trustee, may choose between trust consistent uses and no one use takes priority over another.

While the tidelands in the District were originally controlled by the state, they were transferred to the District in 1962 with the creation of the San Diego Unified Port District Act. (Draft PEIR page 4.12-16; Cal. Harb. & Nav., Appx. 1 (Port Act);

<https://pantheonstorage.blob.core.windows.net/administration/San-Diego-Unified-Port-District-Act.pdf>). In granting such lands, the court in *Marks* noted that it is “within the wisdom and power of the Legislature, acting within the scope of its duties as trustee, to determine whether Public Trust uses should be modified or extinguished.” (*Marks*, supra, 6 Cal.3d 251, 260-261, relying upon *City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 482, fn 17 [“The administration of the trust by the state is committed to the Legislature, and a determination of that branch of government made within the scope of its powers is conclusive in the absence of clear evidence that its effect will be to impair the power of succeeding legislatures to administer the trust in a manner consistent with its broad purposes.”])

Significantly, the comment does not recognize the broad scope of permissible trust uses outlined in the Port Act, which states “The tide and submerged lands conveyed to the district by any city included in the district shall be held by the district and its successors in trust and may be used for purposes in which there is a general statewide purpose.” (San Diego Unified Port District Act, Section 87.) Section 87 of the Port Act

specifies what trust consistent uses are allowed on tidelands within the District's jurisdiction:

- (1) For the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation.
- (2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities.
- (3) For the establishment, improvement, and conduct of airport and heliport or aviation facilities, including, but not limited to, approach, takeoff, and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance, and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of air commerce and air navigation.
- (4) For the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section.
- (5) For the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses.
- (6) For the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses, including, but not limited to, snack bars, cafes, restaurants, motels, launching ramps, and hoists, storage sheds, boat repair facilities with cranes and marine ways,

administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways, and landscaped areas.

(7) For the establishment and maintenance of those lands for open space, ecological preservation, and habitat restoration.

Moreover, Section 87 specifies that the Port:

[M]ay lease those lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from those leases, franchises, and privileges. Those lease or leases, franchises, and privileges may be for any and all purposes that do not interfere with commerce and navigation.

Hence, the Port is free to lease tidelands for a maximum term of 66 years for public trust consistent uses provided they do not interfere with commerce or navigation.

Page 4.9-8 of the Draft PEIR reiterates these allowable trust uses as follows:

“These include harbors and all necessary structures or appliances necessary, or convenient, for the promotion and accommodation or commerce and navigation; commercial and industrial uses; airport, heliport, or other aviation facilities, including runways, terminal buildings, roadways, etc.; highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, etc.; public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, and golf courses; small boat harbors and marinas, aquatic playgrounds and similar recreational facilities, snack bars, cafes, restaurants, motels, launching ramps, storage sheds, boat repair facilities, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, pedestrian ways, and landscaped areas. Accordingly, under the Port Act, the PMP is the mechanism that dictates where such allowable uses are to be located and how they shall be improved.”

Arguments nearly identical to those raised by the commenter were recently rejected by a court related to the Redondo Beach Waterfront Project. (*Building a Better Redondo v. City of Redondo Beach* (Case No. BS166124.) More specifically that decision stated:

The DEIR stated that uses at the Lagoon will include marine recreation products and rentals, a beach club, maintenance, and snack shops



designed to cater to recreational usage. AR 850. The Tidelands Grant expressly permits these usages of the tidelands. AR 19124-25. Petitioners argue that several aspects of the Waterfront Project are inconsistent with the public trust doctrine and the City's Tidelands Grant. Petitioners first contend that the Project substantially reduces the size of Lagoon Park. One third of the current Lagoon Park footprint would be paved over with a new road and commercial structures. AR 7589 (Staff Recommended Alternative), 61319 (Petitioners comments). The sand and water area within the existing Lagoon Park boundaries would decrease. AR 853. The reduction in grass and beach space significantly impacts the ability of the Park to serve the current peak number of families using it, reducing its attractiveness to current users. AR 61319. According to Petitioners, the City abnegates its duty under the Tidelands Grant to promote the maintenance and operation of marine-oriented parks on the tidelands by prioritizing a road that serves non-marine-oriented offices and a luxury cinema at the expense of the public Lagoon Park. AR 19124 (§2(b)).

... new structures, utilities, and roadways incidental, necessary, or convenient for public uses are expressly permitted under the Tidelands Grant and public trust doctrine. AR 8135, 19124 (§2(d)). Roadways are explicitly permitted trust uses. (See *Building a Better Redondo v. City of Redondo Beach* (Case No. BS166124 Decision p. 98).)

Overnight accommodations are fully permissible Public Trust uses, and there is no specific ratio of parks to hotel uses under the Public Trust Doctrine. In fact, the District may choose among park and hotel uses. (*Marks v. Whitney* (1971) 6 Cal.3d 251, 259 relying upon *Colberg*, supra, 67 Cal.2d 408, 421-422.) This is relevant to the District as it does not currently levy any taxes and revenues to maintain public areas – such as parks – are derived from ground rents collected from commercial uses. Without citing to any provision of the Coastal Act, the commenter also claims that the District is violating its responsibilities under the Coastal Act and must maximize public access by preserving and expanding park space – in particular, in PDs 2 and 3 – under the Coastal Act. PD2 would see a major shift from industrial uses (namely, Aviation Related Industrial [-11.47 acres] and Industrial Business Park [-28.28 acres]) to Commercial Recreation (+52.36 acres). Park/Plaza land designation would remain unchanged at 20.76 acres. In PD 3, land designated as Recreation Open Space would increase by 4.75 acres for a total of 56.82 acres.

Note that the comment fails to identify the “long-promised parks” other than to identify that the District “has chosen to bundle prime tideland parcels solely for commercial purposes, to the exclusion of LCP designated

parks.” The commenter does not define “LCP.” If the comment is referencing a local coastal program, such local coastal programs are inapplicable to the port. Rather the District is governed by Chapter 8 of the Coastal Act and the Port Act, which require a Port Master Plan – not a local coastal program to control uses and development within the Port’s jurisdiction. (Cal. Pub Resource Code §§ 30700 [“this chapter shall govern ... San Diego Unified Port District located within the coastal zone.”], 30714, 30715 [a port master plan is the relevant governing land use plan for the Port and once certified, coastal development permitting authority is vested with the port]; Port Act § 19 [port master plan, once adopted, governs improvements and uses for Port tidelands].)

Additionally, a port master plan is not set in stone and, as specified in Section 30716 of the Coastal Act, may be amended by the Board of Port Commissioners and Coastal Commission to change uses, development parameters, etc. To the contrary, not allowing the Port to amend its PMP would illegally bind future Boards from exercising their authority and discretion. (*In re Collie* (1952) 38 Cal. 2d 396, 398; *Mueller v. Brown* (1963) 221 Cal. App.2d 319, 325.)

Please also see the responses to Comments 015-14 (alleged park commitments), 015-6, 015-7 and 015-3b. For discussion of the Seaport San Diego redevelopment project, please see Master Response M-1. For discussion of consistency with the Coastal Act, please see Draft PEIR Section 4.9 and Table 4.9-1.

Port of San Diego  
January 10, 2022  
Page 2

world-class parks, recreational spaces, and adequate public access to its public trust lands. Yet, the Port has yet to deliver several long-promised parks, and in this most-recent PMPU fails to ensure the provision of two parks promised in its current PMP, in contravention of its legal obligations as detailed below.

The existing hotels and convention center already wall off much of the waterfront. For over a decade, the Port has chosen to bundle prime tideland parcels solely for commercial purposes, to the exclusion of LCP designated parks. In Planning Districts (“PD”) 2 and 3, the PMPU designates a planned increase of 6,286 rooms and 371,556 square feet of retail and restaurant space. (Vol. II, p. 786, App’x D.) With the addition of the Seaport Village project, this becomes 7,822 rooms/keys; 579, 556 square feet of commercial increases; and 150,000 square feet of office space. (**Exhibit C**, SLC Full Submittal, p. 31, 17, 38.) The IHWWY1 Project alone proposes “approximately 1.28 million square feet of hotel uses.” (*Ibid.*)

The Port must prioritize its Public Trust and Coastal Act responsibilities to maximize public access by preserving and expanding the little park space in PD 2 and 3 that remains. Save Our Access urges the Port to revise the PMPU and PEIR to ensure preservation of the public’s access to the waterfront and public tidelands, prevent walling off of the San Diego Bay, and adhere to prior promises and obligations to provide park land.

As drafted, the Port’s PMPU and PEIR do not meet the Port’s duties to the public under the Public Trust Doctrine, Coastal Act, and CEQA. The Port must ensure adequate public access to the tidelands, including through the addition of long-promised park space as detailed below. To help remedy these legal violations, Save Our Access specifically requests:

- Postponement of the PMPU process until one of the largest developments in the Central Embarcadero can be considered as part of the comprehensive environmental review.
- Re-inclusion and a commitment to provide the “two major parks” called for in the current Port Master Plan on North Embarcadero, and Navy Pier Memorial within a reasonable time frame.
- Re-inclusion of Broadway Landing Park and opening of Broadway Pier to mitigate the Broadway Pier Terminal and comply with the CCC Midway Mitigation Order.
- Designation and commitment to provide a non-contiguous 1.25-acre park for the Lane Field settlement within a reasonable time frame.

O15-2  
cont.

O15-3

O15-3a

O15-3b

O15-3c

O15-3d

## Response to Comment O15-3

This comment is a multi-part comment and responses have been separated by topic. However, none of the items requested in this comment is part of the proposed PMPU; all of the items relate to projects or other matters which pre-date the PMPU. In general, the District has either already complied with the documents cited in this comment or is not obligated to analyze or respond to comments O15-3a to O15-3k because the PMPU plans for the future and past unadopted plans/designs are superseded by the integrated planning vision that forms the PMPU framework.

## Response to Comment O15-3a

Please see Master Response M-1 for discussion of potential redevelopment in the Central Embarcadero.

## Response to Comment O15-3b

The District Board approved an MOU on April 12, 2022 with Midway to install and maintain a park at Navy Pier with an allocation of \$11.7 million of District Economic Recovery Program funding through the American Rescue Plan Act as well as commitment from the USS Midway of no less than \$30 million. (See Approved as Resolution 2022-0098.) While the Navy Pier Park project process is beyond the scope of the PMPU, the PMPU does delineate the Navy Pier with the ROS designation in anticipation of a future park. Please also see the response to Comment O15-2.

## Response to Comment O15-3c

There is no mitigation order related to Broadway Landing Park and opening Broadway Pier. Please see the response to Comment O15-2 and O15-3b.

## Response to Comment O15-3d

The commenter does not indicate how the comment, which relates to the Lane Field settlement (an action independent and separate from the PMPU), relates to the PMPU or the PEIR. Because of the lack of information and context contained within the comment, as well as to this comment being specific to a requirement associated with a separate and independent project, the District is unable to determine how the comment relates to the PMPU or its PEIR. However, as demonstrated by the PMPU’s Figure PD3.2, the appropriate acreage of ROS has been designated, on Harbor Drive, north of Broadway. Additionally, as cited in the Draft PEIR, on page 3-57:

“The NEVP Phase 1 CDP requires the District, as part of this PEIR, to identify and analyze certain project components that are not now found in the PMPU. The District is using this Draft PEIR and the proposed PMPU to satisfy the NEVP Phase 1 CDP requirements. First, the NEVP Phase 1 CDP requires the District to identify the location of the proposed “replacement” Waterfront Destination Park, which is the final component of the District’s replacement of the formerly proposed oval-shaped park/plaza at the foot of Broadway. The NEVP Phase 1 CDP requires that the Waterfront Destination Park encompass a minimum of 1.25 acres and provides that the public space, which was constructed at the foot of Broadway Pier (approximately 0.37 acre), as part of the NEVP Phase 1 project “may count towards the 1.25 acres required to be part of the Waterfront Destination Park.” Thus, the minimum required size of the replacement Waterfront Destination Park is 0.88 acre (1.25 acres minus 0.37 acre = 0.88 acre).”

Based on this, the District has satisfied the requirement of the NEVP Phase 1 CDP with the PMPU’s ROS land use designation for the North Embarcadero Subdistrict.

### **Response to Comment O15-3e**

The PMPU Mobility Element, and the Planning Districts water and land mobility figures, include delineations of Mobility Hubs, parking, and waterside access points. The PMPU includes several policies designed to ensure waterfront access, bayfront parking, and small vessel waterfront access. Details are provided in the Mobility Element of the PMPU and additional detail is provided within each Planning District and the respective mobility maps.

### **Response to Comment O15-3f**

The PMPU does not propose any development which would impact Ruocco Park. To the extent the comment relates to future development in Central Embarcadero which is not proposed for approval as part of the PMPU, please see the analysis of and mitigation identified for potential impacts associated with future development in Sections 4.1 through 4.15 of the PEIR. Please also see the response to Comment O15-5.

### **Response to Comment O15-3g**

The PMPU does not propose any development in South Embarcadero which would include the taking of Navy Field Park or Convention Center Park. Although the City of San Diego previously obtained approval of a Phase III expansion of the San Diego Convention Center which proposes to replace an existing ground-level park with a rooftop park, that project was

approved several years ago and is not part of the PMPU. The comment, which presumably relates to mitigation measures associated with other unrelated projects, is not clear and does not indicate how the subject raised relates to the PMPU or the PEIR. No additional response can be provided.

### **Response to Comment O15-3h**

This comment states that the alternatives analysis in the PEIR should include the 2007 Carrier Johnson's Roberts/Peace Park Plan for North Embarcadero and Starow Park Plan for Central Embarcadero. The attachment for the "Carrier Johnson's Roberts/Peace Park Plan" is a single conceptual color drawing that shows an expansive park space where Harbor Drive and the existing buildings are currently sited. The "Starow Park Plan" is a collection of conceptual color images and designs that illustrate a large waterfront development with a substantial amount of overwater coverage and in-water structures. The commenter does not provide any additional information to consider.

Based on the District's review of the two park plans, it is unclear how either of these concepts would reduce a significant impact identified within the PEIR. Furthermore, given the dramatic changes that would need to occur to the existing environment to implement either of these park plans, the feasibility of either of them is considered low. Notably, the comment does not indicate how either of these plans would lessen a significant impact identified in the PEIR or meet the project objectives. The objective of the alternatives analysis under CEQA is to consider a reasonable range of potentially feasible alternatives that would achieve the fundamental objectives of the PMPU and would avoid or substantially lessen any of the PMPU's potential significant impacts. The Draft PEIR includes a reasonable range of alternatives to the proposed PMPU. The alternatives are described in Chapter 6 of the Draft PEIR and include a No Project Alternative, a One-Third Reduced Growth Alternative, a One-Half Reduced Growth Alternative, a Harbor Island Centralized Commercial Recreation Alternative, and a Recreation Open Space Alternative. The comment does not show that the range of alternatives analyzed in the PEIR is inadequate and does not identify which significant impacts of the PMPU would be avoided or substantially lessened by the referenced plans. Therefore, no change to the PEIR is required in response to this comment.

### **Response to Comment O15-3i**

This comment does not identify the purpose, scope or legal basis for the Park Recovery Fund referenced. The comment also does not identify which significant impact identified in the PEIR would be avoided or

substantially lessened by the referenced fund. Although the PEIR determined the construction and operation of new park facilities under the PMPU may have significant impacts, these potential adverse environmental effects are not of the type that would be mitigated by the establishment of a park fee fund or by a developer's payment of such fees. (See PEIR, pp. 4.12-43 – 4.12-50.) The comment also does not raise an environmental issue concerning the adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no response is required and no changes to the Draft PEIR have been made in response to this comment. However, the comment will be included in the information presented to the Board of Port Commissioners when they consider whether or not to adopt the PMPU or any modification thereof.

### **Response to Comment O15-3j**

Please see Master Response M-1 as it relates to piecemealing of the Seaport Village Redevelopment and the PMPU. As discussed in responses to previous comments, the Navy Pier Memorial Park relates to the CDP for the Midway Museum and is not part of the PMPU. Because the comment does not identify the "sole remaining North Embarcadero major mitigation parcels" to which it refers, no further response is possible.

### **Response to Comment O15-3k**

It is unclear what this comment refers to or what the commenter is requesting the District undertake. The commenter does not raise an environmental issue or identify any deficiency associated with the District's compliance with the CEQA process. To the extent the comment could be interpreted as referring to the PMPU's project description, please see the description of land and water uses in each of the proposed planning districts provided in Section 3.5.3, beginning on page 3-23 in Chapter 3, *Project Description*, of the PEIR. No further response is required pursuant to CEQA Guidelines Section 15088 and no changes to the Draft PEIR are required in response to this comment. The commenter does not indicate how the comment relates to the PMPU or the PEIR. Because of the lack of information and context contained within the comment, the District is unable to determine how the comment relates to the PMPU or its PEIR and no further response is required.

Port of San Diego  
January 10, 2022  
Page 3

- Ensure provision of adequate bayfront parking, waterside access, and small craft launches.
- Mitigation of the planned development in Central Embarcadero, including for impacts on Ruocco Park.
- Mitigation for development in South Embarcadero, including the taking of Navy Field Park and pending taking of Convention Center Park.
- Full alternative study of architect Carrier Johnson's 2007 Roberts/Peace Park Plan for the North Embarcadero and the Starow Park Plan for the Central Embarcadero.
- Addition of a developer Park Fee Recovery fund mitigation measure.
- Proper inclusion and analysis of the sole remaining undeveloped North Embarcadero major mitigation parcels, Seaport Village area, and Navy Pier Memorial Park to prevent piecemealing.
- Disclosure of individual parcel, pier, and Harbor Drive segment square footage.

O15-3e

O15-3f

O15-3g

O15-3h

O15-3i

O15-3j

O15-3k

**I. The PMPU and PEIR Violate CEQA By Providing an Inadequate Project Description and Engaging in Piecemealing.**

**A. The PMPU Provides an Inadequate Project Description.**

The contents of a master plan EIR must include a description of anticipated subsequent projects that would be within the scope of the master plan EIR. (Pub. Resources Code § 21157, subd. (b)(2); CEQA Guidelines, § 15716, subd. (b).) Yet, the PMPU and PEIR omit disclosure or analysis of the major planned expansion of the Central Embarcadero – an anticipated subsequent project, stating:

With the exception of the redevelopment of the existing restaurant of G Street Mole (currently, the Fish Market), and roadway improvements along Harbor Drive, *the PMPU does not propose any new uses, development, or change in intensity of development in Central Embarcadero*. Rather, the *continuation of the existing uses*, with potential maintenance of and *minor improvements to existing development, such as Seaport Village and Tuna Harbor*, could be allowed under the proposed PMPU.

(PMPU, p. 277, emphasis added.) The PEIR continues:

The remainder of the Subdistrict, which is mostly made up of Seaport Village, would remain as existing conditions with the exception of

O15-4

## Response to Comment O15-4

The comment erroneously assumes that the District prepared a “master plan EIR” pursuant to “Pub. Resources Code § 21157(b)(2) and CEQA Guidelines § 15716(b) [sic]” and that this necessitates inclusion of subsequent projects that would be within the scope of the master plan EIR in the PMPU and the PEIR. The comment improperly equates the name of the project (i.e., Port Master Plan), with a specific type of CEQA document (“Master EIR”). The District did not prepare a “Master EIR” under CEQA Guidelines Section 15176(b) or Public Resources Code § 21157(b). Instead, as discussed in Chapter 1 of the Draft PEIR, the District prepared a program EIR “pursuant to State CEQA Guidelines Section 15168 for the PMPU.” According to State CEQA Guidelines Section 15168, a program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and that are related either geographically or as individual activities carried out under the same authorizing statutory or regulatory authority, and that generally have similar environmental effects that can be mitigated in similar ways. A program EIR is distinct from a project EIR, which is prepared for a specific project and must examine site-specific considerations in detail.

The PMPU PEIR clearly states that it is a “program EIR” pursuant to CEQA Guidelines Section 15168 and that environmental review of future development projects would occur pursuant to Section 15168(c) and the “tiering” provisions of CEQA Guidelines Section 15152. (PEIR, § 1.2, pp. 1-2 – 1-3.) CEQA Guidelines Section 15168(c) anticipates site-specific future development projects may be subject to separate environmental review. CEQA Guidelines section 15152 encourages agencies to “tier” their environmental review whenever feasible. (Public Resources Code § 21093(b).) “Tiering” refers to the coverage of general matters in broader EIRs, such as for general plans or policy statements, followed by site-specific environmental review for subsequent projects. Tiering is appropriate where the sequence of analysis is from a program EIR prepared for a plan like the PMPU to separate site-specific EIRs for individual development projects. (CEQA Guidelines § 15385.) Additionally, CEQA is clear in distinguishing the required level of specificity for PEIR: “The degree of specificity in an EIR need only correspond to the degree of specificity involved in the underlying activity which is described in the EIR.” (*Towards Responsibility in Planning v. City Council, supra*, 200 Cal.App.3d at p. 681; *Atherton v. Board of Supervisors* (1983) 146 Cal.App.3d 346, 350–351; CEQA Guidelines § 15147.)

Further, the comment raises a concern that insufficient information analysis is provided regarding the level of detail contained in the PEIR

related to potential conceptual projects. Both the PMPU and the PEIR consistently state that no specific future development projects are proposed for approval. No specific siting decisions have been made by the District and the location, timing, scale, and design of site-specific uses, are unknown at this time. The District has also not committed to a definite course of action regarding the location of potential conceptual projects. CEQA anticipates that under a tiering scenario concepts described in the PMPU will be analyzed at a project level when specifics are known. For that reason, the Final PEIR is intended to be a "program EIR" or "tiering EIR," with subsequent environmental review to follow in the event site-specific, projects are proposed in the future. (*Rio Vista Farm Bureau v. County of Solano* (1992) 5 Cal.App.4<sup>th</sup> 351). The comment also objects that documents relating to the Seaport San Diego proposal indicate the District is pursuing development of the Central Embarcadero and the Seaport San Diego project is a reasonably foreseeable consequence of the PMPU. Please see Master Response M-1 for discussion of the Seaport San Diego project, including its inclusion in the PEIR's analysis of potential cumulative impacts.



Port of San Diego  
January 10, 2022  
Page 4

maintenance . . . and tenant improvements to the existing structures, and the addition of activating uses like live music, outdoor dining, etc.

(PEIR, p. 3-69.)

The Port's claim that Seaport Village "would remain as existing conditions" is belied by 1) the Exclusive Negotiating Agreement ("ENA") the Port entered into with 1HWY1, the developer of the "Seaport San Diego World Class Waterfront Development," after the Port selected 1HWY1 as the successful proposer of the Seaport Village development (**Exhibit A**); 2) the Port's August 21, 2020 request to the State Lands Commission for preliminary Public Trust doctrine consistency review of the Seaport Project (**Exhibit B**); and 3) the Port's January 19, 2021 Supplemental Submittal to the State Lands Commission (**Exhibit C**).

The Port's own website states, "The Port of San Diego is pursuing development of the Central Embarcadero."<sup>1</sup> The developer 1HWY1 was selected by the Port in November 2016 to redevelop the Central Embarcadero.<sup>2</sup> The Project's own website reports anticipating groundbreaking as early as 2024. The Seaport Village development would create environmental impacts that should be analyzed and mitigated comprehensively in the PMPU. The Seaport Proposal, a reasonably foreseeable project and consequence of the PMPU, should be disclosed.

#### **B. The PMPU Engages In Improper Piecemealing of Environmental Review.**

CEQA requires analysis of "the whole of an action," including activities that are a reasonably foreseeable consequence of a project, and prohibits evading comprehensive CEQA analysis by splitting projects into separate pieces. (CEQA Guidelines § 15378; *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283-84; *Orinda Assn v. Board of Supervisors*

<sup>1</sup> <https://www.portofsandiego.org/projects/central-embarcadero>. The PEIR also asserts, "The Central Embarcadero will continue to provide a mix of recreational, commercial, and commercial fishing uses along the existing 6-mile-long waterside promenade, which will continue to provide continuous coastal access..." (PEIR, p. 3-68.) Yet, the planned 1HWY1 project proposes a massive overhaul of the accessible Seaport Village. The PEIR states, "the whole of Seaport Village is pedestrian-oriented and contains a meandering network of paths." "The western end of Seaport Village includes a collection of low-rise (one- or two-story) freestanding buildings that are clustered around and extending off of a central plaza area." (PEIR, p. 4.1-17.)

<sup>2</sup> <https://www.sandiegouniontribune.com/business/growth-development/story/2021-01-08/whats-happening-with-seaport-san-diego-the-2-5b-redo>

O15-4  
cont.

O15-5

See  
O15-4

## **Response to Comment O15-5**

Please see Master Response M-1 for discussion of alleged piecemealing, including discussion of the Seaport Village, National City Bayfront Planning District, and the Chula Vista Bayfront Planning District. The comment suggests that the 1HWY1 project would be inconsistent with height limits proposed in the Central Embarcadero subdistrict and cites a proposed 500-foot observation tower. As discussed in that Master Response, the 1HWY1 (Seaport San Diego) proposal is included in the PEIR's analysis of cumulative impacts and the cumulative aesthetics analysis expressly considered a "480-foot-tall observation tower." (Draft EIR, page 4.1-75.) The commenter also states that "office space" is "inconsistent with the Public Trust Doctrine" while referencing the "Seaport Village project." As noted in the Master Response M-1, the Seaport San Diego project is not part of the PMPU. Additionally, the reference to office use was for "maritime related office uses" which is fully consistent with the Public Trust, as discussed in Response O15-2. (November 8, 2016, Board Presentation (starting at 45 minutes); see also November 8, 2016, Board Report, <https://portofsandiego.legistar.com/LegislationDetail.aspx?ID=2875889&GUID=24A68565-35DB-4984-B227-D76D4CD1266E&FullText=1>.) No changes to the PEIR are required in response to this comment.

Port of San Diego  
January 10, 2022  
Page 5

(1986) 182 Cal.App.3d 1145, 1171.) “[E]nvironmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences.” (*Bozung, supra*, 13 Cal. 3d at 283-284.)

The PMPU describes the vision for development at the Port, sets development standards, directs the pattern of development for each of the Port’s ten planning districts, and provides guidance for implementation of and conformance to the Port Master Plan. The Port improperly excluded planned projects from the PMPU and PEIR, constituting illegal piecemealing of project impacts.

The Port is undergoing the environmental review process for the Port Master Plan Update without properly examining the effects of the Seaport Proposal concurrently. (*City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1337-38.) The sole reason for establishing the PMPU is to “govern[] the use, design, and improvement” of the Waterfront. (PMPU, p. 1.) In fact, the California Coastal Act requires the Port Master Plan to include “[t]he proposed uses of land and water areas, where known.” (Pub. Resources Code § 30711, subd. (a)(1).) The PMPU should not have omitted the discussion of the Seaport project proposal, but rather included this information and its environmental review process properly within review of the PMPU.

The PMPU states that its “Integrated Planning Process was built on the importance of transparency and inclusivity.” (PMPU, p. 8.) Now is the time to consider the recreation and public access impacts of the massive-planned development increases in the Central Embarcadero, including land uses, such as office space, that are inconsistent with the Public Trust Doctrine. The Port must disclose the planned development associated with massive expansion project planned for the Central Embarcadero. The Port also should have included the plans and environmental review for the National City Bayfront Planning District (PD5) and the Chula Vista Bayfront Planning District (PD6) in the PMPU and PEIR. The fact that environmental review for the National City Bayfront Planning District is ongoing does not preclude the Port from incorporating this review into the PMPU. The Port’s failure to provide a comprehensive and complete review of anticipated development results in a piecemeal plan that may mislead the public to believe no new projects are planned for the area. The PMPU and PEIR must be re-circulated to provide a full and complete understanding of planned development on the waterfront.

Piecemeal environmental review prevents a complete and comprehensive review and disclosure of the full environmental impacts of the PMPU development, especially on public views, recreation, public access, and greenhouse gasses. For example, in

O15-5  
cont.

Port of San Diego  
January 10, 2022  
Page 6

discussing visual impacts, the PEIR states “height limits in Central Embarcadero are limited to 45 feet.” (PEIR 4.1-65). Yet, the IHWWY1 proposal envisions a mix of hotels, including one at the base of a 500-foot observation tower.  
(<https://www.sandiegouniontribune.com/business/growth-development/story/2021-01-08/whats-happening-with-seaport-san-diego-the-2-5b-redo>.)

O15-5  
cont.

The PEIR states that “[t]he PMPU, by including individual planning district development standards for scenic vistas, landscaping, walkway, promenades, and street design clearly defines what can be achieved without a future site-specific project requiring a Port Master Plan Amendment to the certified PMPU.” (PEIR, p. 3-6.) The inclusion of high-level design standards cannot circumvent the need for further environmental review under a Port Master Plan Amendment where required, especially for major development proposals.

O15-6

## **II. The PMPU and PEIR’s Exclusion of Parks and the Potential for Walling Off the Waterfront With Hotels Violates the Public Trust Doctrine and the California Coastal Act.**

### **A. Regulatory Landscape.**

The Port holds its land in trust for the public and owes fiduciary duties to manage it for the public’s benefit. The Public Trust Doctrine limits the uses of sovereign lands to waterborne commerce, navigation, fisheries, open space, water-oriented recreation, ecological habitat protection, and other recognized public trust purposes. “[T]he public trust is more than an affirmation of state power to use public property for public purposes. It is an affirmation of the duty of the state to protect the people’s common heritage of streams, lakes, marshlands and tidelands, surrendering that right of protection only in rare cases when the abandonment of that right is consistent with the purposes of the trust.” (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 441).

O15-7

The public trust doctrine is incorporated into the California Constitution and the California Coastal Act. The Coastal Act emphasizes protection and provision of public access along California’s coast. Section 30210 of the Coastal Act requires that maximum public access and recreational opportunities be provided.

The Coastal Act mandates that the Commission require that “maximum access” and “recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.” (Cal. Pub. Resources Code § 30210).

## **Response to Comment O15-6**

Notwithstanding the inclusion of baywide and subdistrict development standards in the PMPU, the District retains the discretion to adopt future amendments to the PMP where necessary and appropriate. In addition, the PEIR provides a detailed description of the CEQA process for environmental review of future development proposals pursuant CEQA Guidelines Section 15152 (tiering) and Section 15168 (program EIR). (PEIR, pp. 1-2 – 1-3.) Additional information about the tiering process, including that CEQA encourages public agencies to use tiering whenever possible and tiering explicitly authorizes separate environmental review of master plans like the PMPU and site-specific projects like Seaport San Diego, has been added to Chapter 1 of the PEIR. Please also see Master Response M-1.

## **Response to Comment O15-7**

This is an introductory comment to more specific comments which follow and which are addressed in the responses below. Please see response to Comment O15-2 for discussion of the Public Trust Doctrine, and response to Comment O15-14 for discussion of recreation analysis.

Port of San Diego  
January 10, 2022  
Page 7

**B. The Port's Failure to Reinstate Two Major Parks, Develop A Memorial Park and Eliminate Parking on Navy Pier Over 20 Years After Making Its Commitment Violates the Coastal Act, the Public Trust Doctrine, the Port Master Plan, CEQA, and the Midway Lease.**

For all intents and purposes, the PMPU and PEIR remove the current Port Master Plan's explicit provision of two "major parks," a Navy Pier 5.7 acre memorial park, and a substantial linear esplanade park on the urban waterfront.<sup>3</sup> These projects connect the first major downtown street, Harbor Drive, to the water's edge, enhancing public views and pedestrian access opportunities from upland areas to San Diego Bay." (PMP, p. 59.)

On October 2, 2020, our firm submitted a letter to the Port setting forth how the Port committed, over 20 years ago, to eliminate the parking on Navy Pier and convert the parking to a memorial park. (**Exhibit D.**) This comment letter also argued that the Port's failure to develop a memorial park and eliminate parking on Navy Pier over twenty years after making its commitment is violation of the Coastal act, the Public Trust doctrine, the Port Master Plan, CEQA, and the Midway lease. (*Ibid.*) The arguments set forth in our October 2, 2020 letter are incorporated herein.

The only discussion and analysis of a park on Navy Pier in the PMPU are the following three sentences:

PD3.3 - Designate the entire Navy Pier with the Recreation Open Space land use designation on the Embarcadero Planning District Water and Land Use Map (Figure PD3.2).\*

\* The amount of parking will be determined and included in the draft Port Master Plan at a future date. Development on the Navy Pier will be required to comply with Recreation Open Space regulations and subdistrict development standards.

(PMPU, p. 264.)

<sup>3</sup> "[North Embarcadero Alliance Visionary] Plan recommends a substantial linear esplanade park on the urban waterfront with public art, street furniture, public spaces, expansive Bay views and public parking. The Plan proposes two major parks and plazas at the County Building and the foot of Broadway, and includes recreational piers and associated public facilities, harbor excursion landings and water-related commercial uses on Port tidelands." (Port Master Plan, p. 59.)

## Response to Comment O15-8

As the comment acknowledges, the PMPU designates the location of the proposed park as Recreation Open Space. In addition, as indicated in response to Comment O15-3b, the District Board approved an MOU on April 12, 2022 with Midway to install and maintain a park at Navy Pier with an allocation of \$11.7 million of District Economic Recovery Program funding through the American Rescue Plan Act as well as commitment from the USS Midway of no less than \$30 million. Additionally, on February 9, 2023, the Coastal Commission approved a CDP for Navy Pier that allows for a 3.6-acre public park, promenade, trails, parking, and other amenities. This approval addresses the comment regarding elimination of the Navy Pier parking lot conversion to recreational space. As to the "substantial linear esplanade park" referenced in the comment, the PMPU shows that a linear recreational park, to the west of Harbor Drive, throughout the North and Central Embarcadero Subdistricts of PD3, is planned, as shown on Figure 3.1.1 and Figure PD3.2. Finally, an EIR is not required to mitigate existing environmental conditions or ensure enforcement of previously issued permits. Therefore, no further response regarding the Navy Pier park is required. Please also see responses to Comment O15-2 and Comment O15-3b.

O15-8

Port of San Diego  
January 10, 2022  
Page 8

These sentences and the one sentence in the PEIR that pertains to a park on Navy Pier (PEIR, p. 3-52) fail to provide any details regarding the timeline and scope of the park on the pier. This is unacceptable in light of the Port's failure to honor the commitment it made over twenty years ago to eliminate parking on Navy Pier and build a memorial park.

O15-8  
cont.

Further, the PMPU and PEIR fail to satisfy the Coastal Commission Midway Mitigation Order declaring Broadway Pier reserved as open viewshed to mitigate the carrier placement in the Central Embarcadero. The pier now has a terminal.

O15-9

### C. The PMPU Improperly Facilitates Hotel Development Instead of Public Parks.

The PMPU and PEIR allow hotels on every major tideland parcel from East Harbor Island to the Hilton. Every major Port prime waterfront parcel, except for Ruocco Park, has been designated for commercial interests (See PEIR, p. 3-11) to the detriment of public access. The large-scale hotel development will create significant environmental impacts on recreational amenities, waterfront views, vehicular access, and land use impacts. The Port has evaded its responsibilities under the Public Trust Doctrine to manage the tidelands in public trust and maximize public access.

O15-10

The PMPU and PEIR obscure the Port's park deficit. The Port's own consultant, HKS, Inc. ("HKS") notified the Port of its major park deficit<sup>4</sup>. HKS was hired to conduct the first full audit of San Diego Bay's land, water, parks, view corridors, and waterside access. At a public board meeting, President Randy Morton presented HKS' findings and strongly criticized the Board for the bay park deficit, lack of land, water, and park planning; and denial of waterside public access. HKS reported a mere 8.3% of the Port's land is devoted to parks, "well below the amount of public, recreational park land we expect to find at the best of class waterfronts." HKS called for a goal of "22% Parks (405 ac.)" and "New Access: 32.5 ac" [park] "Development: 199.3 ac."

O15-11

In response, the Port formed a Citizens Advisory Committee ("CAC"), and invited the CAC to submit nine park renderings from local architects. The Port rejected all park renderings, disempowered the CAC, and disbanded the CAC over member objections.

<sup>4</sup> Save Our Access requests that HKS' findings, report, and/or any other documentation be provided and analyzed in the Final EIR.

## Response to Comment O15-9

The "Coastal Commission Midway Mitigation Order" is not a part of the PMPU and the comment does not provide any information to identify the order or its content. However, the San Diego Superior Court ruled in favor of the District on the same claim in a judgment entered on May 25, 2011 in *San Diego Navy Broadway Complex Coalition v. San Diego Unified Port District* (San Diego Superior Court Case No. 37-00096726-CU-MC-CTL), finding that the Coastal Commission also rejected that claim. Further, CEQA does not require the PEIR to analyze or to satisfy a mitigation requirement of another agency for another project.

## Response to Comment O15-10

The potential impacts of future development allowed under the PMPU are analyzed and, where necessary, mitigated in Chapter 4, *Environmental Analysis*, including potential impacts on recreational amenities (Section 4.12, Threshold 5), waterfront views (Section 4.1, Thresholds 1, 2, 3), vehicular access (Section 4.14, Thresholds 1, 2, 3) and land use (Section 4.9, Threshold 2 and Table 4.9-1). Although it refers to several alleged impacts generally, the comment does not identify any aspect of the PEIR which it considers inadequate. Accordingly, no further response is possible or required. Please see response to Comment O15-2 for discussion of the Public Trust and response to Comment O15-14 for discussion of the park and recreation analysis.

## Response to Comment O15-11

This comment states the commenter's opinion that the District has a "park deficit" and the amount of District land devoted to parks is well below the amount of public, recreational park land expected "at the best class waterfronts." However, the comment does not refer to any policy, goal or objective of the PMPU or to any part of the PEIR, such as Section 4.12, *Public Services & Recreation*, which analyzes the PMPU's potential impacts on parks and recreational facilities. Further, HKS prepared the *San Diego Port Master Plan Update Assessment Report Vision Statement and Guiding Principles*, dated August 14, 2014. This stated that the District contains 147 acres of parks districtwide, including Planning Districts that were excluded from the PMPU area, (p. 38). Additionally, the Vision Statement identified that park space is 8.1 percent of total District land area or 147 acres (p. 42). However, it also maintained that open space is 74 percent of total District land area (1,344 acres), which is "very high" and also indicated that, "Too much open space is an endemic problem of underperforming properties and leads to a simple conclusion: the Port

needs to build more buildings and promote appropriate development.” Additionally, the *PMPU Framework Report* dated November 2015, stated on page 37, “The goal is to expand available park space or improving existing parks to provide greater opportunities for the public to access the waterfront...” This Framework Report was accepted by the Board, on November 17, 2015, and served, along with the PMPU Vision Statement, “...as a guiding document for...” preparing the PMPU (p. 3, Framework Report). The Framework Report clearly stated that the District could choose how the PMPU addressed park space. The PMPU could either add park space or improve existing parks. However, and most importantly, the PMPU proposed Recreation Open Space (ROS) lands, which includes parks, are a total of 279.95 acres, approximately 20 acres over the PMPU area’s existing 259.62 acres. The PMPU does not provide an acreage of only parks, but instead shows the ROS Land Use Designation acreage. Finally, this comment does not raise an environmental issue. Therefore, pursuant to CEQA Guidelines Section 15088, no further response is required. Please see response to Comment 015-14 for a detailed response to the comment that the Draft PEIR park and recreation analysis is deficient. Please also see response to Comments 015-12 through -18.

Port of San Diego  
January 10, 2022  
Page 9

The Port lacks a Parks Department and does not have a comprehensive Park Master Plan—the PMPU should establish these to ensure adequate provision of parks.<sup>5</sup>

O15-12

The PMPU combines the prior PMP designations “Parks/Plaza”<sup>6</sup>, “Golf course,” and “Open Space” into a single land use designation of “Recreation Open Space” in the PMPU. (PEIR, p. 3-9). The PEIR states: “The Recreation Open Space designation allows for a variety of recreational features for visitors in the proposed PMPU area, which may include anchorage areas, watercraft launch ramps, public docking, restaurants, **overnight accommodations, retail facilities**, sportfishing facilities, aquatic centers, attractions, boat rental operations, golf courses, museums, parks, plazas, performance venues, beach areas, recreational vehicle and camping areas, **yacht clubs**, and activating features such as shade structures, interactive activities, performances or other entertainment, education, games or play, exercise, or art (see Table 3.1.5 of the proposed PMPU). (4.12-50, emphasis added.) History has shown that the Port has prioritized hotels and commercial retail over parks. Hotels and retail facilities are not “recreation open space” and should have a separate designation. Save Our Access requests the Port to clarify what commercial uses will be allowed in the Recreation Open Space. The PMPU and PEIR must include a “Park” land use designation category and designate sufficient Park space.

O15-13

As the San Diego Union Tribune reported, this is not the first time the Port has reneged on earlier plans for parks. (<https://www.sandiegouniontribune.com/sdut-In5water005636-oval-park-isnt-part-waterfront-plan-2009aug05-story.html>.) In 2009, the Port removed a proposal for a large, oval public park (79,200 square feet) in exchange for a smaller “hardscape” plaza (16,000 square feet) that would double as the driveway to the cruise-ship terminal at Broadway and North Harbor. (*Ibid.*) Coastal Commission District Manager Diana Lilly was quoted stating, “As you start to take them as a whole, you suddenly realize what is supposed to be a park area isn’t going to be a park anymore.” (*Ibid.*)

<sup>5</sup> HKS further stated: “A comprehensive plan, in coordination with a water plan and a development plan, would guarantee more valuable parks, more waterfront access, better usage through park programming...” [CITE]

<sup>6</sup> The Parks and Plaza designation should also be separate, given the Port’s previous substitute of a park for a plaza, which doubled as the driveway to the cruise-ship terminal at Broadway and North Harbor. (<https://www.sandiegouniontribune.com/sdut-In5water005636-oval-park-isnt-part-waterfront-plan-2009aug05-story.html>.)

See  
O15-12

See  
O15-13

## Response to Comment O15-12

The commenter is mistaken. The District does have a Parks and Recreation Department. Furthermore, a park master plan is not a mandatory component of a Port Master Plan. Please see response to Comment O15-14. Additionally, the PMPU includes several policies related to increasing and maintaining park and recreational space. Examples include, but are not limited to, the following:

**WLU Policy 4.1.1:** There shall be no net loss of acreage designated as Recreation Open Space in a subdistrict or in a planning district if no subdistrict exists.

**WLU Policy 4.1.2:** Recreation Open Space should be designated along the water’s edge.

**WLU Policy 4.1.3:** Recreation Open Space areas shall be publicly accessible to a diverse user group with the intent of providing a variety of water-oriented experiences.

**WLU Policy 4.1.5:** The design and location of Recreation Open Space shall be in accordance with Section 4.2, Recreation Open Space and Activating Features Standards (Chapter 4, Baywide Development Standards).

**WLU Policy 4.2.6:** All parks, including those within leaseholds, shall be open to the general public during park hours for at least 85 percent of the year. No more than 15 percent of the year shall permitted temporary large special events (in accordance with the District’s procedures and guidelines, once established) limit public access (i.e., exclude the public or require admission for entry) in parks. The 15 percent shall be distributed throughout the year and not occur only in the summer months.

No changes to the PEIR are required in response to this comment.

## Response to Comment O15-13

The comment has identified an error on page 4.12-50 of the Draft PEIR. The description of uses allowed in the ROS designation, on page 4.12-50 of the PEIR, incorrectly includes “overnight accommodations” and “retail facilities.” Overnight accommodations, including hotels, are not allowed in the Recreation Open Space designation. Additionally, some retail uses may be allowed as Secondary Uses (e.g., activating features [commercial], Fishing Tackle Rental & Sales; Restaurant [Limited Service], PMPU, Table 3.1.3) within the ROS, in order to attract visitors to the waterfront, as required by the Coastal Act and the Public Trust Doctrine. Accordingly, page 4.12-50 will be corrected in the Final EIR to delete the references to “overnight accommodations” and “retail facilities.” This has been revised in the Final PEIR under the “Revisions to the Draft PEIR” chapter. The

Port of San Diego  
January 10, 2022  
Page 10

### III. The EIR Fails to Adequately Disclose, Analyze, and Mitigate the Plan's Environmental Impacts.

#### A. The EIR Fails to Disclose and Mitigate Recreational Impacts from the Exclusion of Parks.

The PMPU and PEIR fail to disclose the impact of the PMPU's development buildout and park deficits on existing parks. As noted above, the PMPU improperly fails to ensure the addition of long-promised parks to the waterfront.

The PMPU and PEIR fail to disclose the impact of the PMPU's development buildout and park deficits on existing parks. As noted above, the PMPU improperly fails to ensure the addition of long-promised parks to the waterfront.

The PEIR notes that park and recreational facility capacity within the Proposed PMPU is not quantified. (PEIR, p. 4.12-11.) It further states, "there are no District-specific park planning standards to consider. However, as discussed in Section 4.12.3.2, the California Coastal Act of 1976 (CCA) includes requirements for the provision of public access and recreational opportunities within the coastal zone." (*Ibid.*)

The PEIR discusses PMPU policies that may avoid or reduce impacts.<sup>7</sup> (PEIR, p. 4.12-21.) Yet, these policies do not adequately ensure the inclusion, funding, and addition of parks. (PEIR, 4.12-22.) The Port has consistently failed to follow through on its promises to develop long-awaited parks, often pointing to an inadequate budget. The Port should analyze the potential to place a fee on new development to create a fund for park space. The Port needs to identify a funding source for parks and include an enforceable commitment to provide park space.

The PEIR points to the PMPU's designated acreage for Recreation Open Space and notes *potential* future improvements in discussing the PMPU buildout's potential to cause impacts from maintenance of performance objectives for parks. (PEIR, p. 4.12-43)

<sup>7</sup> Further, Policy 4.2.1 only requires permittees to provide an array a "variety of recreational uses." This should be made more specific to include a certain percentage of open space, plaza, or park, or to provide funds for development of park space. Policy 6.1.1 needs to strengthen its language to place mandatory requirements of lower-cost recreational facilities. ("Permittees of development are **encouraged** to provide a variety of lower cost visitor and recreational facilities to improve coastal access.") The Port should also provide more information on Policy 6.1.4 "The District may elect to establish an in-lieu fee program that permittees may participate in to satisfy the requirement for provision of lower cost visitor and recreational facilities, with the following conditions," and what that fee program would entail.

allegations regarding a San Diego Union Tribune report do not relate to the PMPU or the PEIR. Therefore, no further response is required.

### Response to Comment O15-14

The comment alleges that "the PMPU improperly fails to ensure the addition of long-promised parks to the waterfront." The commentor (1) applies the incorrect legal standard to the analysis of impacts associated with recreational facilities, (2) fails to apply the significance thresholds and methodology from the Draft PEIR, (3) ignores that impacts under CEQA are based upon existing physical conditions, (4) ignores that the PEIR has already quantified recreational space, (5) does not recognize that the PEIR can make reasonable assumptions regarding buildout without guaranteeing those assumptions, and (6) ignores that PMPU policies can include permissive policy language.

As discussed in Section 4.12.4.1 of the Draft PEIR, the need for additional public services, such as park space, is not an environmental impact that CEQA requires a project proponent to mitigate. (*City of Hayward v. Board of Trustees of the California State University* (2015) 242 Cal.App.4th 833, 842, 843; see also *Save Our Access San Gabriel Mountains v. Watershed Conservation Authority* (2021) 68 Cal.App.5th 8.) "[R]ecreational impacts are considered relative to the proposed PMPU's potential to accelerate physical deterioration of existing recreational facilities." (Draft EIR Section 4.12.4.1.) This methodology is fully consistent with the PEIR's use of the recreational thresholds from CEQA Guidelines Appendix G, which asks whether the project would "Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated."

The commenter's comparison to hypothetical future conditions is also improper. Impacts under CEQA are based upon existing physical conditions at the time of the NOP, not hypothetical future conditions (i.e. conditions with "long-promised parks"). As discussed by the Supreme Court "an approach using hypothetical allowable conditions as the baseline result in illusory comparisons." (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310.)

Impacts associated with parks were analyzed in PEIR Section 4.12 under significance thresholds 4, 5, and 6. The analysis for threshold 5 discusses the potential for physical deterioration of existing parks and states in part:

Under the proposed PMPU, the amount of berthing for recreational boats could increase by 75 anchorages (moorings) and 485 recreational berthing slips. In addition, land designated for Recreation Open Space uses would total 273.65 acres, which would



be an increase of 14.03 acres over existing conditions. Potential landside development identified in the proposed PMPU would include reconfiguring Shelter Island Drive, Harbor Island Drive, and Harbor Drive, which would allow for the expansion of landside Recreation Open Space in PD1, PD2, and PD3. Within PD1 and PD2, the reconfiguration of Shelter Island Drive and Harbor Island Drive would allow for expanded waterside promenades, a series of garden spaces, amenity zones, and additional activating features. Within PD3, the reconfiguration of Harbor Drive would allow for the creation of Recreation Open Space along the west side of North Harbor Drive, including a series of garden spaces that are linked through pathways, as well as up to 16 activating features, 9 of which may be pavilions.

...

Future development under the proposed PMPU—including up to 3,910 hotel rooms, 162,000 square feet of meeting space, and 339,489 square feet of retail and restaurant space—would result in increased use of existing recreational facilities. Given the number of visitors that could occur under the proposed PMPU, increased use of existing recreational facilities would also occur. However, future development under the proposed PMPU would also increase the amount and accessibility of recreational facilities and features within the proposed PMPU area by 14.03 acres. The provision of these additional recreational facilities would help offset any additional demand placed on existing recreational facilities from increased visitors to the proposed PMPU area. In addition, the District currently manages 22 parks and miles of walking and biking trails along the waterfront to make up approximately 259.62 acres of Recreation Open Space within the District Tidelands. Many of these parks do not have a quantifiable capacity and depend upon activities that can vary on a day-to-day basis. If certain facilities are being used, individuals may elect to participate in ongoing activities or choose alternate activities in the proposed PMPU area. As such, the impact of increased use of the surrounding parks would be dispersed, and usage would not result in substantial physical deterioration of these facilities. Moreover, the District currently conducts routine maintenance of its existing park and recreational facilities and has a regular maintenance program that would repair or replace deteriorating facilities on an ongoing basis. The District would continue to maintain any new recreational facilities developed under the proposed PMPU. Therefore, the proposed PMPU

would not result in the substantial or accelerated deterioration of these amenities, and impacts would be less than significant.

The methodology applied above is nearly identical to that upheld by the Court of Appeal in *Save Our Access San Gabriel Mountains v. Watershed Conservation Authority* (2021) 68 Cal.App.5th 8 [“concluding there would be not substantial physical deterioration [of parks] (or acceleration of deterioration, because displaced visitors would be dispersed across a large region. That is a rational conclusion...”)].

While the commenter suggests that “The Port should include a direct quantification of provided park space,” the analysis already includes this information, stating “land designated for Recreation Open Space uses would total 273.65 acres, which would be an increase of 14.03 acres over existing conditions.” Recreational space is also already broken down by subdistrict in Draft EIR Section 3.5.3, *Proposed Planning Districts*. In particular, Figures 3-2 through 3-12, with specific breakdown of the change in acreage in Tables 3-5 through 3-13.

The commenter also faults the EIR for not guaranteeing development of park space. However, EIRs for planning documents can make reasonable assumptions regarding buildout of those plans. As explained by the Court of Appeal, “A public agency can make reasonable assumptions based on substantial evidence about future conditions without guaranteeing that those assumptions will remain true.” (*Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1036.) That Court reached the same conclusion years later when it rejected an argument that an EIR for a Master Plan was inadequate because it allegedly “mistakenly assumes the university will be built” (See *Environmental Council of Sacramento v. County of Sacramento* (2020) 45 Cal.App.5th 1020.) The PMPU EIR made reasonable assumptions regarding buildout, as discussed in the Project Description.

To address the alleged lack of park space the commenter suggests that the District (a) place a fee on new development to fund for park space, (2) revise policy 4.2.1 to include a certain percentage of open space, plaza, or parks, (3) revise Policy 6.1.1 to place a mandatory requirement of lower-cost recreational facilities (faulting the existing language of only “encouraging” these actions, (4) requiring “more information on Policy 6.1.4” and the associate fee program.

Even if implemented, these policy modifications would not reduce or avoid a significant impact on the environment. As discussed above, these suggestions are based upon the improper premise that the District should provide “sufficient park space.” Furthermore, not every policy in planning documents must be mandatory to comply with CEQA. Other organizations

routinely fault programmatic documents, such as General Plans, Long Range Development Plans, and Port Master Plans for this type of language. (FN1) However, such broad planning documents require some flexibility for unique scenarios and projects. Similar challenges to mitigation measures and policies have regularly been rejected by the Courts in these circumstances. (*Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29 ["a first-tier EIR may contain generalized mitigation criteria and policy-level alternatives.]).

There is nothing in CEQA that precludes mitigation measures which encourage environmentally beneficial actions. This is particularly true with policy documents, where the public agency must balance a number of competing policy considerations and allow sufficient flexibility to account for the peculiarities of each individual project and piece of property. As also discussed by the California Supreme Court "the Legislature is not limited to means which are mandatory or coercive but can also employ means reasonably calculated to facilitate or encourage appropriate action by local entities." (*DeVita v. County of Napa* (1995) 9 Cal.4th 763, 818.) Such statements are equally true for policy documents adopted by the District. The commenter's assertion was expressly rejected by the Court of Appeal in *Sierra Club v. County of Tehama* (2012) WL 5987582 (Case No C066996; <https://www.courts.ca.gov/opinions/nonpub/C066996.PDF>), in which the Court noted:

Appellants complain the implementations measures are 'hor[t]atory,' not mandatory. However, they offer no legal authority on this point...Where devising specific mitigation measures early in the planning process is impractical, 'the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. Where future action to carry a project forward is contingent on devising means to satisfy such criteria, the agency should be able to rely on its commitment as evidence that significant impacts will in fact be mitigated.'

Similarly, in *Sierra Club v. County of Tehama* the court rejected an argument that the County must adopt a mandatory General Plan agricultural conservation easement policy:

Appellants complain the County refused to adopt any specific mitigation measures and merely included a permissive measure 'encouraging' the use of conservation easements. Appellants argue such hor[t]atory, as opposed to mandatory, conservation easements are useless. Appellants suggest that, because they view conservation easements as feasible mitigation measures, the County was required to adopt them. However, that is not the law. Again, appellants' remedy is political, not legal.

... Although Mitigation Measure MM 4.2.1 encourages the use of conservation easements, and the County may indeed impose such requirements upon specific development projects where deemed appropriate, having weighed the pros and cons, the Board finds that specific economic, legal, social, technological, or other considerations make an inflexible requirement for such conservation easements infeasible and undesirable for each of the following separate, independent, and severable reasons: (1) public and private projects involving the conversion of agricultural lands take many different forms, with different economic and practical constraints. An invariable requirement that conservation easements be obtained would deprive the County of the flexibility needed to address such matters on a case-by-case basis; (2) such an added requirement, if not variable by the County, would impede development in areas that the Board has determined, from a policy standpoint, considering a broad range of factors (e.g., proximity to other developed areas, suitability for master-planned development, proximity to present or prospective infrastructure, etc.) are an appropriate location for such development (specifically conflicting with and rendering less desirable the development of the Special Planning Areas designated in the [GPU], the existence of which is central to the Board's strategy for coordinated development in Tehama County); and (3) such an added requirement, if not variable by the County, would impede the development necessary to achieve the Project Objectives calling for the County to '[a]ccommodate a reasonable amount of growth,' '[f]ocus growth adjacent to the 1-5 corridor in the northern portion of the County' (which contains a considerable portion of the redesignated agricultural land), and 'address ... the need for moderate priced workforce housing.

Furthermore, similar arguments were raised in *Association of Irrigated Residents v. California Air Resources Board* (2012) 206 Cal.App.4th 1487 in which petitioners "fault[ed] the Board for not recommending a mandatory manure digester protocol and other mandatory agricultural measures" to reduce GHG emissions. (Id. at 1502-1503.) The Court upheld the agency's rationale for rejecting a mandatory program, noting that:

Establishing a voluntary protocol can help incentivize the installation of manure digesters by legitimizing the technology and offering a pathway to quantify and verify the GHG benefits. Keeping this protocol voluntary measure helps avoid premature technology mandates which could have significant cost and environmental drawbacks due to digesters currently being a costly, combustion driven technology. (Id.; see also *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013, Case No.

S202828) \_Cal.4th\_ [Rejecting argument that mitigation is "insufficiently enforceable" because it recommends adoption of a mitigation measure to another entity.]].

The PEIR analyzes the potential impacts of future development allowed under the PMPU on parks and recreation in Section 4.12, under Thresholds of Significance 4, 5 and 6. In addition, the commenter agrees with information provided in the Draft PEIR about park standards and Coastal Act requirements. The Draft PEIR states on page 4.12-11, "In addition, there are no District-specific park planning standards to consider. However, as discussed in Section 4.12.3.2, the California Coastal Act of 1976 (CCA) includes requirements for the provision of public access and recreational opportunities within the coastal zone." Apart from the general requirement to provide public access and recreational opportunities, there is no law, regulation or ordinance which provides standards for the amount of District land or water which must be devoted to park uses. Therefore, the comment's repeated references to "park deficits" is unsupported. In addition, neither the PMPU nor the PEIR is required to cure or rectify existing deficient conditions. As the commenter raises only a general objection regarding the PEIR, and does not identify any specific environmental issue or deficiency in the PEIR's analysis of impacts on parks and recreation, no additional response is possible or required and no changes to the Draft PEIR are required in response to the comment.

FN1: (1) the 2021 Long Range Development Plan for UC Riverside, Final EIR Response O1-11: <https://pdc.ucr.edu/sites/g/files/rcwecm2356/files/2021-11/2021%20Long%20Range%20Development%20Plan%20Final%20Environmental%20Impact%20Report.pdf>, (2) the 2011 National City General Plan Final EIR, Response 7-14:

<https://www.nationalcityca.gov/home/showpublisheddocument/5238/636090627169130000>, (3) the 2012 Tulare County General Plan Final EIR, Master Response #3, *Policy Language Enforceability*:

[http://generalplan.co.tulare.ca.us/documents/GP/002Board%20of%20Supervisors%20Materials/002Resolution%20No.%202012-0696%20\(FEIR\)/002Exhibit%201.%20FEIR%20Exec.%20Summary%20&%20Chap%201-6/gpu-feir-20120814.pdf](http://generalplan.co.tulare.ca.us/documents/GP/002Board%20of%20Supervisors%20Materials/002Resolution%20No.%202012-0696%20(FEIR)/002Exhibit%201.%20FEIR%20Exec.%20Summary%20&%20Chap%201-6/gpu-feir-20120814.pdf)

### Response to Comment O15-15

This comment is based on the incorrect assumption that the PMPU will result in a decrease in the existing amount of parkland. To the contrary, the PEIR determined that the PMPU will result in a slight increase in the amount of land designated for park and recreation uses. (PEIR, pp. 4.12-13 (Figure 4.12-1), 4.12-50, 4.12-53.) The comment's interest in

additional park land, as well as the recommendations in footnote 7 of the comment, involve policy issues for consideration by the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU. Because the comment does not question the adequacy or accuracy of the PEIR's analysis of potential impacts on parks and recreation, no further response is required. Please see response to Comments 015-3b and 015-14.

**Response to Comment 015-16**

Please see the responses to Comment 015-3b, 015-8, and Comment 015-14. In addition, an EIR is not required to remedy deficiencies in existing conditions and is not intended to be a forum for reviewing a project proponent's prior conduct. The PEIR determined that future development allowed under the PMPU would not increase the use of existing parks or other recreational facilities such that substantial deterioration of the facilities would occur or be accelerated. (PEIR, Section 4.12, Threshold of Significance 5, p. 4.12-54.) Since the comment does not raise an issue with respect to the adequacy of the PEIR, no further response is possible or required.

**Response to Comment 015-17**

The commenter does not raise an issue with the environmental analysis in this comment. The comment is merely paraphrasing the Draft PEIR impact analysis on the potential effects on existing park space with the District Tidelands. Since no environmental issue is raised, no response is required. No changes to the Draft PEIR are required in response to this comment.

Port of San Diego  
January 10, 2022  
Page 11

to 46). The PEIR also admits that future development under the proposed PMPU “would result in increased use of existing recreational facilities,” but claims that many of its parks do not have a quantifiable capacity, and that the impact of increased use of surrounding parks would be dispersed, preventing a substantial or accelerated deterioration of existing facilities. (PEIR, p. 4.12-53.)

O15-17  
cont.

Yet, the PMPU backtracks on previously promised major parks while majorly expanding allowed hotel and commercial development. The Recreation Open Space land use designation also allows uses beyond parks. (PEIR, p. 4.12-50.) The PMPU notes the *potential* for future improvements, yet does not ensure this. The Port should include a direct quantification of provided park space in comparison to projected buildout by Planning District to analyze whether there will be sufficient park space, and whether there will be potential degradation on existing park facilities, as well as enforceable commitments to expand park acreage within a reasonable time frame.

O15-18

#### B. The EIR Fails to Disclose and Mitigate Visual Impacts.

The PEIR fails to adequately disclose and mitigate the PMPU’s impact on scenic vistas and the visual character. First, the PEIR should include visuals of the projected full-build out under the allowed planned development and height limits.

O15-19

The PEIR makes several conclusory findings about the lack of visual impacts. It concludes that the allowed 160-ft height limits and hotel increases in Planning District 2 will not cause impacts because there are few existing hotels at that height. (PEIR, p. 4.1-46) It claims that the allowed development in North Embarcadero would be viewable but would be “similar in size and scale to existing development” viewable from Harbor Island, therefore “would blend with its surrounding context” and not adversely effect vistas. (PEIR, pp. 4.1-47 to 68.) Because vista areas face the Bay, “land-based development would not encroach in the viewsheds.” (PEIR, p. 4.1-49.) The PEIR also concludes, “[i]n general, future development in PD3 would increase the intensity of uses or density of structures in certain areas but would be visually compatible with similar existing uses in the subdistricts and would maintain consistency of the development pattern.” Yet, much of the existing development in PD 3, especially Seaport Village, is pedestrian-oriented, low-rise buildings.

O15-20

The Port asserts that the PMPU will “**maintain existing planning district and subdistrict characteristics**, and protect the visual quality of the subdistricts.” (PEIR, p. 4.1-60.) Yet, the type of projects planned speak otherwise, especially massive expansion planned on top of Seaport Village, in violation of the PMPU’s own policies (“WLU Policy 2.2.2 - To maintain a planning district’s distinct character, all development shall

O15-21

## Response to Comment O15-18

The commenter suggests that the Port should include “direct quantification of provided park space to analyze whether there will be sufficient park space.” The commenter raises two prior comments. Please see the responses to Comment O15-3b, Comment O15-14, and Comment O15-13 regarding prior planned parks and non-park uses allowed by the PMPU and the quantification of park space. In addition, the PEIR has shown that, on a program level, the PMPU will result in an increase, not a decrease, in land designated for park and recreation uses. CEQA does not require an EIR to provide all information requested by reviewers. Nonetheless, individual future development projects which may have an adverse effect on park and recreation facilities will be subject to site-specific environmental review pursuant to CEQA Guidelines Sections 15152 and 15168. Accordingly, no further response is required.

## Response to Comment O15-19

The District’s response to the portion of the comment which alleges a failure to adequately disclose and mitigate the PMPU’s impact on scenic vistas and visual character is addressed in the response to Comment O15-20.

As indicated in the response and in the entirety of Section 4.1 of the Draft PEIR, the analysis adequately discloses and mitigates impacts on scenic vistas and visual character. CEQA Guidelines Section 15204(a) explains that “reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors.” The EIR for the PMPU addresses over 2,951 acres of water and land uses, and buildout of individual parcels and structures is speculative. The PEIR does not include “visuals of the projected full buildout” because the location, dimensions, design and timing of future development are unknown at this time. (*Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266, 294 [“the potential for future developments to be too speculative to be reasonably foreseeable.”].) As a result, such visual representations of specific future development in the PEIR would be speculative and misleading. Instead, the visuals requested by the commenter are typically provided at the project level when the location and characteristics of development proposals are known. The comment does not challenge the adequacy or completeness of the textual

analysis in Section 4.1, *Aesthetics & Visual Resources*, of the PEIR and the visuals requested are not required to provide substantial evidence to support the impact conclusions contained within the Draft PEIR.

As one Court has stated “That some, or perhaps all, environmental impacts have an esthetic facet, does not mean that all adverse esthetic impacts affect environment. That is neither good logic nor good law.” (*Maryland-National Capital Park and Planning Commission v. U.S. Postal Service* (D.C. Cir. 1973) 487 F.2d 1029, 1038 [cited in the CEQA decision *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572.]) The CEQA Guidelines aesthetics questions were also recently revised “to ask whether the project is consistent with zoning or other regulations governing visual character.” (2018 Final Statement of Reasons for Regulatory Action, p. 66.) The PMPU includes design review as an inherent component of the CDP process, as discussed on Draft PEIR p. 4.1-60. As also discussed in the Draft EIR, many areas of the PMPU buildout would occur within locations considered a Transit Priority Area, and will likely be statutorily exempt from aesthetics analysis. (Pub. Res. Code § 21099(d).) Nevertheless, a full visual character analysis was performed in the EIR.

No changes to the PEIR are required in response to this comment.

### **Response to Comment O15-20**

The PMPU does not propose any changes to Central Embarcadero. Further, as explained in Master Response M-1, the “San Diego Seaport Project” is not a component of the PMPU. The commenter’s references to the Draft PEIR involve the analysis and impact conclusions under multiple thresholds of significance in the PEIR, including thresholds that analyze the potential effect on designated scenic vistas, scenic resources visible from designated scenic highways, and impacts from incompatible visual character. The substantial evidence provided in the Draft PEIR for impact determinations varies based on the potential impact being analyzed and, as referenced by the comment itself, covers over 20 pages. However, the comment does not mention the analysis and supporting evidence provided in the PEIR which supports its conclusions about the PMPU’s potential impacts on visual resources.

The first portion of the comment references page 4.1-46 of the Draft PEIR, which is under Threshold 1 and addresses whether the proposed project would have a significant impact on a designated scenic vista. The commenter characterizes the Draft PEIR’s finding that the 160-foot height limit and increase in hotels in PD2 would not cause impacts because of a few existing hotels at that height, as “conclusory.” However, the commenter does not acknowledge the following analysis and evidence provided on



pages 4.1-46 and –47 of the PEIR and does not identify any information which should have been included in the PEIR’s analysis but was not:

“As noted in Section 4.1.4.4, West Harbor Island includes three preserved scenic vista areas located along the south side of the island segment looking outwards toward the Bay. Future landside development in the West Harbor Island Subdistrict could include additional hotel rooms, and new retail/restaurant space. The development would occur on the west side of the Harbor Island peninsula and the entryway to the peninsula. Additional future improvements for this subdistrict include a Local Gateway Mobility Hub located at Harbor Island Park, which would be an expansion of the existing transportation facilities, and a water-based transfer point. The local mobility hub would include facilities such as access points to bicycle and pedestrian routes, micro-mobility facilities, and access to parking, which are all consistent with transit-related facilities currently available in the subdistrict. Per the Baywide Development Standards (Chapter 4 of the draft PMPU), mobility hubs would be set back away from the water’s edge and would not fall within the viewshed of any scenic vista. Per PMPU Section 4.4.3, Standards for View Protection, none of the future development described above would be visible from the scenic vistas within West Harbor Island; however, these landside planned improvements may be visible from the viewsheds of the scenic vista areas proposed in the Spanish Landing Subdistrict. Middleground and foreground views available from the Spanish Landing scenic vistas include narrow segments of open water and the recreational boat marinas located within West Basin, and background views include the taller buildings along the island segment of West Harbor Island. Building standards for the West Harbor Island Subdistrict allow building heights of 160 feet, which is similar to the existing Sheraton San Diego Hotel & Marina and would require a 10- to 15-foot-wide ~~building~~ setback between all waterside promenades and landside development, consistent with current development. The building standards also provide requirements for orientation of buildings, and location and configuration of public parking. As such, new development within West Harbor Island could include tall buildings, similar in height to the existing hotels. Due to the distance and intervening features, such as the marinas, new development within West Harbor Island would become part of the background views available from the Spanish Landing scenic vista areas and would not obstruct or otherwise adversely affect these scenic vistas. In addition, the proposed types of land uses are consistent with the existing uses, would be an expansion of the

existing types of development present on the Harbor Island peninsula, and would be of a similar size and scale as the existing development. Furthermore, future development would be required to adhere to the development standards for scenic vistas and view corridor extensions specific to West Harbor Island Subdistrict, as well as the development standards identified in Chapter 4 of the proposed PMPU, which establish siting and design requirements to minimize obstruction of scenic vistas and view corridor extension, including prohibiting development from obstructing designated scenic vista areas. Such standards would be enforced as part of the District's CDP process. Future waterside development in the West Harbor Island Subdistrict could include up to 165 new recreational boat berthing slips in the West Basin. The length and width of recreational boat slips vary, but for the purposes of this analysis, an average slip size of 35 feet long by 12 feet wide was assumed. These slips would be added within existing marinas and would be consistent with the current view of piers, slips, and recreational boats in the West Basin. Furthermore, these features are expected elements within bayfront views and are allowed by the PMPU Standards for View Protection. As WLU Policy 3.2.1 states, all visual access locations, including scenic vista areas, view corridor extensions, Window to the Bay, etc., shall be maintained and protected. Lastly, there would be no future development within the viewsheds of the scenic vistas identified along the island segment of West Harbor Island. Therefore, water-based planned improvements would not result in significant adverse effects on scenic vista areas or view corridor extensions in the West Harbor Island Subdistrict."

The second portion of the comment references pages 4.1-47 to 4.1-48 (mistakenly referenced in the comment as "4.1-68") of the Draft PEIR and characterizes the PEIR's finding, that future development would be similar in size and scale to the existing development and thus would blend with its surrounding context and not affect scenic vistas, as conclusory. Once again, however, the commenter does not mention the following analysis and evidence on page 4.1-48 of the PEIR which supports this conclusion:

"Future improvements in the North Embarcadero Subdistrict (described further below) could include additional hotel rooms, meeting space, retail/restaurant space, visitor-serving marine terminal uses, moorings, and recreational boat berthing slips that may be visible from the scenic vista areas within the East Harbor Island Subdistrict. *However, future development within the subdistrict would be similar in size and scale to the existing development visible from the Harbor Island East scenic vistas. [Emphasis added for clarity]* Given the

distance and similarity in size and scale, future development within the North Embarcadero Subdistrict would blend with its surrounding context and would not adversely affect the Harbor Island East scenic vistas. As required by the proposed development standards and policies, including but not limited to PMPU WLU Policies 2.2.2, 2.2.3, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 described above, future development within PD3 would maintain the visual characteristics of the subdistrict. Additionally, building standards specific to the North Embarcadero Subdistrict would limit the height of buildings based on the city blocks in which they are located, would apply building and upper story setbacks, and would include requirements for building frontages. Such standards would be enforced as part of the District's CDP process described in Section 4.1.3. Because development in the North Embarcadero would be in the background of the viewsheds of the two scenic vista areas, and would match the visual character of the surrounding development, it would not result in significant adverse effects on the designated scenic vistas."

The comment does not identify any information that should have been included in the PEIR's analysis but was not. Accordingly, no further response is possible or required.

The third portion of the comment references pages 4.1-49 of the Draft PEIR and takes issue with the PEIR's finding that "land-based development would not encroach in the viewsheds" because vista areas face the Bay. However, the commenter again does not indicate any specific concern with this finding and does not acknowledge the following analysis of potential impacts on page 4.1-48 of the PEIR:

"Future development in the North Embarcadero Subdistrict could include up to 750 additional hotel rooms, additional new retail/restaurant and meeting space, new anchorage moorings, and new recreational boat berthing slips. *Because ~~sevensix~~ of the ~~eightseven~~ scenic vista areas abut and face the Bay to capture views of the open water, land-based development would not encroach in the viewsheds, and therefore would not affect these ~~sevensix~~ scenic vista areas. (Emphasis added for clarity)* The northernmost scenic vista area is located on the border of PD2 and PD3, and is facing southeast. This view captures the boat anchorage in the foreground, North Embarcadero Subdistrict in the middleground, and Downtown San Diego in the background. Land-based future development associated with the Commercial Recreation land use designation, including hotels and retail/restaurant space, within North Embarcadero could be visible from this scenic vista area, but because the view is distant, future development would not be a main feature of

the view. Additionally, the potential development would be consistent with the existing uses in the subdistrict, and future development would be compliant with baywide and subdistrict-specific development standards, which establish the appropriate size, location, and orientation of future development, including buildings, structures, and public realm features (Chapter 5.3, Section 5.3.2[D], Development Standards, of the proposed PMPU). Two mobility hubs are proposed for the North Embarcadero Subdistrict. However, they would be in areas already containing similar transportation infrastructure, such as water-based transfer points and transit stops, so mobility hub-related development would be consistent with the existing setting. There are nine view corridor extensions proposed in North Embarcadero Subdistrict, and as established by View Protection Standards 1 and 2a and WLU Policy 3.2.2 of the proposed PMPU, all components of any building would be designed and sited to avoid intrusion into the scenic vista area (Section 4.4.3, Standards for View Protection, of the proposed PMPU). View corridor extensions are located ~~within~~ along roadways right-of-way, and all adjacent development would be required to comply with baywide development standards, including View Protection Standards 1 and 2. These standards would ensure architecture and development features would not ~~extend into the right-of-way of the~~ obstruct bayward pedestrian views, circulation and/or pathways within view corridor extensions, and signs and outdoor lighting would be sited appropriately so they would not interfere with the view provided by the view corridor extension. Therefore, land-based, future development would not adversely affect the designated scenic vista areas or view corridor extensions.”

As such, the Draft PEIR provides a robust analysis of the potential for future development associated with the PMPU within PD3 to result in a substantial interruption of a scenic vista or view corridor. Because the comment does not identify any information which should have been included in the PEIR but was not, no further response is possible or required.

The fourth portion of the comment does not reference a page in the Draft PEIR, but characterizes the following finding in the PEIR as conclusory: “[in] general, future development in PD3 would increase the intensity of uses or density of structures in certain areas but would be visually compatible with similar existing uses in the subdistricts and would maintain consistency of the development pattern.” This finding relates to potential impacts to visual character rather than scenic vistas as was the case in the prior comments above. The commenter takes issue with the statement because the commenter believes the area is composed of

pedestrian-oriented, low-rise buildings, especially in Seaport Village. The PEIR addresses this issue on page 4.1-65:

“Like PD2, PD3 would also experience more intense future development with the implementation of the proposed PMPU. Development allowed under the proposed PMPU in PD3 would include visitor-oriented services, including up to 2,113 additional hotel rooms, 99,122 square feet of retail/restaurant space, 150 additional recreational berthing slips, and 20 additional anchorages. Because the visual character of PD3 is dominated by dense urban development, the majority of these future improvements would occur as infill development or the redevelopment of existing uses. Given its adjacency to the dense, high-rise development of Downtown San Diego, the increased development within PD3 would be visually consistent with the rest of the planning district, as well as with the surrounding character of Downtown San Diego. The redevelopment of underutilized areas, such as open surface parking lots or outdated buildings, would improve the visual continuity of PD3 and would improve the overall visitor experience. Height limits permitted in PD3 would vary and would range from 160 to 200 feet in the North Embarcadero Subdistrict to no height limit in the South Embarcadero Subdistrict (*height limits in Central Embarcadero are limited to 45 feet*). (*Emphasis added for clarity*) New development occurring in the North and South Embarcadero Subdistricts would be similar to or lower than building heights in the surrounding area and would blend in with the taller office buildings and hotels of Downtown San Diego to the east and northeast of this planning district. North Embarcadero development would also allow for modification or expansion of water-based museum attractions, which are expansions of existing visitor-serving commercial uses within this area of the North Embarcadero Subdistrict and would include elements, such as additional historic vessels, that would be consistent with the existing visual character. South Embarcadero Subdistrict development would provide more meeting spaces, hotel rooms, and retail/restaurant space, all of which would complement the existing visitor-serving uses and would support the continued utilization of the Convention Center and other visitor destinations in the area.

Potential future development would be required to implement both baywide development standards (as described in the introductory paragraphs of the analysis of Threshold 3) and subdistrict development standards, including but not limited to, North Embarcadero Subdistrict Development Standards PD3.30 through PD3.44, Central Embarcadero Subdistrict Development Standards PD3.50 through PD3.52, and South

Embarcadero Subdistrict Development Standards PD3.73 through PD3.75 (found in Chapter 5.3 Planning District 3: Embarcadero), which identify the standards for public realm development (waterfront promenades, walkways, scenic vista areas) and building standards (heights, setbacks, and parking). These standards would be enforced by the District during the CDP process.”

*In general, future development in PD3 would increase the intensity of uses or density of structures in certain areas but would be visually compatible with similar existing uses in the subdistricts and would maintain consistency of the development pattern. (Emphasis added for clarity)*

As such, the Draft PEIR provides a robust analysis of the potential for future development associated with the PMPU within PD3 to result in an adverse impact on visual character.

No changes to the Draft PEIR are required in response to this comment.

### **Response to Comment O15-21**

The PMPU does not propose any changes to Central Embarcadero. Further, as discussed in Master Response M-1, the Seaport San Diego proposal is not a component of the PMPU. However, it was considered in the cumulative analysis of the PEIR (see Cumulative Project No. 11), and the potential for a 480-foot tower was expressly considered in that cumulative analysis in Section 4.1, *Aesthetics and Visual Resources*, of the PEIR. More specifically, the potential impacts of that cumulative project on visual resources is discussed and analyzed in Section 4.1 on page 4.1-75, which states:

“The future proposed Seaport San Diego project (Cumulative Project #11) is a mixed-use master development that includes retail, hotel, office, and tourism attractions (including an aquarium building and a 480-foot-tall observation tower), which would have the potential to obstruct existing or proposed scenic vistas areas and view corridors, as well as conflict with policies that regulate visual character in PD3.

And on page 4.1-76, the PEIR states:

“Future projects proposed within or adjacent to the proposed PMPU area, including the cumulative projects Seaport San Diego and National City Bayfront Projects and Plan Amendments EIR may introduce structures that would not be consistent with the existing land use and visual character of the proposed PMPU area due to height and scale. Future projects such as these could result in permanent adverse effects on visual character, and would require a PMP amendment to

ensure compliance with established visual standards, and continuity with the existing and planned visual character.”

The comment does not acknowledge or refer to the above analysis of cumulative visual impacts and does not claim the analysis is lacking in any way. To the extent the comment was intended to mean that, by not including the Seaport San Diego proposal as part of the PMPU, the Draft PEIR was not analyzing the whole of the action, please see Responses to Comments 015-4 and 015-5 above. No changes to the Draft PEIR are required in response to this comment.

Port of San Diego  
January 10, 2022  
Page 12

be in accordance with the associated subdistrict vision.”) Further, the PEIR assumes that height limits will remain the same in Central Embarcadero, despite the planned nearly 500-foot observation tower under the most recent IHWY1 proposal.

O15-21  
cont.

The PEIR only discloses and mitigates aesthetic impacts on visual character and quality from the *construction* of planned development guided by the PMPU (PEIR, p. 4.1-3), despite the allowance and planned increase of several high-rise hotels that will exist long after construction is finished. The PMPU must adequately disclose and mitigate for aesthetic impacts and changes to the Port land’s visual character.

O15-22

#### C. The EIR Fails to Adequately Analyze Land Use Impacts.

As detailed above and in the attached exhibits, the PMPU development buildout and inadequate provision of park space fails to meet the policies in the Coastal Act and Public Trust Doctrine. The PEIR also fails to disclose the PMPU’s inconsistency with the San Diego’s North Embarcadero Plan, designated by the public North Embarcadero Visionary Plan’s review process. This document is incorporated by language into the *current* Port Master Plan.<sup>8</sup> The PMPU notes it incorporates previously approved amendments (PMPU, p. 3), and lists the North Embarcadero Alliance Visionary Plan as a previous amendment. (PMPU, p. vii.) Save Our Access requests an analysis of the PMPU’s consistency with the North Embarcadero Visionary Plan.

O15-23

Save Our Access also requests an analysis of planned parking, including paid parking, as the PMPU has not quantified parking. Underground parking below North Harbor Drive is appropriate, necessary, and feasible, as shown by the underground parking lot below the San Diego County Administration Building.

O15-24

#### D. The EIR Fails to Fully Mitigate Greenhouse Gas Impacts.

Save Our Access requests clarification and provides comments on the underlying GHG analysis. The PEIR notes a “recalibration of the 2006 baseline” (PEIR, p. 4.6-7.) Information on how this affected the baseline should be provided. Additionally, the PMPU states it bases its estimates on the assumption that development occurs “linearly over time”—to estimate emissions in 2030, daily VMT under 2030 conditions were interpolated between 2016 and 2050 conditions. (PER, p. 4.6-28 to 29) “To provide an analysis of conditions in 2030, this analysis considers activity and emission profiles (e.g., regulatory standards at a specific analysis year, discussed in more detail below) that could

O15-25

O15-26

<sup>8</sup> “The specific recommendations of the Visionary Plan that pertain to Port District land and water areas within the Planning District 3 Precise Plan area are incorporated into the Master Plan.” (PMP, p. 58.)

## Response to Comment O15-22

The commenter is incorrect that the Draft PEIR only discloses the impacts from construction activities associated with aesthetic impacts of the PMPU. Section 4.1, *Aesthetics & Visual Resources*, analyzes the potential impacts associated with the post-construction operations of future development under Threshold 1 regarding scenic vistas (pp. 4.1-44 through 4.1-55), Threshold 2 (pp. 4.1-57 through 4.1-59) and Threshold 3, visual compatibility (pp. 4.1-62 through 4.1-67). The comment does not acknowledge or refer to the analysis of potential impacts from operations and does not state how or why the analysis provided is lacking. The comment indicating that the PMPU would permit tall hotels is not evidence that a significant impact on a designated scenic vista or other visual resource would occur. Accordingly, no further response is possible or necessary. No changes to the PEIR are required in response to this comment.

## Response to Comment O15-23

The comment restates an issue regarding insufficient parkland which was raised in previous comments. Please see the responses to Comments O15-7 through O15-18 above. The commenter also claims the PMPU is inconsistent with the NEAVP, but does not identify the alleged inconsistency or the relevant portions of the PMPU and/or NEAVP. Please also see the detailed response to Comment O17-10 (Embarcadero Coalition Letter #2) as it relates to the NEAVP background and its relationship to the PMPU.

Although the Coastal Act requires the PEIR to assess the PMPU’s consistency with the policies of the Coastal Act, CEQA does not require an EIR to evaluate a proposed project’s consistency with applicable plans, policies or regulations. Instead, an EIR must only consider whether a proposed project is inconsistent or in conflict with an applicable plan and, if so, whether the inconsistency would result in a physical impact on the environment.

## Response to Comment O15-24

Parking is no longer considered an adverse transportation-related impact under CEQA. Rather, removing or limiting parking may be an effective mitigation strategy to reduce vehicle miles traveled (VMT). However, the



California Coastal Act (CCA) does consider adequate parking as a component of public access to the waterfront and Section 30252(4) of the CCA states that “The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development with public transportation.”

To balance the competing considerations of enhancing public access to the waterfront, reducing VMT, and providing for a range of mobility options, the PMPU proposes to develop mobility hubs. As discussed on page 4.9-48, “in accordance with Mobility Objective 1.2 in the Mobility Element and subsequent policies, the District would implement a series of interconnecting mobility hubs throughout the Tidelands. Regional Mobility Hubs would provide a direct connection to a regional transit stop, such as a trolley or bus stop, and a bayfront circulator stop. Additionally, these mobility hubs would connect to water-based access points throughout the Bay, where feasible. Parking areas may be included in mobility hubs or as standalone facilities. The District would encourage the development of mobility hubs rather than surface parking to provide proximate connections to the water and Tidelands, where feasible. The development of the mobility hub network and extension of the baywide circulator, combined with existing public transportation options, would provide substitute means of serving the development with public transportation. In addition, in accordance with Mobility Element Objective 1.3 and corresponding policies, the District would require permittees of future development to identify and secure vehicular parking sufficient to serve the development’s use. Parking could be provided through on-site parking, shared agreements with adjoining development, agreements with off-site parking facilities, and participation in the establishment of planned mobility improvements, including mobility hubs, etc. Additionally, in accordance with Mobility Objective 1.3 and subsequent policies, the District would provide public parking to meet evolving demands. The District will seek to balance the competing demands of the CCA for adequate parking with those of SB 743 and related laws and regulations to reduce GHG emissions.”

The comment’s request for an analysis of planned parking would require speculation at the program level for a long-term development framework like the PMPU. The number and location of parking spaces that will be needed depends on the timing, location, density and intensity of future development, as well as the availability of public transit and other modes of transportation, which are not known at this time. Instead, the number and location of new parking spaces, as well as other parking strategies such as shared parking, parking shuttles, etc., are typically identified in

connection with a site-specific development proposal. (See *City of Hayward v. Board of Trustees of the California State University* (2015) 242 Cal.App.4<sup>th</sup> 833, 850 [“Site-specific impacts...were properly deferred...there are many variables to be considered...such as the location of entrances and placement of parking spaces...These specifics cannot meaningfully be evaluated at this point.”]) As such, quantifying parking spaces, including paid parking spaces, is not required to determine the PMPU’s transportation and/or land and planning impacts under CEQA. No changes to the Draft PEIR are required in response to this comment.

### **Response to Comment O15-25**

The information requested by this comment is provided in Table 4.6-4 of the PEIR (pp. 4.6-7 – 4.6-8) and the text which precedes it. Table 4.6-4 provides a comparison of the recalibrated 2006 baseline and emissions generated during 2016. The source for that table is referenced as “District 2018a” and a direct weblink was provided to that document in Draft EIR Section 8.4.6 “References”:

<https://pantheonstorage.blob.core.windows.net/environment/2016-Maritime-Air-Emissions-Inventory.pdf>.

The full explanation of the recalibration on page 4.6-7 states:

“The District recently completed an emissions inventory for 2016 calendar year conditions. In addition, since the adoption of the CAP, more refined data and updated methodologies have become available to estimate GHG emissions. CARB guidance states that it is good practice to recalculate historic emissions when methods are changed or refined (CARB 2017a). Given this, a recalibration of the 2006 baseline was deemed vital to track progress toward 2020 goals. This 2006 recalibration was included in the District’s 2016 updated inventory, which was based on more locally specific and comprehensive datasets.

Table 4.6-4 provides a comparison of the recalibrated 2006 baseline and emissions generated during 2016. As shown, GHG emissions in 2016 are lower than the revised 2006 baseline. This decrease in emissions is due to several factors, including reduced Ocean-Going Vessel (OGV) calls and berthing duration, increased on-road vehicle fuel economy, decreased natural gas consumption, and a decrease in the SDG&E electricity emission factor due to the increase in renewable generations under the State Renewable Portfolio Standard.

Note that Table 4.6-4 includes adjustments to capture changes since the 2016 CAP Progress Report was released. Specifically, in the 2016 CAP Progress Report, GHG emissions associated with natural gas

consumption from sources regulated by CARB, under the Cap-and-Trade program, was assumed to be 114,847 MTCO<sub>2</sub>e. However, that reporting was based on 2015, since 2016 was not available at the time. Further, the 2015 reporting included a permitted facility that was not regulated by CARB, under Cap-and-Trade. The revised estimates provided in Table 4.6-4 include actual 2016 reporting for the CARB Regulated Source (CP Kelco) and adds the natural gas-related emissions that were erroneously assigned to CARB Regulated Sources back to tenant uses. Goal setting is based on the 2006 and 2016 emission estimates, without the CARB Regulated Sources as shown in Table 4.6-4 below, GHG emissions were reduced by approximately 18 percent from 2006 to 2016.”

Furthermore, information related to the recalibrated 2006 CAP baseline is provided for informational purposes only. The 2006 CAP baseline was not evaluated as part of the Reduction Targets and Hotel Room Metric Calculation, as described on Pages 4.3-36 and 4.3-37, which shows that the Hotel Room Metric Calculation is based on the number of hotel rooms and the emissions forecast for lodging in 2020. Therefore, since the 2006 CAP baseline is not factored into the impact analysis, no changes to the PEIR are required.

Port of San Diego  
January 10, 2022  
Page 13

be in place by both 2030 and 2050. In most cases, this 2030 activity estimate is based on the assumption that land uses, development, and associated activity change linearly over time between existing and buildout conditions. This is the case for all development and acreage changes” (*Ibid.*) The PEIR should incorporate known projected project timeframes for this analysis. For example, the Seaport Village project website (which is not even included in the PMPU), states that it expects to break ground as early as 2024.<sup>9</sup> The accuracy of the interpolation is especially important, as the PEIR incorporates regulatory assumptions and implementation of GHG mitigation measures based on certain timelines.

The PEIR also incorporates uncertain assumptions of declining mobile source emissions and energy emissions based on regulatory targets and goals. For example, electricity emissions were based on SDG&E’s *projected* energy factors for 2030 and 2050, that are expected to be carbon free in 2050, to account for the RPS target of 60 percent by 2030 and 100 percent carbon free electricity by 2045. (PEIR, p. 6-30.) Save Our Access requests that the PEIR include a chart of all assumptions included, and their percentage of GHG reduction benefits given to the PMPU projected buildout for each threshold year (2030 and 2050).

The PEIR admits significant and unavoidable GHG impacts from the PMPU (Impact GHG-1, p. 4.6-48.) There are several further feasible mitigation measures that should be included. Save Our Access commends the inclusion of Mitigation Measure MM-GHG-1 that requires all future tenants to ensure that all electricity obtained is completely provided by renewable sources (carbon free) by 2030. (PEIR, p. 4.6-45) It is feasible for the Port to strengthen MM-GHG-1 to require a specified high percentage of renewable energy before 2030. Similarly, while MM-AQ-9 requires all tenants to implement sustainability measures in building design through 2030 and MM-AQ-10 requires all development to be carbon neutral after 2030, it is feasible for the Port to implement MM-AQ-10 at some level starting now.

There are other feasible mitigation measures that should be included. The MCAS contains strategies to reduce GHGs that should be incorporated as mitigation measures in the PMPU PEIR. (PEIR, p. 4.6-26 [stating MCAS goals].) Save Our Access supports the habitat mitigation banks noted in ECON Policy 3.1.3—the creation of a habitat mitigation bank should be included as a binding, enforceable mitigation measure. (PEIR, p. 4.9-26.)

Finally, the PEIR admits that “[f]uture development that could occur under the proposed PMPU would not be consistent with the CAP because it would not implement all of the reduction measures, which is considered a significant impact (**Impact-GHG-2**).

<sup>9</sup> <https://www.seaportsandiegoca.com/timeline.html>.

## Response to Comment O15-26

The PMPU does not identify timelines for future development projects because the timing, location and other characteristics of future development under the PMPU are not known at this time. The District reasonably assumed a linear increase in annual development during the approximately 30-year buildout of the PMPU through year 2050. This approach is consistent with CEQA case law for planning documents. (See *High Sierra Rural Alliance v. County of Plumas* (2018) 29 Cal.App.5th 102 [Upholding General Plan buildout assumptions based upon “historic development patterns”]; see also *Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266, [“Aptos Council reiterates its argument that the negative declaration prepared by the County was inadequate, because it failed to take into consideration the impacts from future developments that would be permitted by the ordinance.” The Court rejected this argument stating “when drafting an EIR or a negative declaration, an agency must necessarily engage in some forecasting. (CEQA Guidelines, § 15144.)”]; see also *Sierra Club v. County of Tehama* 2012 WL 5987582 [General Plan “planning period growth is based on the U.S. Census historic population growth and population projections published by the California Department of Finance (DOF).”].)

Similarly, the Seaport San Diego proposal did not have an accurate, stable or finite project description until November 2022. Since authorization to begin environmental review of the Seaport San Diego project was not granted until November 2022, the comment’s concern that ground breaking may occur as early as 2024 is not well founded. (See Responses to Comments O15-4, O15-5, and Master Response M-1.) However, to ensure the PEIR fully assessed the potential cumulative impacts of the PMPU, the District made reasonable assumptions about the general parameters of the Seaport San Diego proposal so that it could be included in the cumulative analysis. (See PEIR, Table 2-2, pp. 2-21 – 2-22.) No changes to the Draft PEIR are required in response to this comment.

O15-26  
cont.

O15-27

O15-28

O15-29

O15-30

O15-31

O15-32

**Response to Comment O15-27**

The commenter cites page 6-30 of the Draft PEIR; however, page 6-30 contains the Alternatives analysis and no discussion of GHG modeling is included at that location.

The Draft PEIR provides an overview of the applicable existing regulatory requirements in Draft PEIR Sections 4.2.3 (Air Quality) and 4.6.3 (GHG), which includes discussion of RPS targets mentioned in the comment. Additionally, the construction and operational assumptions were disclosed and summarized in Section 4.6.4 of the Draft PEIR, which also notes that “*A full list of assumptions and emission calculations can be found in Appendix C.*”

The regulations that apply to the impact analysis are related to mobile sources (motor vehicles) and electricity. Regarding mobile sources, the analysis is based on emission rates in CARB’s EMFAC 2021 model. According to CARB, EMFAC 2021 “reflects CARB’s current understanding of statewide and regional vehicle activities, emissions, and recently adopted regulations such as Advanced Clean Trucks (ACT) and Heavy Duty Omnibus regulation” (see link here:

<https://content.govdelivery.com/accounts/CARB/bulletins/2d48287>).

Moreover, emissions the Draft EIR are based on highly conservative assumptions. More specifically, the Draft EIR assumed the less efficient Trump administration Safer Affordable Fuel-Efficient (SAFE) Vehicle Rules. (Draft EIR page 4.6-29, FN7.) Furthermore, a direct weblink was already provided for these “EMFAC Off-Model Adjustment Factors to Account for the SAFE Vehicle Rule Part One on Draft EIR page 8-3,

*References:*

[https://www3.arb.ca.gov/msei/emfac\\_off\\_model\\_adjustment\\_factors\\_final\\_draft.pdf](https://www3.arb.ca.gov/msei/emfac_off_model_adjustment_factors_final_draft.pdf). EMFAC modeling is shown in Appendix C of the Draft PEIR and takes into account the regulations in place in EMFAC as well as the SAFE Vehicle Rule.

Regarding Electricity assumptions, Draft EIR page 4.6-30 fully discloses that “The electricity emissions were estimated based on projected SDG&E’s energy intensity factors for 2030 and 2050 (*370 pounds per pounds of CO<sub>2</sub>e per megawatt-hour [MWh]*) in 2030, and carbon free in 2050) from SANDAG’s 2016 regional inventory (SANDAG 2021), which account for RPS targets of 60 percent RPS by 2030 and 100 percent carbon-free electricity by 2045 under SB 100.” The GHG reduction benefits of increased renewables and lower carbon intensity of electricity

consumption are inherent in the emission rates described in Draft EIR page 4.6-30.

As noted above, since the release of the Draft EIR, the Biden administration has formally restored California's more stringent tailpipe standards, making the mobile source modeling conservative, as the Draft EIR assumed less efficient and higher emitting mobile source emissions standards. (Vol 87, No. 49, Federal Register 14332; <https://www.epa.gov/regulations-emissions-vehicles-and-engines/notice-decision-reconsideration-previous-withdrawal> see also <https://www.govinfo.gov/content/pkg/FR-2022-03-14/pdf/2022-05227.pdf>.) Furthermore, SDG&E has exceeded its statutory RPS goals. SDG&E "delivered about 40% renewable resources to our customers last year, far exceeding California's 2020 goal." (<https://www.sdge.com/more-information/environment/about-our-initiatives/renewable-goals>) As also discussed in the State's 2021 RPS Report, "The Three large IOU's [including SDG&E] are on track to meet their 60 percent 2030 RPS procurement mandate," with SDG&E at 39% renewables in 2020. <https://www.cpuc.ca.gov/-/media/cpuc-website/industries-and-topics/documents/energy/rps/cpuc-2021-rps-annual-report-to-legislature.pdf>.

The Draft EIR made reasonable assumptions based upon regulatory requirements and all assumptions regarding regulations are adequately detailed in the Draft EIR. Both are appropriate under CEQA. "An EIR can make reasonable assumptions based on substantial evidence about future conditions without guaranteeing that those assumptions will remain true." (*Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018.) "An agency may rely on generally applicable regulations to conclude an environmental impact will not be significant..." See *San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012; See also *Citizens for Environmental Responsibility v. State ex rel. 14th Dist. Agricultural. Assn.* (2015) 242 Cal.App.4th 555, 574.

### **Response to Comment O15-28**

The commenter suggests that there are "several further feasible mitigation measures that should be included" to avoid significant and unavoidable impact identified in Impact-GHG-1, but does not identify any new mitigation measures that are not already stated in the Draft PEIR. Instead, the comment simply states that MM-GHG-1 should require a higher percentage of renewable electricity before 2030.

However, MM-GHG-1 requires a future development project proponent to "ensure that all electricity obtained is provided by renewable sources by 2030." As such, the project proponent would need to demonstrate how the

project would be on track to obtain 100 percent of its electricity through renewable sources by 2030. Importantly, however, MM-GHG-1 takes into account feasibility and what can reasonably be done in years prior to and leading up to 2030. As an example, a hotel that includes several hundred rooms would not have enough land or surface area (based on current available technology) to provide photovoltaic solar panels to meet its energy demand. Other forms of site-derived renewable energy, again, based on current technology, would likely be infeasible in this location as well (e.g., wind turbines, geothermal, hydropower, etc.). Therefore, it would need to use electricity provided by the utility provider, which, in this case, would likely be SDG&E. Currently, SDG&E states that approximately 40% of its electricity is from renewable sources (<https://www.sdge.com/residential/savings-center/renewables>). As such, while such a project could offset some of its electricity needs through onsite renewable sources, in the near-term, a large percentage would still need to come from other sources that are not yet 100 percent renewable.

The California Energy Code was further updated in 2022 to require solar for multifamily buildings, and energy storage for structures greater than three habitable stories. (Cal. Code Regs., tit. 24, Part 6, § 170.2(f), (g), (h).) Similarly, solar photovoltaics and energy storage are now required for grocery stores, offices, financial institutions, unleased tenant space, retail, schools, warehouses, auditoriums, convention centers, hotels/motels, libraries, medical office buildings/clinics, restaurants, theaters, and mixed-use buildings where one or more of these building types constitute at least 80 percent of the floor area. (Cal. Code Regs., tit. 24, Part 6, § 140.10(a).) The California Energy Code (Title 24, Cal. Code Regs.) is an area of law heavily regulated by the California Building Standards Commission which reviews and updates the Code every three years. Building Code standards require detailed investigation and rigorous feasibility review as described in *Building Code Action v. Energy Resources Conservation and Development Commission* (1980) 102 Cal.App.3d 577 [Description of the detailed regulatory requirements and rigorous review associated with energy conservation regulations requiring double-glazing of windows].)

The District finds that the changes proposed by the commenter are not feasible, and that the proposed measure is substantially more stringent than the standards set by the state in SB100 [60% renewables by 2030]. No changes to the PEIR are required in response to this comment.

**Response to Comment O15-29**

The commenter's request to apply the requirements of MM-AQ-10 "at some level" prior to 2030 is ambiguous and not necessary. The comment is ambiguous because it does not identify what level of implementation is requested and, therefore, the District cannot determine whether the request is feasible or would be effective in reducing potential impacts. The request is not necessary for several reasons. First, MM-AQ-10 forbids all new hotel projects prior to 2030 the use of natural gas usage except for cooking and kitchen uses, or such projects must achieve equivalent reductions through other energy or emission reduction strategies. Second, the strategies to achieve the requirements of MM-AQ-9, including those strategies listed in MM-AQ-9, are key strategies to achieve carbon neutral development. For instance, reducing or eliminating natural gas consumption (per MM-AQ-10) for all new development prior to and after 2030 while requiring all electricity to be carbon free (per MM-GHG-1) will achieve the carbon neutrality goals. Moreover, this would not affect the outcomes in the Draft PEIR, as emissions would be below the numerical target in 2030 with the current suite of mitigation. Please also see the response to Comment O15-28. No changes to the PEIR are required.

The commenter's statement that MM-AQ-9 applies to "all tenants" is incorrect and any request to apply MM-AQ-9 to existing tenants rather than new projects is considered infeasible. Existing tenants are subject to existing lease agreements with the District, which do not authorize such terms in the absence of a project modification or new development proposals. Furthermore, existing developments would likely be considered legal non-conforming structures, which would also preclude the application of new development standards. This is why the California Building Code applies *prospectively*, like most land use regulations. (*Friends of H Street v. City of Sacramento* (1993) 20 Cal.App.4th 152.) Additionally, most of these requirements are not appropriate for inclusion, and would essentially require the entire structures to be reconstructed.

For example, MM AQ-9 contemplates renewable energy, co-generation systems, improved insulation, cool roofs, high performance glazing, energy star rated appliances, low flow fixtures, parking lot shading, in addition to other PMPU planning requirements etc. These are the types of measures that can be installed when starting from the ground up, but would essentially necessitate significant modifications to all existing port structures. The District is not aware of any jurisdiction in the state which has required such measures for all existing structures within their jurisdiction, which is why such measures like the California Building Code are applicable to new developments, or project's seeking a modification.



Furthermore, such requirements would likely result in the closure of many existing businesses, and would be inconsistent with the project objectives, including the objective of providing “on-going and sustainable revenues to the District to ensure the longevity of the District’s operations and its ability to fulfill its legislative responsibilities.”

### **Response to Comment O15-30**

The PMPU does not propose any changes to the cargo throughput (i.e., freight) or improvements for this subdistrict in comparison to what was previously approved as part of the Tenth Avenue Marine Terminal Redevelopment Plan and analyzed in the TAMT Redevelopment Plan PEIR (SCH# 2015-031046). (Draft EIR page 3-77; see also Draft EIR Section 1.4.1.) Nevertheless, the District already has a number of existing policies and programs which provide for emerging fuel technologies related to freight. Please also see responses to Comments A3-8 through A3-15 as well as Master Response M-1.

As discussed on Draft PEIR page 4.2-69, “In June 2020, CARB adopted the Advanced Clean Truck Regulation, which promotes zero-emission technology penetration with sales requirements for medium- and heavy-duty truck manufacturers. As further discussed in Draft EIR page 4.2-32, “The Sustainable Freight Action Plan (Sustainable Freight Action Plan or Action Plan) provides an integrated action plan that establishes clear targets to improve freight efficiency, transition to zero emission technologies, and increase the competitiveness of California’s freight system...The Sustainable Freight: Pathways to Zero and Near-Zero Emissions Discussion Document sets out CARB’s vision of a clean freight system, together with the immediate and near-term steps that CARB will take to support use of zero and near-zero emission technology to improve air quality and reduce health risk associated with goods movement.”

The MCAS is a strategic planning document that is intended to guide future decision-making and provide a planning framework for potential future actions that may be implemented to achieve the goals and objectives of the MCAS. The vision for the MCAS is “health equity for all,” and the MCAS focuses on emission reduction strategies in and around the Portside Community. The PMPU does not incorporate the MCAS goals and objectives as mitigation measures for several reasons. First, the MCAS strategies to reduce GHG emissions apply to the District’s two marine terminals (TAMT and NCMT) and tenant-operated shipyards (marine industrial uses). The PMPU does not propose any change in existing conditions at TAMT and the shipyards and does not include NCMT. Therefore, there is no need to treat the MCAS strategies to reduce GHG emissions as mitigation measures because the PMPU does not propose

any change in the existing operations to which they apply. Second, the MCAS goals and objectives are based on a set of assumptions regarding advances in technology which are necessary to make currently infeasible measures feasible in the future. Because the comment does not identify any specific MCAS strategy, which it contends should be included as a mitigation measure in the PEIR, it fails to identify any feasible mitigation for the District's consideration. Third, MCAS measures will apply to certain types of new projects as they arise, such as cargo terminal projects, there are other types of land and water uses for which the MCAS and its measures will have little or no applicability, such as Commercial Recreation and Recreation Open Space land uses.

In addition, the sentence on page 4.2-69 of the Draft PEIR was revised to indicate that all new development projects will be reviewed for any conflicts with applicable air quality plans. "Consistent with CEQA, any applicable future project undergoing environmental review will analyze whether the project will conflict with or obstruct implementation of the applicable air quality plan" Additionally, the Draft PEIR has been updated to expand on the discussion of the MCAS to include a discussion of whether the PMPU would conflict with the MCAS.

### **Response to Comment O15-31**

As discussed in Section 4.3, *Biological Resources*, after mitigation, implementation of the PMPU would not result in any significant and unavoidable impacts on biological resources. As such, additional mitigation is not required under CEQA. In addition, the creation of a wetland mitigation bank requires the coordination, consultation, and approval of additional agencies. As such, implementation of a mitigation bank is not wholly within the power of the District alone. Therefore, the PMPU proposes ECON Policy 3.1.3 to require the District to explore and promote the creation of habitat mitigation banks on District Tidelands. No changes to the Draft PEIR are required in response to this comment.

Port of San Diego  
January 10, 2022  
Page 14

Future development under the proposed PMPU would be required to implement mitigation measures to ensure consistency with the District's CAP." (p. 4.6-50.) Yet, the mitigation measures as proposed do not sufficiently substitute for PMPU implementation of the CAP's reduction measures. Further, the CAP update to ensure alignment with the PMPU plan, will not start for another two years after certification of the Plan. (p. 4.6-45.) The PMPU should fully implement the CAP.

O15-32  
cont.

#### E. The EIR Provides an Inadequate Project Alternatives Analysis.

Per the current Port Master Plan's designated "two major parks" for the North Embarcadero, related to the EIR's Alternative 5, Save Our Access requests a full EIR alternative study examining the feasibility of implementing the Central Embarcadero Park Plan by Tyler Starow (**Exhibit E**) and the 2007 Roberts/Peace Park Plan for the North Embarcadero by architect Carrier Johnson (**Exhibit F**)<sup>10</sup>.

O15-33

Setting aside the PMPU and PEIR's legal deficiencies, Save Our Access supports the incorporation of Alternative 5 into the environmentally superior alternative, Alternative 3. (PEIR, p. 6-63.) While the PEIR notes that Alternative 5 would reduce the intensity of development and criteria pollutant emissions (PEIR, p. 6-56), it fails to state that recreation impacts would be reduced through Alternative 5 via enhancement of park space (PEIR, p. 6-60).

O15-34

#### IV. Conclusion

In addition to remedying the legal violations above, we also request that the Port extend the review period by 45 days to provide time for adequate public review and comment. The Port released two extensive documents, the PMPU and PEIR, during the holidays, and they "represent[] the first comprehensive update to the originally adopted Port Master Plan" and "present[] a new vision for the future". (PMPU, p. 3.) The public needs an extension to adequately review the combined documents' 3,300 pages worth of material, especially where the PMPU facilitates major changes to the waterfront.<sup>11</sup> For these reasons, Save Our Access requests an extension of 45 days for public review and comment on the PMPU and PEIR.

O15-35

<sup>10</sup> While Save Our Access does not have a complete copy of these proposals previously submitted to the Port, the Port should have these proposals.

<sup>11</sup> Further, SANDAG revised its Transportation analysis to focus on ADT rather than VMT traffic metrics and added multiple "transit hubs." These major changes affect the public's analysis of the PMPU and PEIR and require further document review.

## Response to Comment O15-32

The text cited by the commenter has been revised, as it was not consistent with the PEIR's consistency methodology and significance thresholds. It is not the purpose of the PMPU to "implement all the reduction measures" in the CAP. Instead, the Threshold cited on page 4.6-50 asks whether the project would "conflict with an applicable plan." As discussed on Draft PEIR page 4.6-38, "The proposed PMPU is considered consistent with these plans if the PMPU meets the general intent of these plans *and does not obstruct attainment of the other plan's goals and policies.*" (See also *City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465, 491-494 [Port rail project which increased emissions levels, was consistent with state GHG goals.]

Further, the commenter faults the PMPU for not updating the CAP for another two years. Impacts under Impact-GHG-2 were determined to be less-than-significant with mitigation. Furthermore, development under the PMPU is anticipated to take decades, as discussed on Draft PEIR Section 3.5, and it not anticipated to be implemented immediately, as assumed in the comment. (See *San Franciscans for Livable Neighborhoods v. City and County of San Francisco* (2018) 26 Cal.App.5th 596, ["It would be absurd to ask the City to hypothesize the impacts of a long-term housing plan taking hold immediately. When an amendment to a general plan takes a long view of city planning, the analysis of the amendment's impacts should do so as well."].)

## Response to Comment O15-33

The PEIR is required to discuss a range of reasonable alternatives to the proposed PMPU, but is not required to evaluate alternatives to individual components of the PMPU such as parks. (*Big Rock Mesas Prop. Owners Ass'n v. Board of Supervisors* (1977) 73 Cal.App.3d 218, 227 [alternatives are to be provided "only to the project as a whole not to the various facets thereof."].) In addition, the PEIR is only required to consider alternatives that would avoid or substantially reduce any of the PMPU's significant impacts. The PEIR found that impacts relevant to a need for increased park and recreation facilities were less than significant. PEIR, p. 4.12-54.) As discussed in response to Comment O15-14 above, the commenter has misapplied the recreation and parks significance thresholds and methodology. For the Tyler Starow plan response, see response to Comment O15-3h.

**Response to Comment O15-34**

The commenter's support for a combination of Alternative 5 and Alternative 3 will be included in the information for Board consideration when it makes a decision whether or not to adopt the PMPU. The commenter further faults the alternatives analysis for "fail[ure] to state that recreation impacts would be reduced through Alternative 5 via enhancement of park space." As discussed in Response O15-14, the commenter has misapplied CEQA's methodology. CEQA focuses upon the physical impacts from providing new park space or the physical deterioration of existing park space, not the quantity of park space provided.

**Response to Comment O15-35**

The District provided a 60-day public review of the Draft PEIR, which was accompanied by the PMPU. Pursuant to Section 15105 of the CEQA Guidelines, EIRs shall not be circulated for less than 45 days or more than 60 days except under unusual circumstances. No unusual circumstances were present that would require more than 60 days for public review. However, the District acknowledges that there is significant interest in the PMPU. As such, the District elected to extend the public review of the Draft PEIR from the standard 45-day review to the less common 60-day public review to ensure sufficient time to review the document and provide comments.

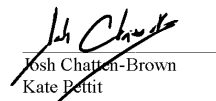
Port of San Diego  
January 10, 2022  
Page 15

Additionally, the California Coastal Act requires port master plans to include “[p]rovisions for adequate public hearings and public participation in port planning and development decisions.” (Pub. Resources Code Section 30711, subdivision (a)(5).) On this basis, Save Our Access requests that the Port provide in-person workshops to fully present new baywide maps, charts, and renderings, and to allow for informed public response to the sitting Board. This is necessary for a complete revision to the waterfront. The vast Port Broadway Pier and Convention Center halls provide adequate, safe forums for the Port to conduct public hearings and participation.

O15-36

Thank you for your consideration of these comments.

Sincerely,



Josh Chatten-Brown  
Kate Pettit

Attorneys for Save Our Access

## Response to Comment O15-36

The cited statutory provisions are not applicable to the adoption of a Port Master Plan, rather Section 30711 includes the content requirements for the Port’s Master Plan review of specific projects. The cited subsection, in particular, references procedures for review of subsequent “port planning and development decisions,” not the Master Plan itself. Furthermore, the PMPU noticing and public review process discussed in Section 1.4 of the PMPU explains that “Beginning in 2013, the District embarked on a multifaceted and integrated approach to begin the first comprehensive update to its Port Master Plan.” As further discussed in the PMPU Section 1.4.2, “On August 14, 201[4], the District celebrated an important milestone in the District’s visioning process when Board of Port Commissioners accepted the Integrated Planning Vision Statement, Guiding Principles, and Assessment Report.” The PMPU further states that “On November 17, 2015, Board of Port Commissioners accepted the Framework Report, which represented the culmination and completion of an extensive outreach and visioning effort. The Framework Report includes guidance for the following key areas: land use, water use, mobility, public access and recreation, natural resources, safety and resilience, environmental justice, and economic development. The Framework Report served as a guiding document for the comprehensive update to this Plan.” As also discussed, the PMPU, Section 1.4.3, “the District undertook a multiyear, award-winning comprehensive public outreach and stakeholder engagement process ...The Integrated Planning Process’s five phases (outlined above) included a variety of engagement opportunities and methods that helped reach a wider audience and promoted increased participation.” Furthermore, in response to the request for stakeholder meetings, as of November 8, 2021, the PMPU was discussed at several public meetings and hearings. At each of these occasions, the public was allowed, and encouraged, to comment and provide feedback about the PMPU process, its framework, and District PMPU drafts. The District listened and in a majority of cases revised the PMPU to reflect the community input provided. As of November 2021, the District has held 40 Board of Port Commissioners meetings, hearings, and workshops; 19 public events/informational open house; and 458 stakeholder meetings and presentations.

## 2.5.16 Comment Letter O16: Embarcadero Coalition #1

Susan Simon and Janet Rogers

### Embarcadero Coalition

Letter  
O16

December 2, 2021

Dear Chair Zucchet and Commissioners,

The Embarcadero Coalition respectfully requests that:

1. The Port extend the Public Comment period to review the *Draft Program Environmental Impact Review (EIR)* and *Draft Port Master Plan Update (Draft PMPU)* beyond January 10, 2022. A full 90 day review period is needed due to the extensive length of the documents and that the review period is mostly during the Holidays. Many people are out of town or made plans to travel during this timeframe limiting their ability to fully review the released documents. It has been almost one year since the Port released its last documents for public comment during roughly this same time frame. Please add the additional time to the review period.

O16-1

2. The *Draft PMPU* is not finalized and sent to the California Coastal Commission until the Central Embarcadero section is integrated into the *Draft PMPU* so that a complete review and assessment can be done. The extensive expansion plans for the Central Embarcadero were removed from public view more than one year ago and replaced with language stating the Central Embarcadero remains unchanged (*Draft PMPU* section 5.3.3(A) *Vision* states, "With the exception of the redevelopment of the existing restaurant of G Street Mole (currently the Fish Market) and roadway improvements along Harbor Drive, the PMPU does not propose any new uses, development or change in intensity of development in Central Embarcadero."). This comment is misleading at best. The Port selected a developer several years ago to complete a total transformation of the Central Embarcadero, including Seaport Village. The Port advises that they are expecting a revised plan for the Central Embarcadero from the development team by the end of this year. Therefore, it is reasonable for the Port to wait and submit a complete PMPU for review by the public instead of a piecemeal plan that leads readers to believe no changes are planned for the Central Embarcadero.

O16-2

Understanding the new Central Embarcadero "Seaport" project as well as the Navy Pier park project, other parks, parking, and Vehicle Miles Traveled (VMT) effects in the Central Embarcadero sub-Planning District are all essential for the public to fully understand the impact of the Port Master Plan on the Coastal Zone. The Port should not do the Port Master Plan in a piecemeal fashion and expect either the public's trust or acceptance of the Port Master Plan. The public expects transparency and it is the Port's job to provide it. Most importantly, the Port Master Plan should be setting parameters for the development of these projects, not the other way around. Currently, it appears the developer will be setting the parameters for development within the Central Embarcadero and the final project will be submitted as an amendment to the Port Master Plan.

### Response to Comment O16-1

This comment is similar to comment A1-2 of Comment Letter A2 (California Coastal Commission), which also requests an extension. Please see the response to Comment A1-2. Please also see the responses to Comments O15-35 and O15-36.

### Response to Comment O16-2

Please see Master Response M-1.

Because this is a 30-year plan, it is reasonable, responsible and worthwhile to ensure the integration of the Central Embarcadero into the PMPU before finalization.

O16-2  
cont.

Sincerely,

Susan Simon and Janet Rogers  
Embarcadero Coalition

contact: [EmbarcaderoCoalition@gmail.com](mailto:EmbarcaderoCoalition@gmail.com)  
Janet Rogers 616-550-3579

cc: Joe Stuyvesant, President/Chief Executive Officer  
Jason Giffen, Vice President, Planning & Environment  
Lesley Nishira, Director of Planning  
Shaun Sumner, Vice President, Business Operations

## 2.5.17 Comment Letter O17: Embarcadero Coalition #2

Janet Rogers and Susan Simon

### Embarcadero Coalition

January 10, 2022

Subject: Public Comment on the Draft PMPU and Draft Program EIR

To: Lesley Nishihira, Director, Planning Department, Port of San Diego

The Embarcadero Coalition is in favor of the Port of San Diego (Port) upgrading and developing public lands in a responsible and appropriate manner with development standards created in conjunction with input from the public, surrounding jurisdictions and relevant agencies.

We appreciate the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Port Master Plan (PMP) and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, we think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

The Port made significant changes from the Discussion Draft three years ago and we approve of many of those changes. However, we have significant concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

The Draft PMPU does not meet the standards the Port lays out in the Introduction section 1.1. It is not a "comprehensive vision", nor does it "establish(es) specific goals, objectives, policies, and standards to direct future development" for a significant amount of the public land. The Port removed the Central Embarcadero (CE) and Seaport project guidelines from public view and has no development guidelines for Chula Vista and National City. The South Embarcadero (SE) is also missing building standards, where the Port is planning to consolidate land parcels for a project by the Convention Center. The California Coastal Commission's (CCC) comment to the Revised Draft asked the Port to include the CE, as well as National City and Chula Vista, into the Draft PMPU with development standards. That has not happened. The Port had over a decade to develop these standards but did not. Instead, Port staff and developers are making the decisions for projects in these districts and will later include them in the PMP as amendments. Port property is in the public realm and should not be treated like private property. We totally agree with the CCC and previously asked for CE inclusion.

Letter  
O17

O17-1

O17-2

1

### Response to Comment O17-1

The District appreciates the Embarcadero Coalition's interest in the PMPU. This comment is an introductory comment and offers the commenter's opinion on several aspects of the PMPU, but does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

### Response to Comment O17-2

Please see Master Response M-1, for a discussion of the Central Embarcadero subdistrict (including the Seaport San Diego project), Chula Vista Bayfront Planning District, and National City Bayfront Planning District.

The PMPU is an amendment to the existing Port Master Plan (PMP), which provides a comprehensive update regarding eight of the ten Planning District's within the District's jurisdiction. The PMPU includes Planning Districts 1, 2, 3, 4, a portion of 7, 8, 9, and 10. The planning districts not included (PD5, PD6, and a portion of PD7 [Pond 20]) are excluded because the PMPU does not propose any changes to these planning districts. The Port Act and the Coastal Act authorize the District to amend the PMP, but do not require an amendment or update of the PMP to address all planning districts at the same time. Applicable to the Central Embarcadero Subdistrict, PMPU Chapter 4 provides that any future redevelopment would be subject to the Baywide Development Standards and any relevant Central Embarcadero additional development standards. As to the South Embarcadero Subdistrict, no Planned Improvement listed in the PMPU would require additional building standards. Phase 3 of the Convention Center was previously approved by the Coastal Commission and that approved CDP incorporated development standards. Based on this, no further building standards are proposed in the PMPU. Nonetheless, the comment's request to suspend the PMPU process will be included in the information presented to the Board of Port Commissioners when it considers whether or not to adopt the PMPU.



Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU cannot be called a Master Plan.

**We ask that this process be suspended until all the districts have development guidelines and parameters integrated into the Port Master Plan Update.**

We agree that it is time to update the current PMP, integrate the amendments into the plan and make adjustments for new realities. We understand that the current PMP, as a legally binding certified document, is the starting point. The current PMP is being updated, not created from scratch. Outstanding plans, guidelines and commitments are still in effect and need to be carried over to the new Plan. We are amenable to changes that enhance or improve the situation as it has developed over time.

We appreciate changes the Port has made that we previously requested. Adding setbacks and landscaping along Pacific Highway, reducing building heights and reducing the number of hotel rooms are all steps in the right direction. But we believe considerable changes still need to be made to reach the goals and commitments set forth by the CCC, the Port, San Diego Association of Governments (SANDAG), the Climate Action Plan (CAP), and the North Embarcadero Alliance Visionary Plan (NEVP).

The Coalition is concerned with development plans for all of the Embarcadero. As such, the Embarcadero Coalition respectfully requests changes to the Draft PMPU and expresses concerns about the Draft Program EIR.

#### **Embarcadero Vision**

##### **Page 254 5.3.1 Existing Setting**

Please put California residents back into the consideration equation. The Port uses the term “visitor”, or “visitor serving”, because they do not have residents on their lands. However, we feel they really mean “tourists”. There are 40,000 Downtown residents and the population is expected to double in the foreseeable future. The Port makes the mistake of counting its neighbors once, like a tourist, instead of recognizing that downtown residents use the Port’s amenities on a regular basis all year. We walk or bike weekly, often daily, and patronize the restaurants and facilities more than the tourists. Downtown residents are here all the time and the Port continues to turn its back on us, figuratively and literally.

The Port has the letter that the Seaport Village developer sent the California State Lands Commission discussing the need to broaden the definition of the type of allowable retail space on Port managed property. Please read section 3 Anticipated Users, where the letter dismisses the current 40,000 downtown residents and the remaining San Diegans who use the Port frequently in favor of his estimated 10 million yearly visitors (an average of over 27,000 visitors per day) to “Seaport”. His presentation is focused solely on a maximum revenue model instead of the CCC’s directive that public access across all income levels must be the Port’s first priority.

O17-2  
cont.

O17-3

O17-4

2

## **Response to Comment O17-3**

For the PMPU Planning Districts identified in response to Comment O17-2, above, the PMPU would replace the policies and guidelines described in the existing certified PMP. The commenter broadly suggests that additional changes to the PMPU are needed and indicates that the remainder of the comment letter provides the commenter’s proposed revisions to the PMPU. The District’s individual responses to these comments are provided in the comments that follow.

## **Response to Comment O17-4**

The commenter claims that the term “visitor” and “visitor-serving,” as used by the District, really means “tourists.” As pointed out by the commenter, the Port does not have any permanent residents since the Public Trust doctrine and Port Act prohibit residential uses on Tidelands. However, the California Coastal Act and the Public Trust Doctrine require the District to manage the District Tidelands (i.e., public trust lands) for the benefit of all citizens of California, not only local downtown residents. These lands cannot be bought or sold like other State lands, and uses must fall into specific categories, which include but are not limited to water-dependent or water-related uses, such as commerce, fisheries, navigation, environmental preservation, and recreation. As a result, “visitor” is the most appropriate term for users of District Tidelands because it is inclusive of tourists, downtown San Diego residents, as well as other citizens of California or those residing outside of California. Please see Master Response M-1.

**Page 277 5.3.3 Central Embarcadero Subdistrict****Include the Central Embarcadero before finalizing the PMPU**

We do not believe it is possible to provide an accurate review of the Draft PMPU without the CE planning district. The massive development planned for CE will have a huge impact on everything from design, parks, Recreation Open Space (ROS), parking, hotel rooms and Vehicle Miles Travelled (VMT). Any PMPU revision without it is unbalanced and uninformed. The Port's own website lists the massive redevelopment of Seaport Village in its Projects section. Therefore, it is disingenuous to state in the Draft PMPU (page 277), "the PMPU does not propose any new uses, development or change in intensity of development in Central Embarcadero. Rather, the continuation of the existing uses, with potential maintenance of and minor improvements to existing development, such as Seaport Village and Tuna Harbor, could be allowed under the PMPU." A developer was selected by the Port in 2016 and he submitted his updated plan to Port staff in December, 2021. During those five years, Port staff had time to create development guidelines for inclusion in the PMPU and EIR. This project is not on private property but held in public trust. The public should be weighing in on the development parameters.

The CE redevelopment will dominate the world's view of San Diego for generations. Therefore, it is imperative that CE is included for a comprehensive evaluation of the Draft PMPU before the plan is finalized. It is paramount that thoughtful and balanced development occur in Seaport Village and elsewhere along the waterfront so that these areas do not completely dominate and overwhelm downtown and the surrounding landscape.

The Seaport Village developer has mentioned during presentations that San Diego needs an "iconic" landmark. We already have several iconic landmarks that companies such as Apple have used to feature their new products. Apple introduced its iPhone 13 with a film taken along our waterfront from the Coronado Bridge to the new Rady Shell. The anchoring elements of the film, the bridge and the shell, both have elegant and timeless design lines, which tastefully and beautifully enhance San Diego's waterfront. Any redesign of Seaport Village and surrounding areas must ensure the plan integrates and complements these existing elements and does not diminish them.

The PMP is the planning document which defines the parameters for developers. By removing the CE from the PMPU and public view and not including those parameters, it appears the Port is waiting for the developer to present a project the Port likes and then make it an amendment to the PMP, thus allowing the developer to set the parameters. The Port has a responsibility to give the developer parameters that have been set in conjunction with the public. That is not being done.

Leaving the CE out of the Transportation Impact Study (TIS) in the Draft EIR is unacceptable. The VMT impact on downtown traffic will be horrific if the Port adds 10 million visitors a year to that little corner of downtown.

O17-5

O17-6

3

**Response to Comment O17-5**

This comment is similar to Comment O17-2. Please see the response to Comment O17-2 and Master Response M-1 for a discussion of the Central Embarcadero Subdistrict and Seaport San Diego Project.

**Response to Comment O17-6**

Please see Master Response M-1. In addition, any future development within Central Embarcadero would be subject to environmental review pursuant to CEQA Guidelines Sections 15152 and 15168(c) (see PEIR, pp. 1-2 and 1-3) and would need to be consistent with applicable baywide development standards and subdistrict development standards pursuant to Chapters 4 and 5 of the PMPU, respectively. The entitlement and environmental process for any discretionary development proposal in Central Embarcadero would be required to comply with the noticing and public review requirements of CEQA and the Coastal Act. As such, it is incorrect and misleading to claim that a future developer at Central Embarcadero would set the parameters and remove the future entitlement process from public view.

Regarding the commenter's claim about leaving Central Embarcadero out of the TIS prepared for the PMPU (Appendix D of the Draft PEIR), the TIS evaluated both a base year (2012) scenario and a Horizon Year (2050) scenario, using the San Diego Association of Governments' (SANDAG) 2021 Travel Demand Model.

The 2050 scenario is derived based on the planned land uses (i.e., planned projects) and mobility improvements within the region, as well as population and employment projections. The Seaport San Diego redevelopment was included in the VMT modeling assumptions for 2050. The direct land use coding that was incorporated into the SANDAG Model under Year 2050 conditions is provided in Appendix A of the TIS (Appendix D of the Draft PEIR). The Central Embarcadero land uses are contained in Master Geographic-Reference Areas (MGRAs) 2652, 2653, 2654, 2655, 2656, 2658, 2662, 2663, 6778, and 6789. SANDAG Land Use codes are publicly available on its website. However, even without the 2050 scenario, the VMT analysis would comply with CEQA. As discussed in OPR's Technical Advisory, "A project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact. Accordingly, a finding of a less-than-significant project impact would imply a less than significant cumulative impact, and vice versa." (OPR Technical Advisory p. 6; PMPU Draft PEIR p. 4.14-54.)

The commenter also alleges that if the Seaport San Diego Project is not considered in the TIS prepared for the PMPU, “impact[s] on downtown traffic will be horrific.” The commenter’s reference to “traffic” appears to be a reference to “traffic congestion,” which is no longer considered an impact under CEQA. Instead, Section 15064.3 of the CEQA Guidelines states that VMT, which is a metric related to mobile source greenhouse gas emissions, is the most appropriate measure of transportation impacts. (Pub. Res. Code Section 21099(b)(1).) Furthermore, the entire Central Embarcadero is located in a Transit Priority Area, and all development in such locations is presumed to have a less than significant impact related to VMT. (CEQA Guidelines Section 15064.3(b)(1).)

Transit Priority Area Maps:

<https://www.sandiego.gov/sites/default/files/transit-priority-map.pdf>

As such, the Seaport San Diego project was accounted for in the Draft PEIR’s transportation impact analysis. No changes to the Draft PEIR are required in response to this comment.

The Port policy to have Public Demand dictate the number of parking spaces is another unacceptable policy. Especially so if the Port will require parking spaces for over 27,000 projected daily visitors to Seaport Village. This policy is contrary to the CAP.

O17-7

Please include development guidelines for the CE sub-district into the Draft PMPU, and update the Draft EIR with its inclusion, before finalizing the Draft PMPU and presenting the Plan to the CCC. Since the Port already has the developer's revised plan, it is reasonable to wait to integrate the CE guidelines into this 30 year plan.

O17-8

#### Central Embarcadero Draft PMPU Requested Changes

The Embarcadero Coalition notes our requested changes to the CE section of the Draft PMPU in red. The current Draft PMPU language is in blue. Additional comments are noted in red within parentheses.

#### Page 277 5.3.3(A) Vision

Protect and retain Eexisting waterfront open spaces, such as Tuna Harbor Park, Ruocco Park, and Embarcadero Marina Park North, provide recreational opportunities and expansive views of the water, both landslide toward the west and waterside toward the east and downtown.

#### Roadway Improvements

PD3.45 Reconfigure the North Harbor Drive/West Harbor Drive right-of-way to accommodate all modes of travel while allowing for:

- Two general travel lanes north of Market Street; (Where is the room for two travel lanes and two dedicated transit lanes, especially where Harbor Drive curves around the southern end of the IQHQ development? Two travel lanes anywhere on Harbor Drive complicates the VMT and congestion problems on Pacific Hwy)
- c-f (Same concern about space for these lanes, plus concern of losing green space and the negative impact on memorials. CE needs to be included in the reconciliation of green space/ROS, parks and plazas).

O17-9

#### Page 279 5.3.3(D)-I Public Realm Standards

##### Page 280 Views

Figure PD3.4 (page 261) should have an inland Scenic Vista location added at the corner of Pacific Highway and Harbor Drive for the Bay views from Ruocco Park

PD3.51 Preserve scenic vista areas in the following locations as generally depicted in Figure PD3.4:

c. Along the waterfront south of Ruocco Park the Midway and north of Market Pier.

4

## Response to Comment O17-7

The commenter raises two issues, which are addressed below.

First, the commenter expresses concern about including a policy that requires analysis of the demand for parking to determine the future number of parking spaces. However, the commenter does not accurately cite PMPU policies related to parking.

The California Coastal Act (CCA) mandates providing adequate public access to the waterfront and Section 30252(4) of the CCA states that “The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development with public transportation.” Section 30212.5 of the CCA further provides that public facilities, including parking, should be distributed throughout the planning area. To address applicable policies of the CCA, the PMPU includes an objective and several policies aimed at providing sufficient public parking to ensure adequate public access to the waterfront. Mobility Objective 1.3 aims to “Provide public parking to meet evolving demands.” The key phrase in this objective is “evolving demand,” which implies that parking demand and how it is addressed will not be static, but rather will re-evaluated throughout the life of the PMPU and modified, as necessary.

To implement Mobility Objective 1.3, the PMPU includes multiple policies, such as M Policy 1.3.5, which states that “The District shall periodically monitor the public parking demand on Tidelands to ensure that public spaces are being efficiently managed and used and to review and update the District’s parking guidelines, as necessary,” and M Policy 1.3.7, which states that “The District shall reallocate or combine parking, where feasible, into mobility hubs or other consolidated parking facilities to allow for additional public open space, development, transit opportunities, and bicycle facilities. This policy applies both to parking allocated for specific developments and public parking.” Lastly, M Policy 1.3.8 states that “New structured parking should be designed for vehicle use in the short term and then for repurpose to a nonvehicle use if parking demand decreases.” These policies demonstrate that, while parking demand is a factor in how parking is provided on District Tidelands, it would be an evolving consideration over time, with one of the primary goals being to meet parking demand through the incorporation of mobility hubs that provide connections to multiple modes of transportation throughout Tidelands. Additionally, from a policy perspective, the District finds it infeasible to set more specific parking requirements in the context of a programmatic plan, and will base such decisions on the subsequently proposed uses and locations. (See *City of Hayward v. Board of Trustees* (2015) 242 Cal.App.4<sup>th</sup>

833, 850 [“Site-specific impacts to the smaller residential streets in the neighborhood and related mitigation measures, however, were properly deferred until the project is planned and a project EIR is prepared.”]

Second, the commenter raises the issue of parking associated with the Seaport San Diego Project. The PMPU does not include any site-specific development proposals. Please see Master Response M-1. While the commenter generically alleges an inconsistency with the CAP and the PMPU parking policies, the commenter does not identify any specific policy inconsistency as a basis for this conclusion.

### **Response to Comment O17-8**

For a response regarding the Central Embarcadero, please see Master Response M-1. Any proposed redevelopment of the Central Embarcadero is not a part of the PMPU; however, the PEIR included the Seaport San Diego Project in the cumulative impact analysis for each environmental subject area (see Cumulative Project No. 11). That redevelopment would be guided by existing planning documents (please refer to the PMPU, Section 5.3.3(D), at pp. 279/28). Moreover, if approved, the Baywide Development Standards in Chapter 4 of the PMPU would apply to all development projects, while the Subdistrict Development Standards in Chapter 5 would apply to all development projects within a particular subdistrict.

### **Response to Comment O17-9**

This comment requests specific changes in the PMPU and does not raise an environmental issue or otherwise refer to the PEIR. Pursuant to State CEQA Guidelines Section 15088, no response is required. The comment questioning the width of Harbor Drive, north of Market Street, as it relates to traffic congestion is not considered an issue subject to CEQA. Specifically, CEQA Guidelines Section 15064.3 requires the analysis of VMT to determine transportation-related impacts and no longer considers impacts related to Level of Service (LOS) as an environmental impact. The widening of roadways would seek to improve LOS and reduce vehicle delay (i.e., congestion) and therefore is not relevant to determine if an impact pursuant to CEQA would occur. Further, as outlined in Measures T-27 and T-28 of the *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, December 2021*, the implementation of transit-only lanes, as recommended along Harbor Drive, can reduce the overall VMT within the transit service area by 0.6% and 13.8%, respectively. As such, the implementation of the transit-only right-of-way is anticipated to result in a reduction of VMT and not further complicate it, as the comment suggests. During the preparation of the PMPU, the District analyzed the width of Harbor Drive and has

determined that there is enough width to accommodate the proposed roadway improvements. Further, that analysis indicated that in front of the IQHQ development, there is the correct width to meet roadway Improvement PD3.45.

This comment also addresses adding a new scenic vista location and revising the PMPU relating to the Midway Museum and Ruocco Park; however, the District does not agree with the comment's suggested changes and is not proposing revisions to the PMPU. The PMPU currently proposes a View Corridor Extension, as well as a Scenic Vista Area, at the Midway Museum and the proposed Recreation Open Space proposed by the PMPU (Fig. PD3.4). Further, the PMPU shows a proposed Scenic Vista at Ruocco Park, on that same figure; however, the term "inland Scenic Vista" is unclear and not explained in the comment. Finally, the commenter adds a new letter "d." to Public Realm Improvement PD 3.51, that would contain text to preserve both Ruocco Park and its scenic vista. Since no changes to Ruocco Park are contemplated within the PMPU and Figure 3.4 already delineates a Scenic Vista Area at that Park, it is unnecessary to revise the PMPU based on this comment.

This comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

d. Retain Ruocco Park in its current location as well as the existing scenic Bay views from Ruocco Park.

**Page 253 5.3.2 North Embarcadero Subdistrict**

**Current PMP - Centre City Embarcadero Planning Subareas**

The current PMP references the NEVP rather than delineating the planning guidance. We understand that the integration of plans means that references to the NEVP will not be needed since the relevant aspects will be included into the new PMP language. The inclusion of those principles into the new PMP is of utmost importance.

**Page 59 PLANNING DISTRICT 3**

"The North Embarcadero Alliance Visionary Plan area includes all of Subareas 31, 32, 33, and part of Subarea 34. The Visionary Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by **guiding development to optimize property values, public access opportunities** and priority waterfront and water-dependent uses." (Emphasis added). **This language is in the current PMP and needs to be included in the Draft PMPU and final PMP.**

**Geographical boundaries of the NEVP**

The Project Area is bordered by Market Street on the south, Laurel Street to the north, the railroad right-of-way to the east and the San Diego Bulkhead line (the bayward edge of land) to the west, in downtown San Diego.

**Page 36 NEVP**

The NEVP states, "**City Meets the Bay** The Visionary Plan is fundamentally about connectivity and linkage between downtown San Diego and the bay."

The NEVP is still relevant to developing the NE since only one phase has been implemented. We believe the geographical description of the NEVP makes the property owners between Pacific Highway and the railroad tracks Third Party Beneficiaries of the NEVP and its integration into the Port's Plans. The land owned by Catellus at the time of the NEVP is included in the development considerations of the PMP.

Goals expressed in the NEVP and Memorandum of Understanding (MOU) to be retained:

- Provide access and open space for the public
- Optimize existing property values
- Improve linkages with surrounding neighborhoods and the South Embarcadero area
- Enhance existing aesthetic values

O17-9  
cont.

O17-10

5

## Response to Comment O17-10

The comment is specific to the content of the current certified Port Master Plan, rather than the Draft PEIR, and the response is divided into two sections. The first provides a description of the NEAVP, including a brief history and its current status. The second section addresses the PMPU's View Corridors at C Street, as well as the A Street and B Street View Corridors.

### NEAVP

The North Embarcadero Subdistrict, as proposed in the Draft PMPU (November 2021), generally encompasses District tidelands north of Broadway, south of Laurel Street, and west of Pacific Highway. The discussion provided below and the requested direction from the Board is regarding the area of North Embarcadero between Broadway and Ash Street. Specifically, it is the area north of the Lane Field site (Marriott Residence Inn/SpringHill Suites) and south of the proposed B Street reconnection, which includes the north side of the existing Wyndham San Diego Bayfront. The PMPU identifies this area with a Commercial Recreation Land Use Designation.

Commenters have raised questions about the relationship between the proposed PMPU and the 1997 Memorandum of Understanding (MOU), the latter of which resulted in the December 1998 North Embarcadero Alliance Visionary Plan (1998 NEAVP) and formation of a Joint Powers Authority (JPA). Commenters suggest that the PMPU process should be paused until the JPA Board meets to ensure the proposed PMPU is compliant with the 1998 NEAVP. However, there is no requirement to do so. The PMPU is an update of the current certified Port Master Plan including PD3, of which the North Embarcadero Subdistrict is a part. If adopted by the Board of Port Commissioners, the PMPU will replace (and supersede) the current certified PMP for PDs 1, 2, 3, 4, a portion of 7, 8, 9, and 10, including for the North Embarcadero Subdistrict of PD3. Therefore, if the PMPU is adopted and certified, it would serve as the governing water and land use planning document for the North Embarcadero Subdistrict and the other PDs and associated subdistricts covered by the PMPU.

By way of background, in 1997, the District, City of San Diego, Centre City Development Corporation, County of San Diego, and U.S. Navy voluntarily entered into an MOU, creating the North Embarcadero Alliance. The stated goal of the MOU was to formalize the agencies' voluntary commitment to develop a visionary plan for the North Embarcadero area over a one-year period. The agencies agreed to collectively fund the one-year planning

**Final MEIR of the NEVP April 2000**

Catellus' public comment letter dated Jan 26, 2000 (pages 29-34), in response to the Draft Master Environmental Impact Report (MEIR) for the NEVP, expressed concern about adequate detail concerning public view impacts between Pacific Highway and the Bay. The comments requested that additional information or clarification be included in the MEIR to better inform the public and affected property owners concerning the impacts of the Visionary Plan and the related developments described in the Visionary Plan.

Catellus' letter states, in parts:

"In light of the significances that the Visionary Plan places on the creation and preservation of east-west view corridors should be included in the MEIR, particularly along A, B and C Streets between Pacific Hwy and the SD Bay, where some of the most intense development under the Visionary Plan will occur. One photo-simulation along Broadway does not adequately describe the potential view impacts of the Visionary Plan or how the setback and step backs described in the VP will help mitigate such view impacts."

"The discussion in the 4th bullet concerning view impact of the Lane Field project simply refers the reader to the discussion of view impacts for the Visionary Plan as discussed above, however the discussion earlier in the **MEIR does not provide adequate detail or photo simulation to assist the reader in understanding how the east-west views to the SD Bay will be protected by the setbacks and step backs described in the VP.**" (Emphasis added)

Catellus' concern about view corridors and preserving the views was well founded. We consider the C Street view corridor a failure from Pacific Highway. The corridor is not welcoming to the public; the view does not go to the bay; and there is not a sense of open access. That corridor, even with setbacks and step-backs, would not protect the east-west views. The entrance to the two hotels (Intercontinental and SpringHill Suites) is also the public access point from Pacific Highway. There are no signs posted to identify it as such or that there is a free public viewing area on the property. It appears and functions as a private hotel entrance. Even the availability of public parking spaces is not obviously signed.

**Page 8 Addendum to the MEIR February 2009 North Embarcadero Visionary Plan —Phase 1 Coastal Access Features Project**

The long list for Project Goals and Objectives include:

- Contribute to provision of uses and amenities that serve the local and regional community and tourists.
- Preserve and maximize views of and to the Bay.
- Provide public access and open space amenities, particularly along the Bayfront.

O17-10  
cont.

6

process. This effort resulted in the 1998 NEAVP that provided "a vision for the revitalization of San Diego's downtown waterfront." (Plan, p.1).

The JPA, formally known as the North Embarcadero Alliance Joint Powers Authority was formed in 2007 and is a legal entity, separate and distinct from the District, that consists of the City of San Diego, the Redevelopment Agency of the City of San Diego (acting through CivicSD, previously Centre City Development Corporation), and the District. (Note that the initial JPA, established in 2003, expired after fulfilling its purpose of approving a schematic design [meaning civil, structural, architectural, landscape and irrigation, and electrical] and recommended first phase for a North Embarcadero Alliance Visionary Plan.) The stated purpose of the 2007 JPA is to fund and design phased infrastructure improvements in the North Embarcadero area. The JPA calls for the JPA Board to meet twice annually until completion of the project, or 40 years, whichever occurs first. However, the Port is not required to present any Port Master Plan Amendment (e.g., the PMPU) to the JPA.

The JPA was amended in 2011, to reflect project changes and update the JPA's funding agreement to complete Phase 1 of the 1998 NEAVP. It is the District's understanding that the Phase 1 project was completed in 2014, and the JPA's purpose pursuant to the 2011 amendment was fulfilled. The District also understands there was no money remaining for any further phases of the JPA's efforts.

The JPA's sole purpose is to design and fund infrastructure. The JPA does not have any land use planning authority under the law or the relevant agreements. The California Coastal Act vests that authority with the District and mandates that the District plan all port-related development (*See Pub. Resources Code, § 30711, "A port master plan that carries out the provisions of [Chapter 8] shall be prepared and adopted by each port district..."*) The District cannot delegate this mandate to another legal entity. Thus, while the District (as a separate agency and as a member of the JPA) endorsed the 1998 NEAVP, it is a *visionary* document only and does not legally dictate the land use policies and programs of the PMPU. The California Coastal Commission recognized the visionary nature of the plan when it noted "the Port will use the Visionary Plan for planning guidance only." (California Coastal Commission *Staff Recommendation on San Diego Unified Port District Port Master Plan Amendment No. 27*, November 2, 2020, p. 5)

Similarly, there is no legal requirement that the PMPU public review process be halted to enable the JPA Board to first meet and consider the PMPU.



View Corridor Extensions

This part of the comment again refers to proposed view corridor preservation, as found in the NEAVP. The history and status of the NEAVP is covered in part 1 of this response, above. That response is relevant for this section of the comment, as well, in that the NEAVP is not applicable to the PMPU. The response reiterates the PMPU's viewshed treatment for A, B, and C Streets. The PMPU lists several Planned Improvements for roadway reconnections within the North Embarcadero Subdistrict, at PD 3.7, that include: a) extending A Street to North Harbor Drive with a width of 80 feet, between building faces on the north and south sides of A Street; b) reconnecting B Street between Pacific Highway and Harbor Drive for pedestrian, vehicular, and bicycle access, at a width of 80 feet, building face to building face; and c) a north-to-south connection that links Ash Street to B Street, with a 30-foot wide building face to building face. These reconnections will allow for view corridors and access to the Bay.

The PMPU depicts View Corridor Extensions, on Figure PD3.4 of the PMPU, that delineates View Corridor Extensions at A Street, B Street, and C Street from Pacific Highway to the west, to the Bay. Additionally, the PMPU, on that same figure, shows Non-Waterside Walkways for both A and B Streets that allow for access to the Bay, between Pacific Highway to the east and Harbor Drive to the west. Each of these Non-Waterside Walkways lead to the Harbor Drive Multi-Use Path that runs north-to-south, at the west side of Harbor Drive, and all of which provide view corridors and pedestrian or bicycle access to the Bay. The PMPU also identifies Scenic Vista Areas between Ash Street and A Street and between C Street and Broadway, from Harbor Drive towards the Bay.

The commenter also cites comments from 22 years ago about the contents of a different Environmental Impact Report. (See *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 537 [Comments submitted before the release of the Draft EIR did not constitute comments on the adequacy on the Draft EIR].)

While the comment raises general environmental concerns related to inadequate view corridors, insufficiently signed public access points, and public parking on Pacific Highway, the commenter is describing existing conditions, rather than what is proposed by the PMPU. Potential impacts of the PMPU on view corridors are discussed in Section 4.1, *Aesthetics & Visual Resources*, of the PEIR. Potential impacts related to public access and public parking are discussed in Section 4.9, *Land Use & Planning*, of the PEIR. Because the comment does not raise a specific environmental issue or question the adequacy or completeness of the PEIR, no further response is required and no revisions to the Draft PEIR are required. However, the

- Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

O17-10  
cont.

#### Joint Powers Agreement for Implementation of the NEVP

The City of San Diego (City) and the Port are signatories to a Joint Powers Agreement (JPA) governing the implementation of the NEVP. The JPA expires in 2047. The plan cannot be implemented if the basic tenets are ignored rather than integrated into the new PMP. The JPA members need to address the NEVP issues in the Draft PMPU.

#### North Embarcadero Draft PMPU Requested Changes

We have highlighted our requested changes in red. The current Draft PMPU language is in blue. Comments are in parentheses.

#### Page 263 5.3.2(A) Vision

Add:

**The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses."** (Emphasis added)

O17-11

#### Additional Goals and Objectives:

- **Contribute to provision of uses and amenities that serve the local and regional community and tourists.**
- **Preserve and maximize views of and to the Bay.**
- **Provide public access and open space amenities, particularly, but not limited to, along the Bayfront.**
- **Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.**

These goals and guidelines are included in the NEVP, MEIR, Addendums, current PMP and need to be included in the Draft PMPU and Final PMP.

**We don't believe that street view corridors alone fulfill the requirements of optimizing property values or preserving and maximizing views to and from the Bay.**

We are dismayed that the PMPU has returned to mainly being a tourist-serving document and dismissing the important relationship between the California residents who live in San Diego and are close neighbors to the Port who routinely use and contribute to the Port lands all year. The impact of downtown residents on the Port is not just our increasing numbers, but our frequency of use, which significantly magnifies

O17-12

7

comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

### Response to Comment O17-11

This comment refers to the status of the NEAVP, and the status of the JPA, which are covered in detail in the response to Comment O17-10, above. The comment is specific to the content of both the NEAVP and PMPU, and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. In addition, the District is subject to the Port Act and the Public Trust Doctrine, neither of which requires the District to maximize property values on or off Tidelands. Moreover, the commenter has not demonstrated why the provision of street view corridors as identified in the PMPU does not maximize views to and from the Bay, nor has the commenter provided examples of what would satisfy their concerns. In addition to street view corridors, the PMPU identifies several designated scenic vistas within PD3, including eight vistas in the North Embarcadero, which are depicted on Figure PD3.4 of the PMPU. As described in Chapter 7 of the PMPU, scenic vistas are areas of visual public access providing scenic views from publicly accessible points on Tidelands. The potential impacts of the PMPU on view corridors and scenic vistas are discussed in detail in Section 4.1, *Aesthetics & Visual Resources*, of the PEIR. Please also see response to Comment O17-10, above. This comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

### Response to Comment O17-12

Please see the response to Comment O17-4 above, which addresses a similar concern. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

our impact and importance to fulfilling the Coastal Commission's and Port's stated goals for public use.

#### Page 264 5.3.2(B) Special Allowances

The City's discussion draft public comment letter to the Port dated July 31, 2019 stated that B Street should be made a pedestrian promenade instead of a truck and bus staging area for cruise ships. We support the City's request. Please note that B Street should still be 80 ft for the street portion plus 30 ft for the walkway.

The PMPU should identify the 1220 Pacific Highway site for recreational open space as a pedestrian only connection between Pacific Highway and the Embarcadero. The PMPU should only allow a mobility hub without parking for automobiles or for trucks or other staging associated with cruise operations. The PMPU should also identify a mobility hub for automobile parking along Pacific Highway north of Laurel Street rather than a location between Hawthorn and Grape Streets.

Temporarily closing a street is unrealistic. Piers are for staging the servicing needs of cruise ships, not inland streets. Please ensure that the piers are capable of fulfilling their function. April 2022 already has 17 days scheduled with cruise ships. Some days have 3 ships scheduled. The need for staging is not temporary but over half the month and growing. Additionally, we are concerned how the trucks and buses that serve the cruise ships will navigate the area if the Port reduces Harbor Drive to two driving lanes. These issues need to be addressed long before the 2049 expiration of the Navy lease.

#### B Street Cruise Operations Staging

~~PD3.1 The temporary closure of the completed B Street connection as described in PD3.7, between Pacific Highway and North Harbor Drive, may occur when needed for truck and other staging uses associated with cruise operations. When available, convert B Street into a pedestrian only promenade.~~

#### Navy Pier

~~PD3.3 Designate the entire Navy Pier with the Recreation Open Space land use designation on the Embarcadero Planning District Water and Land Use Map (Figure PD3.2).<sup>\*</sup> Navy Pier should retain handicap parking and ingress and egress for vehicles. (ROS acreage should be adjusted)~~

#### Page 265 5.3.2(C)-I Landside Access

#### Mobility Hubs

~~PD 3.5: Develop a Local Gateway Mobility Hub between Ash and B Streets, in the area generally depicted in Figure PD3.3. The mobility hub shall, "Meet the criteria of a Local Gateway Mobility Hub, or larger, in accordance with Chapter 4, Baywide Development Standards" This Mobility hub shall not have additional public parking spaces as either~~

O17-12  
cont.

O17-13

O17-14

8

## Response to Comment O17-13

This comment concerns the PMPU and requests specific revisions to portions of the PMPU. The comment does not raise an environmental issue or otherwise refer to the PEIR. Therefore, pursuant to State CEQA Guidelines Section 15088, no further response is required. The commenter's support for B Street being modified as a pedestrian promenade has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU. The commenter also raises an issue with PD3.1 and PD3.7, which are stated below:

PD3.1: The temporary closure of the completed B Street connection as described in PD3.7, between Pacific Highway and North Harbor Drive, may occur when needed for truck and other staging uses associated with cruise operations.

PD3.7: Reconnect B Street between Pacific Highway and North Harbor Drive for pedestrian, bicycle, and vehicle use, in addition to temporary truck and other staging associated with cruise ship operations, as described in PD3.1. The minimum width of this connection shall be 80 feet, building face to building face, measured at grade.

B Street is currently closed to through-traffic. Modifying it to allow for pedestrian, bicycle, and vehicle use, while closing it to through-traffic for staging operations when needed, would be no less realistic than leaving it in its current state, which does not currently provide a connection between North Harbor Drive and Pacific Highway.

As noted in PD3.45(c), potential dedicated transit lane(s) may be provided along Harbor Drive which would accommodate the Bayfront Circulator, buses that service the cruise ships, as well as public buses along Harbor Drive. Additionally, any improvements along Harbor Drive would be designed in accordance with Federal Highway Administration and local standards, and as such, would be designed to safely accommodate truck traffic.

In addition, the commenter's suggestion that the PMPU should be revised to provide that Navy Pier should retain handicap parking and ingress and egress for vehicles and that ROS should be adjusted accordingly raises a policy issue and has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

a stand alone parking lot or additional parking spaces incorporated into hotel parking. All future parking spaces in this location shall be below ground.

1. The Port's Mobility Hub concept is out of sync with SANDAG and the San Diego Metropolitan Transit System (MTS). Adding parking garages downtown induces travel and increases VMT by bringing cars into downtown just to ride the Ports shuttle bus or circulator. True Mobility Hubs for automobiles are located outside of downtown and people ride transit into downtown, as SANDAG and MTS have determined in their transportation plans.
2. Use Transportation Demand Management (TDM) to identify existing parking opportunities without creating more parking spaces. Parking garages masquerading as Mobility Hubs are not linked into the MTS transit system and therefore will not function as connected Mobility Hubs - just parking garages.
3. Utilize parking apps that identify available parking spaces. Refer drivers to the Intercontinental Hotel parking and the 2,000 public spaces announced by IQHQ. Once in these locations, the Port's shuttle bus or circulator is appropriate.
4. All future parking spaces between B street and Ash should be underground. Although the Lane Field Marriott SpringHill Suites has above ground parking that is the exception and was only granted due to the recession. This above ground parking is an eye-sore. The Navy/Manchester/IQHQ property, Intercontinental and the Waterfront Park/County parking lots are all below grade. No developer should be considered who cannot agree to underground parking.

O17-14  
cont.

#### Page 266 Roadway Reconnections

Roadways go from curb to curb not building face to building face. The width for Walkways are additional on both sides of the street.

PD3.7 The following roadway reconnections shall be made in the area bounded by Ash Street, B Street, Pacific Highway, and North Harbor Drive, including portions of the block south of B Street, as generally depicted in *Figure PD3.4*:

- Extend A Street to North Harbor Drive to provide a link between North Harbor Drive and Pacific Highway for pedestrian, bicycle, and vehicle use. The minimum width of this connection shall be 80 feet, **building-face-to-building-face, curb to curb**, measured at grade.
- Reconnect B Street between Pacific Highway and North Harbor Drive for pedestrian, bicycle, and vehicle use, **in-addition-to-temporary-truck-and-other-staging-associated-with-cruise-ship-operations, as described in PD3.1**. The minimum width of this connection shall be 80 feet, **building-face-to-building-face, curb to curb**, measured at grade.
- If a north-south connection is provided linking Ash Street to B Street, the minimum width of that connection shall be 30 feet, **building face to building face**, measured at grade. **This connection is a pedestrian only connection based upon the NEVP. If it is a roadway, then the measurement is curb to curb.**

O17-15

9

## Response to Comment O17-14

This comment concerns the PMPU and requests specific revisions to portions of the PMPU regarding parking and mobility hubs. To maintain and enhance public access to the waterfront, reduce VMT, and provide for a range of mobility options, the PMPU proposes to develop mobility hubs. Mobility Hubs, as defined and proposed by the PMPU, are connection points in which visitors and workers are provided the opportunity to change from one mode of travel to another, as necessary, to reach their destination. A mobility hub includes, but is not limited to, landside modes such as personal auto; transit; rideshare; biking; walking; micro-mobility options; as well as waterside modes such as transient docking and water-based transfer points that support a water-based transit network, such as water taxis and/or ferries. These differ from parking garages in that they are designed to provide multiple modes of travel from their locations, providing the user with multiple options of how to move around the bayfront and downtown and access the various amenities and attractions. As noted in response to Comment O17-7, above, the CCA mandates providing adequate public access to the waterfront and Section 30252(4) of the CCA states that “The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development with public transportation.” The mobility hubs included in the PMPU are consistent with Section 30252(4). In addition, the proposed mobility hubs are consistent with CCA Section 30212.5, which encourages the location of public facilities, including parking, to be distributed throughout the planning area.

As discussed on page 4.9-47 of the Draft PEIR, “in accordance with Mobility Objective 1.2 in the Mobility Element and subsequent policies, the District would implement a series of interconnecting mobility hubs throughout the Tidelands. Regional Mobility Hubs would provide a direct connection to a regional transit stop, such as a trolley or bus stop, and a bayfront circulator stop. Additionally, these mobility hubs would connect to water-based access points throughout the Bay, where feasible. Parking areas may be included in mobility hubs or as standalone facilities. The District would encourage the development of mobility hubs rather than surface parking to provide proximate connections to the water and Tidelands, where feasible. The development of the mobility hub network and extension of the baywide circulator, combined with existing public transportation options, would provide substitute means of serving the development with public transportation. In addition, in accordance with Mobility Element Objective 1.3 and subsequent policies, the District would require permittees of future

development to identify and secure vehicular parking sufficient to serve the development's use. Parking could be provided through on-site parking, shared agreements with adjoining development, agreements with off-site parking facilities, and participation in the establishment of planned mobility improvements, including mobility hubs, etc. Additionally, in accordance with Mobility Objective 1.3 and subsequent policies, the District would provide public parking to meet evolving demands. The District will seek to balance the competing demands of the CCA for adequate parking with those of SB 743 and related laws and regulations to reduce GHG emissions."

As noted in PMPU Mobility Element Policy 1.3.7:

"The District shall reallocate or combine parking, where feasible, into mobility hubs or other consolidated parking facilities to allow for additional public open space, development, transit opportunities, and bicycle facilities."

As such, it is not the intent of the Mobility Hubs to create additional parking spaces within District Tidelands. Instead, Mobility Hubs would provide public parking at strategic locations throughout the tidelands, with the goal of creating and preserving more public space and multi-modal facilities. Therefore, the inclusion of Mobility Hubs generally should not increase the overall number of parking spaces within the District. Instead, Mobility Hubs would better organize the existing parking spaces and provide visitors with multi-modal travel options to traverse the tidelands, thus reducing VMT (for description of PMPU's intent regarding mobility hubs, see text box below M Policy 1.2.7). Additionally, consolidating parking between different uses allows for more shared parking opportunities between uses with different peak demands, and allows for visitors to utilize the "Park Once" concept which can ultimately reduce the number of spaces needed within the tidelands because visitors would have other mobility options to travel around the tidelands. The PMPU, *Table 4.1 Mobility Hub: Accessibility Requirements and Amenities*, identifies the requirements for each type of mobility hub: Regional, Local Gateway, and Connector. In the North Embarcadero Subdistrict, both the Regional and Local Gateway mobility hubs are proposed and each of these is required to include parking spaces, by consolidating parking spaces for public destinations and in the case of the Local Gateway mobility hub, located within 500 feet of off-street public parking. Both mobility hub types must provide access to transit and the PMPU proposed Bayfront Circulator.

It should be noted that SANDAG indicated its appreciation of the District's incorporation of Mobility Hubs into the PMPU, in its comment letter dated January 7, 2022, as well as offered to coordinate on the development and

implementation of the Mobility Hubs. Additionally, SANDAG's Mobility Hub Features Catalog was reviewed and used as guidance for the proposed Mobility Hub policies and features included within PMPU. As such, the proposed Mobility Hubs within the District will have many of the features outlined in the catalog and will not in conflict with SANDAG's plans. Further, in response to the comment about moving mobility hubs to areas outside of the Tidelands and the city center, SANDAG's adopted 2021 Regional Plan indicates that it anticipates locating mobility hubs throughout these types of land use centers: job, residential, and activity. Downtown San Diego is a major job center in the County; therefore, the PMPU's urban mobility hub concept conforms to SANDAG's proposed mobility hub network (see: <https://www.sandag.org/projects-and-programs/innovative-mobility/mobility-hubs>; and 2021 Regional Plan, Appendix F – *Figure F.4: 2025 Housing and Employment Density and Regional Mobility Hub Network*).

The comment also suggests that “all future parking spaces in this location shall be below ground” (i.e., between B Street and Ash Street) to avoid creating an “eyesore.” However, a blanket requirement to underground all parking spaces within the North Embarcadero Subdistrict is not considered feasible. As discussed on Draft PEIR pages 4.8-30 through 4.8-31 in Section 4.8, *Hydrology and Water Quality*, groundwater levels in portions of the Port are as shallow as 4.78 feet below ground surface (eight-feet below ground surface in the Embarcadero Planning District). Facilities, such as the San Diego Convention Center, have had groundwater intrusion since its construction and require permanent dewatering at significant cost ([https://www.sandiego.gov/sites/default/files/17-013\\_sdcc.pdf](https://www.sandiego.gov/sites/default/files/17-013_sdcc.pdf)). Furthermore, the suggestion would not reduce or avoid a significant impact of the PMPU. Nevertheless, the District will consider underground parking on a project-by-project basis. As discussed on page 4.1-49 of Section 4.1, Aesthetics, of the PMPU PEIR, “[t]here are nine view corridor extensions proposed in North Embarcadero Subdistrict, and as established by View Protection Standards 1 and 2a and WLU Policy 3.2.2 of the proposed PMPU, all components of any building would be designed and sited to avoid intrusion into the scenic vista area (Section 4.4.3, Standards for View Protection, of the proposed PMPU)...These standards would ensure architecture and development features would not ~~extend into the right-of-way of the~~ obstruct bayward pedestrian views, circulation and/or pathways within view corridor extensions, and signs and outdoor lighting would be sited appropriately so they would not interfere with the view provided by the view corridor extension. Therefore, land-based, future development would not adversely affect the designated scenic vista areas or view corridor extensions.” Moreover, the PMPU Baywide

Development Standard 4.4.3(5)(b) provides that “Underground parking may be located within view corridor extensions and walkways provided it is entirely below grade; no parking ramps shall be permitted in a view corridor extension.” This baywide development standard would apply to all future development within the PMPU area and would ensure that any new parking structures would not obstruct view corridor extensions or views along walkways. However, underground structured parking would not, by itself, reduce the PEIR’s significant impacts on aesthetics, when considered in combination with both the Subdistrict Development Standards and the Baywide Development Standards. Nevertheless, underground parking would be considered on a project-by-project basis.

### **Response to Comment O17-15**

The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary.

With respect to PD3.9 and the request to use “curb to curb” measurement, the PMPU specifically identifies the building face-to-building face because it allows for ten-foot wide building setbacks on each side of the street and a 60-foot wide street, thus totaling PD3.7’s cited 80 feet between building facades.

With respect to PD3.8 and the request to increase the number of travel lanes on North Harbor Drive and to separate the multi-use path from vehicles, PD3.8 is aligned with the City of San Diego Downtown Community Plan’s vision, as well as the PMPU Vision for the North Embarcadero Subdistrict.

With respect to PD3.9 and the request to consolidate mobility hubs outside the North Embarcadero, please see response to Comment O17-14 above. In addition, this comment is included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.



## Roadway Improvements

PD3.8 Reconfigure North Harbor Drive to more efficiently accommodate all modes of travel while allowing for:

- Two ~~FOUR~~ general travel lanes, ~~one-two~~ lanes in each direction, between Grape Street and F Street;
- A multi-use path, ~~segregated between pedestrians and vehicles~~, along the west side of the street as part of the Recreation Open Space; and

PD3.9 Existing on-street parking shall first be consolidated into mobility hubs ~~outside of the North Embarcadero, as described in PD3.4 and PD3.5~~; to then enable the reconfiguration of North Harbor Drive (see PD3.8).

## Page 267 Recreation Open Space

PD3.10 Upon reconfiguration of Harbor Drive as described in PD3.8, expand and activate the Recreation Open Space, as generally depicted in *Figure PD3.5*, and as follows:

Add: e. Block D, presently the Navy building located at 1220 Pacific Highway north of B Street (page 274) will be converted to Activated Recreation Open Space.

This site provides a rare opportunity to return a commercial space to open space. The adjacent neighborhoods want better connections to the Bay. Eventually converting this property is consistent with the NEVP and PMP principles of adding more open green space. Connecting the A Street and B Street corridors with Activated Recreation Open Space would help significantly in connecting the adjacent residential neighborhoods and City to the Bay by improving pedestrian level views through the area, which would be welcoming to the community and visitors alike.

## Page 269 5.3.2 (C)III Visitor serving Commercial Uses

As we stated in previous public comment, the residents of the condominiums at Santa Fe Place have seen the RLJ, owner of the Wyndham, upgrade to the Wyndham and believe that is the best use of the Port property in order to fulfill stated NEVP priorities to optimize property values and public access. The transformation, both inside and out, will upgrade the property to a first class hotel, like a Hilton or Hyatt, while maintaining the same foot print that the inland and upland properties in the City were built around. The Embarcadero Coalition supports RLJ's lease being renewed as our first choice for blocks A, B and C in the Draft PMPU.

Should the Wyndham lease not be renewed, we highlight the following information when considering new development of these blocks. The Downtown Community Plan (DCP) and current PMP clearly intended for the density and building heights to decrease significantly as they near the County Administration Building. We are pleased that the Port has reduced the building heights significantly from the original Discussion Draft and

O17-15  
cont.

O17-16

O17-17

10

## Response to Comment O17-16

The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, please see response to Comment Number O17-10 regarding the status of the NEAVP. As for the comment to change the PMPU to only allow recreational space to encompass the entirety of Block D, illustrated on PMPU, page 274, the PMPU allows for recreation open space at the Harbor Drive frontage at Blocks A and C, where C is to the west of the referenced Block D. This linear recreation open space is shown on PMPU, page 274. In relation to the addition of recreation open space to the PMPU, the PEIR analyzes Options 2 and 3, which also could allow for recreation up to a 250-foot-wide area, to either the east or west sides of Harbor Drive, respectively, at the Blocks referenced by the commenter. Placing Recreation Open Space areas on Harbor Drive, where Tidelands' visitors can view the waterfront and the San Diego Bay is preferable to installing such space on Block D, a prime development site that is city-facing and would most likely not allow for coveted views to the waterfront that the members of the public could enjoy, including City of San Diego residents. Further, making Block D Recreation Open Space would not satisfy the economic development and financing needs of the District, as stated in the PMPU, Economic Element. A non-exclusive list of such policies in support of economic development and the District's need to finance infrastructure installation and improvements and public amenities (e.g., lower-cost overnight accommodations, public art) follow:

**ECON Policy 1.1.1:** The District shall support and nurture long-term development partnerships that further Public Trust objectives

**ECON Policy 1.2.2:** The District shall continue to reinvest lease revenues to support financing and maintenance of public improvements in alignment with Coastal Act obligations, including lower cost visitor serving and recreational facilities such as parks, promenades, public piers, and public art.

**ECON Policy 1.2.4:** The District shall explore the creation of, and allow for the use of, different financing mechanisms to help fund the building of new infrastructure or improvement to existing infrastructure, including multimodal transportation facilities, water and stormwater systems, information and communication systems, and public space.

**ECON Policy 2.1.1:** The District shall maintain a mix of water and land uses that meet the need of established Tidelands industries and provide opportunities for emerging Public Trust-consistent uses. Existing commercial fishing and recreational boating harbor space shall not be



reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided.

**ECON Policy 2.1.2:** The District shall coordinate with permittees to provide infrastructure that supports a mix of water and land uses, including the needs of established Tidelands industries and emerging Public Trust-consistent businesses, while also providing environmental benefit.

**ECON Policy 2.4.3:** The District shall promote and support implementation of visitor-serving development and amenities that celebrate the San Diego region's binational setting, natural resources, history, culture, and arts.

**ECON Policy 2.4.4:** The District shall promote and support a diversified hotel portfolio and corresponding elements of the hospitality industry and encourage their expansion.

**ECON Policy 2.5.2:** The District shall periodically assess the water and land use needs of the recreational, commercial, and industrial sectors on Tidelands to assist in planning for and facilitating economic growth through surveys of existing occupants, tenants, and permittees and analysis of economic forecasts.

Additionally, the comment that the A and B Streets east-to-west connections, shown in the PMPU, should be converted to Recreation Open Space, contradicts the commenter's later assertion that side streets in the PMPU area should be used for delivery and service vehicles (see comment number 25, below). Changing these street connections to Recreation Open Space would deny access to those service vehicles. However, Comment 017-16 has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU. No revisions to the PMPU or PEIR are required in response to this comment.

made some reductions to the number of hotel rooms. However, we still have considerable concerns about the density and design of the plan as presented.

We believe the maximum number of hotel rooms on between B Street and Ash (Figure 3.8 in the Draft PMPU) should be 650 regular sized hotel rooms, not "microtel" sized rooms or pods. The Wyndham currently has 600 hotel rooms and the two Lane Field hotels total 800 rooms. In order to decrease density and achieve the FAR maximum of 4.5, 650 hotel rooms should satisfy the criteria. The proposed 1,350 hotel rooms between B street and Ash are excessive.

#### Retail, Restaurant and Overnight Accommodations

- PD3.25 Modify, or replace in-kind, existing hotel rooms, including associated retail, restaurant and/or meeting space, to the same or lesser size, and in the **same general footprint** in the Commercial Recreation-designated area between Ash Street and Broadway. **If the existing hotel rooms are retained or replaced, up to 50 additional hotel rooms could be added to the same general footprint and all the hotel towers are on the west side of the property near Harbor Drive.**
- PD3.26 **In addition to existing facilities, If the current hotel lease is not renewed, and there is totally new construction, develop a maximum of 750-650 hotel rooms (current 600 hotel rooms plus an additional 50 hotel rooms) additional-hotel-rooms between B Street and Ash with 30,000 a maximum of 20,000 additional square feet of associated retail and restaurant, and 30,000 a maximum of 20,000 additional square feet of meeting space, for a total of up to 2,350 650 hotel rooms plus ancillary facilities, in the Commercial Recreation-designated area between Ash Street and Broadway. There is only one tower per block and construction is aligned to optimize property values.**

#### Page 270 5.3.2(D)-I Public Realm Standards

##### Pathways

PD3.33 Maintain east-west pedestrian linkages along Grape Street and Ash Street to connect the San Diego County Administration Building and the waterside promenade along North Harbor Drive. **Ash Street development shall provide a minimum 25 ft sidewalk, parkway and landscaping.**

##### Page 272 Views

PD3.34 Preserve scenic vista areas in accordance with the requirements of Chapter 4, Baywide Development Standards, in the following locations as generally depicted in Figure PD3.4:

F. **West and east end of Broadway Pier;**

G. **West and east end of Navy Pier; and**

J. **The northbound view corridor on Pacific Highway of the County Administration Building.**

K. **Create additional inland scenic vistas to the water from Pacific Highway.**

O17-17  
cont.

O17-18

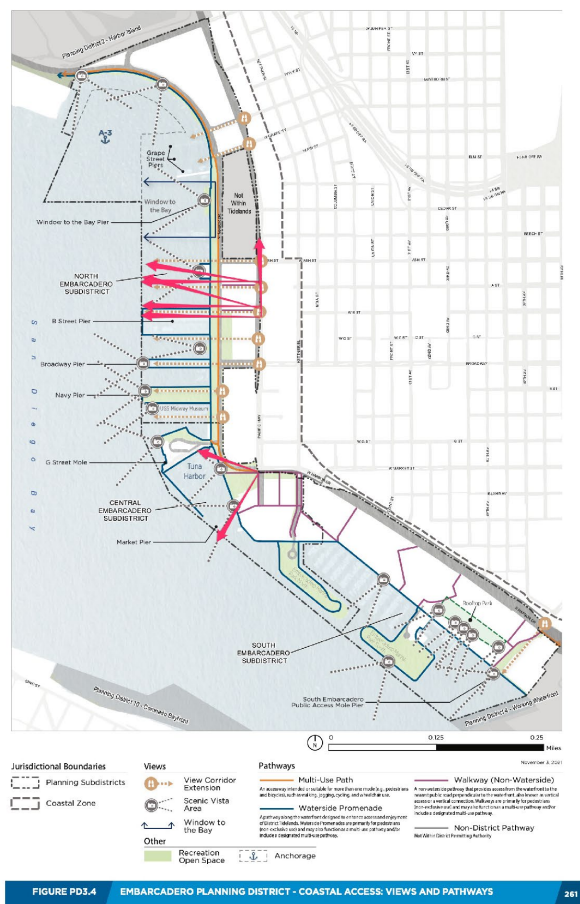
## Response to Comment O17-17

The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. Please see response to Comment O17-10, above related to "fulfilling" the stated NEAVP priorities to optimize property values and public access. This comment has been included in the record for consideration by the Board of Port Commissioner's when it makes its decision whether or not to adopt the PMPU.

## Response to Comment O17-18

The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. The potential impacts of the PMPU on aesthetics and visual resources are discussed in Section 4.1 of the PEIR, and the consistency of the PMPU with the public access policies of the CCA, including public views of San Diego Bay, are discussed in Section 4.9, Table 4.9-1 of the PEIR. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether or not to adopt the PMPU.

Additional inland view corridors added in red



O17-18  
cont.

Views down Pacific Highway of the County Administration Building are also important.

Current pedestrian and driving view on Pacific Hwy headed north.



**Page 83 NEVP - Special Precincts Treatment "County Administration Building Precinct"**

The County Administration Building is the centerpiece of the County Terrace, and it has a significant landmark presence on Pacific Highway. Buildings in the area should enhance the setting of the County Building, framing the structure while giving deference to its unique character and role in the North Embarcadero. (Emphasis added)

The NEVP clearly intended for the County Administration building to be highlighted from Pacific Highway. To maintain this view corridor requires keeping the hotel towers closer to Harbor Drive rather than Pacific Highway and significantly limiting the height of the shorter buildings on the east side.

The small setbacks and step-backs the Port is proposing are insufficient for this view corridor on Pacific Highway. The picture below demonstrates our concern if towers similar to the Lane Field hotels are allowed on the east side of the Port property.

Building height limits, setback, step-back requirements, and other guidelines should help ensure that the County Administration Building retains its rightful landmark

O17-19

13

## Response to Comment O17-19

Regarding comments related to the NEAVP, please see the response to Comment O17-10, above. The collage provided in the comment is not considered a credible simulation of potential development under the PMPU. The collage is not based upon the PMPU policies and development standards, is not at the same scale, and further, is not at the same angle.

Furthermore, please see the response to Comment O15-19 (Comment Letter from Save Our Access), which also raises a similar issue about visual simulations. CEQA Guidelines Section 15204(a) explains that "reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors." The PMPU PEIR addresses over 2,951 acres of water and land uses, and buildout of individual parcels and structures is speculative. The PEIR does not include "visuals of the projected full buildout" because the location, dimensions, design and timing of future development are unknown at this time. (*Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266, 294 ["the potential for future developments to be too speculative to be reasonably foreseeable."].) As a result, such visual representations of specific future development in the PEIR would be speculative and misleading. Instead, the types of visuals provided by the commenter are typically provided at the project level when the location and characteristics of development proposals are known. The comment does not challenge the adequacy or completeness of the textual analysis in Section 4.1, *Aesthetics and Visual Resources*, of the PEIR.

As one Court has stated "That some, or perhaps all, environmental impacts have an esthetic facet, does not mean that all adverse esthetic impacts affect environment. That is neither good logic nor good law." (*Maryland-National Capital Park and Planning Commission v. U.S. Postal Service* (D.C. Cir. 1973) 487 F.2d 1029, 1038 [cited in the CEQA decision *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572.]) The CEQA Guidelines aesthetics questions were also recently revised "to ask whether the project is consistent with zoning or other regulations governing visual character." (2018 Final Statement of Reasons for Regulatory Action, p. 66.) The PMPU includes design review, as an inherent component of the CDP process, as discussed on Draft PEIR p. 4.1-60.

presence in the North Embarcadero. We continue to support locating the towers on the Harbor Drive side of the blocks, like they are today.

View down Pacific Hwy if the Lane Field type buildings were built.



Please do not block this beautiful landmark from the city and the adjacent high density Columbia residential neighborhood. It would be extremely detrimental to the character of the neighborhood.



O17-19  
cont.

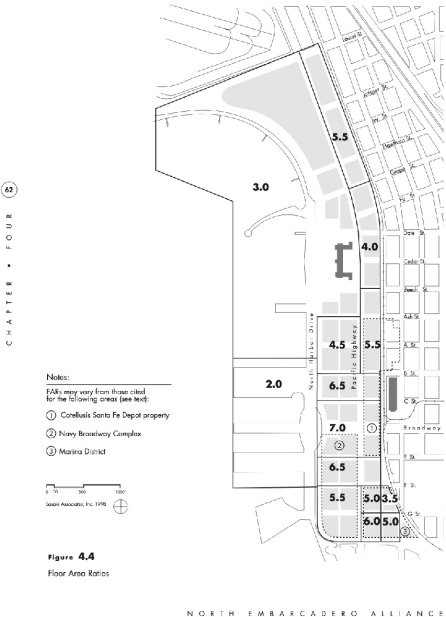
14

As also discussed in the Draft PEIR, many areas where PMPU buildout would occur are within locations considered a Transit Priority Area, including all of the areas surrounding the County Administration building. The aesthetics impacts of certain types of development in Transit Priority Areas are not considered significant environmental impacts. (Pub. Res. Code § 21099(d).) Nevertheless, a full visual character analysis of the PMPU was performed in Section 4.1 of the PEIR. The commenter is also referred to Draft PEIR Section 4.4, *Cultural Resources*, Threshold of Significance 1, for an analysis of the PMPU's potential impacts on historical resources, including the County Administration building. In addition, the potential impacts on aesthetics and visual resources in the vicinity of the County Administration Building would be considered as part of the environmental review of a site-specific development proposal pursuant to State CEQA Guidelines Section 15168.

Page 273 5.3.2(D)-II Building Standards

Since distance creates perspective and makes buildings appear smaller, we still prefer the towers on block A/B (and C/D if a tower remains) to be pushed to the west, and the very low buildings, up to 30 ft tall, on the east side of the block, like we have today. We understand that this request differs from the NEVP. However, we believe it upholds the PMP commitment to optimize property values by improving view shed and saving the view corridor down Pacific Highway that highlights the County Administration building - one of the main tenets of the NEVP.

In Figure PD3.8 (page 274 of the Draft PMPU) the areas bounded by Pacific Highway and Harbor Drive and between B Street and Ash, must have a maximum Floor Area Ratios of 4.5 added to the plan.



O17-20

Response to Comment O17-20

As noted in the response to Comment O17-11, above, the District is governed by the CCA, the Port Act and the Public Trust Doctrine, none of which requires the District to "optimize property values" on or off Tidelands. In addition, economic effects are not considered significant environmental impacts under CEQA. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.



**Page 63 NEVP Floor Area Ratio**

"Development density limits, together with other requirements such as height limits, massing limits, and setback requirements, set parameters for the final build-out potential of a site. Consistent with the Centre City Planned District Ordinance and the Marina Plan District Ordinance, Figure 4.4 describes the maximum intensity of development in terms of FAR. FAR is defined as the ratio of gross floor area to site area. Gross floor area includes on-grade and above-grade parking area. Site area excludes land in rights-of-way."

The NEVP FAR was used in the development of Lane Field hotels, including in the CCC documents. The Intercontinental FAR, with underground parking, is 3.8. This number is an important measurement to manage development in the NE. This measure restricts the density on these blocks as intended by the NEVP and PMP. Both height and density were intended to decrease in a step like manner south to north, from Broadway to Ash, to highlight the County Administration Building. This number is also consistent with the DCP. The CCC told the Port to use the guidelines in the NEVP for planning guidance, which the PMP provides. The current PMP refers to figure 4.4 and 4.5 in regards to FAR and building heights. The FAR is included in the legal document and needs to be included in the Draft PMPU.

In addition, please remove the new base building height of 65 ft. This additional raised podium will make a huge increase in the lower structures and is not a construction requirement for the tower base. Leave just one podium height at a maximum of 30 ft. A 30 ft podium height is consistent with the non-tower buildings currently between the Navy buildings south of B Street to Ash.

The structure south of B street should conform with the podium height north of B street at a maximum of 30 ft.

The building heights should be measured from the average finished grade plane, not the base building height.

We strongly support the City's request that Block D be redefined as Activated Recreation Open Space (ROS) when the Navy leaves returns the property to the Port. This change would eliminate item 4 on page 273 and place it under Activated ROS.

The NEVP acknowledges the importance of buildings being sited to the best location based on the conditions. As an example, the Lane Field Intercontinental Hotel was completed prior to any building at the northeast corner of Pacific Highway and Broadway. It is most probable the new building on this corner will be situated to ensure its building will enjoy Bay views not blocked by the Intercontinental Hotel. Similarly, the Marriott SpringHill Suites was located south of the Grande South in order to provide the condominium a clear view to the Bay, since the Grande South was built first.

O17-21

**Response to Comment O17-21**

This comment refers to and requests various revisions to the PMPU regarding limits on development density, building height and massing, setbacks and floor area ratios (FAR) in the NEVP and the PMPU. The comment does not raise an environmental issue or otherwise object to the adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, therefore, no response is required.

Nonetheless, please see the responses to Comment O17-10 above, which relates to the relevance of the NEAVP, and Comment O17-19 above, relating to the PEIR's analysis of aesthetic impacts and the design review process associated with future CDP applications. Further, both the PMPU's Baywide Development Standards and PD3 Subdistrict development standards provide for viewshed protection standards and architectural standards, all aimed at protecting view corridor extensions and preserving the pedestrian scale (see PMPU, Sections 4.4.4 and 4.5.2). These standards further govern the development intensity allowed by the PMPU. Those PMPU standards address building architectural features, building setbacks, and tower stepbacks. Protecting the pedestrian scale includes the PMPU's architectural requirements at street level, particularly, the podium heights and landscape features. Additionally, the potential impacts of the PMPU on aesthetics and visual resources are discussed in Section 4.1 of the PEIR, and the PMPU's consistency with the public access policies of the CCA, including public views of San Diego Bay, are discussed in Section 4.9, Table 4.9-1 of the PEIR. Based on the responses to Comments O17-10 and O17-19 above, there is no requirement for the PMPU to include an FAR to limit building bulk. The commenter's support for the City's recommendation to redefine Block D as Activated ROS, has been included in the record and for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

Tower and podium locations should be situated in order to accommodate the buildings that were built first in the NE, such as the three condominiums west of the railroad with the entitlements of the Catellus Development Corporation. New buildings should maximize the view shed and sight lines from the buildings on the City side of Pacific Highway included in the geographical description of the NEVP, as well as optimizing property values.

#### **Eliminate the Design Guideline of a Street Wall**

In 1998 the Port adopted the City's design guide for a street wall and placed the language in the NEVP. The street wall concept makes sense for a City, but not for the Port, where it walls off everyone and everything from the Bay for the full block on every block. A street wall enables the Port to build corner to corner on every block, except for a sidewalk width. Even if the towers are limited, the Port proposes huge 6-7 story podiums taking up the whole block (see Figure PD 3.8). This design contradicts the goals of the CCC, Port and the public. It is a direct violation of, and inconsistent with, the current PMP where open views and public access of the Bay, especially from the pedestrian level, are the main development guideline. Therefore, we propose eliminating the street wall requirement.

Figure PD3.9 Podiums do not have to start within 5 ft of the setback. For example, the entryway to a hotel could place the whole hotel much farther back from the setback. We understand that podiums provide a source of revenue for retailing, meeting rooms and potentially above ground parking, but the smaller podiums we propose are sufficient for a hotel with a total of 650 rooms and underground parking. The podiums should be a maximum of 30 feet high, consistent with the height of the shorter buildings currently on blocks B and D. The step-backs should be limited to a maximum of 25 ft measured from the base of the tower.

If the orientation of the new hotel towers are turned perpendicular to the current towers, there should only be one tower per block and the towers should be in a straight line. The towers should be sited, to use the Port's language, to preserve and maximize views to and from the Bay and to optimize property values in the San Diego Jurisdiction of the NEVP.

#### **Page 273 5.3.2(D)-II Building Standards**

##### **Structure Height and Scale**

PD 3.38 In the area bounded by Ash Street, North Harbor Drive, B Street, and Pacific Highway, including portions of the block south of B Street, as generally depicted in Figure PD3.8, the following standards apply:

- a. Base building structures shall be limited to a maximum height of 65 30 feet.
- b. A maximum Floor Area Ratio of 4.5 shall apply to the area north of B street and south of Ash.

O17-21  
cont.

O17-22

O17-23

17

## **Response to Comment O17-22**

This comment refers to PMPU Figures PD 3.8 and PD 3.9 and makes recommendations regarding “street wall” design guidelines, building podiums and building orientations. The comment does not raise an environmental issue or otherwise object to the adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no response is required.

In addition, please see responses to Comment O17-10 above, which relates to the relevance of the NEAVP, Comment O17-11 related to “optimizing property values,” and Comment # O17-19 relating to the analysis of aesthetic impacts and the design review process associated with future CDP applications. Although this comment addresses concerns with the provisions of the PMPU, particularly related to podium heights, and not the PEIR, the potential impacts of the PMPU on aesthetics and visual resources are discussed in Section 4.1 of the PEIR, and the PMPU’s consistency with the public access policies of the CCA, including public views of San Diego Bay, are discussed in Section 4.9, Table 4.9-1 of the PEIR. Regarding the commenter’s claim that the PMPU is in violation of, and inconsistent with, the current PMP, the PMPU is an extensive update to the current PMP. As such, the PMPU would replace the current PMP should it be adopted by the Board of Port Commissioners. Accordingly, there is no requirement for the PMPU to be consistent with the current PMP.

## **Response to Comment O17-23**

Please see responses to Comments O17-21 and O17-22, above relating to FAR and podium heights. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.



- c. Above the base building structure, the average finished grade plane, the following height limits apply, subject to the tower requirements in PD3.39, in the area north of B Street: ...
4. Structures shall not exceed 200 feet in height, in the area between A Street and B Street, within the eastern portion of the block, adjacent to Pacific Highway (identified as Block D on Figure PD3.8). In the area between A Street and B Street, within the eastern portion of the block, adjacent to Pacific Highway (identified as Block D in Figure PD3.8 and currently occupied by the Navy located at 1220 Pacific Highway) convert the area to Activated Recreation Open Space.
- d. e. Structures shall not exceed 65-30 feet in height, in the area south of the B Street reconnection.
- e. Parking shall all be full levels below ground. The number of parking spaces required would be determined by demand from hotel guests and ADA accessible parking needs.

PD3.39      The following tower requirements (as depicted below) apply to all buildings over 65 feet in height:

Tower Component	Numeric Standard	Notes
Maximum Tower Height	See PD3.38 for maximum structure height by block.	n/a
Maximum North-South Tower Dimension	<del>120 ft</del> 100 ft	The maximum tower floor plate dimension of any tower shall be measured from elevation drawings.
Maximum East-West Dimension	none	
Minimum Tower Separation	<del>60 ft</del> between Towers    200 ft	
Maximum Tower Coverage	30% of Allowable Footprint  Podiums are restricted to a maximum of 25 ft width (step back) measured from the base of the tower	Allowable footprint means maximum allowable footprint at ground level, after building setback or other requirements. INSERT: and setback
Tower Setback	Towers shall conform to setback, stepback, and streetwall requirements, as identified in PD3.40 through PD3.43.	The is no street wall requirement or restriction to be close to the setback

O17-23  
cont.

<b>Add:</b>		
Tower	One tower per block	Tower will be aligned (sited) to preserve and maximize views to and from the Bay and to optimize property values for existing buildings between the railroad tracks and Pacific Highway (San Diego jurisdiction of the NEVP)

Change Figure PD3.9 and Figure PD3.8: For new construction

- Podiums should be a maximum of 25 feet wide measured at the base of the Tower (step-back), and leave open space and public access to the Bay from Pacific Highway on the rest of the block. This could be ROS.
- The podiums are a maximum of 30 ft high. The building base facade and the base building structure are the same at a maximum of 30 ft.
- The Podium should cover a minimum of 65% of the tower base. The other 35% allows for articulation of the façade, variation in the design of the streetscape and public realm, and/or the integration of project features such as public plazas, outdoor dining, etc.
- There is only one tower per block and towers should be aligned east-west to preserve and maximize views of and from the Bay and optimize property values of the current owners of the former Catellus property described in the NEVP.
- Photo simulations, and view sheds will be used to ensure maximum views and property values for the buildings that already exist west of the railroad tracks.
- The north-south width of the tower shall be a maximum of 100 ft for consistency with the tower width of the Lane Field Hotels.
- Towers and podiums must be aligned to allow sunlight, air flow, and inland westward views of the Bay from Downtown.
- The non-hotel acreage of each block will be designated Activated ROS.

#### Page 275 Setbacks and Step-backs

PD3.40 The following setbacks shall apply, consistent with Figure PD3.8:

- A building setback minimum of 25 feet from the curb shall be maintained along Pacific Highway, to allow for the implementation of a parkway and sidewalk, as well as landscaping adjacent to the building.

O17-23  
cont.

O17-24

## Response to Comment O17-24

Please see responses to Comments O17-21 and O17-22, above relating to FAR and podium heights. The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, PD3.40(c) has been revised as suggested by the comment to require building setbacks to be a “minimum” of 25 feet from the curb. This comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

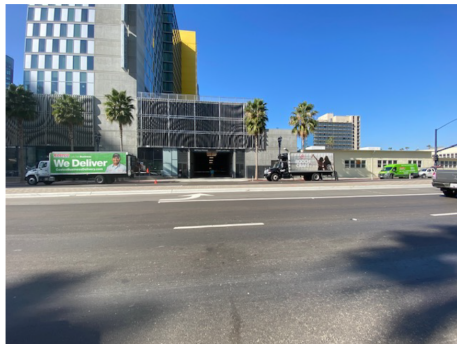
PD 3.41 A minimum of 65% of the base building façade shall be placed around the base of the tower within 5 feet of the minimum required building setback, as generally depicted on Figure PD3.9. A maximum 30 ft high podium shall be placed around the tower base. ~~minimum of~~ The tower step-back is a maximum of 25 ft from the building base facade, except on Pacific Hwy. The remaining building may be set back further, to allow for articulation of the façade, variation in the design of the streetscape and public realm, and/or the integration of project features such as public plazas, outdoor dining, etc. The remainder of the block will be ROS. The tower would be sited to maximize the view shed of the condominiums west of the railroad tracks. (The NEVP states that views to and from the Bay should be preserved and maximized to optimize these properties values).

PD3.42 Upper story tower step-backs ~~consistent with~~ Figure PD3.8 between B Street and Ash and on the optional north-south connection, shall be provided, limiting the base building frontage height to a maximum of ~~50~~ 30 feet, for a ~~minimum~~ maximum depth of 25 feet, at the following locations, parallel:

- Along to Ash Street;
- Along to the A Street reconnection;
- Along to the B Street reconnection;
- Adjacent to Harbor Drive setback areas; and
- Adjacent to the optional north-south connection.

PD3.43 Along Pacific Highway, the following standards apply, as generally depicted in Figure PD3.8 and Figure PD3.9:

- The Pacific Highway base building frontage shall be a ~~minimum of 45~~ maximum height of 30 feet parallel to Pacific Highway.
- The Pacific Highway base building structure may shall be a maximum height of 65 30 feet, to comply with the City of San Diego Fire Department requirements. Above ~~50~~ 30 feet, the tower building shall step back 45- 25 feet. (Fire Department requirements can be met on east-west streets)
- There is no street wall requirement, or required maximum distance from the setback.



#### SITE ACCESS AND SERVICE

According to the NEVP, parking and service access to sites in the NE should be provided from east/west streets.

Truck loading is an integral part of the development and should be screened from

O17-24  
cont.

O17-25

20

## Response to Comment O17-25

The commenter makes several references to the NEVP and describes existing conditions, rather than what is proposed by the PMPU. This comment does not raise any issue with respect to the adequacy of the analysis of aesthetics and visual resources in Section 4.1 of the PEIR or public views and access found in the PEIR in Table 4.9-1 in Section 4.9. Pursuant to CEQA Guidelines Section 15088, no further response is required. However, please see response to comment O17-10 above regarding the relevance of the NEVP and comment O17-19 relating to the both the PMPU's Baywide and North Embarcadero Subdistrict Development Standards. Nonetheless, the PMPU's development standards address some of the issues raised by the commenter. The Baywide Development Standards and subdistrict development standards would be applied to all future development in the planning districts. All future development proposals, within Tidelands, will be reviewed by the District and during those reviews, the locations and details of truck loading, refuse collection and other services, will be addressed. The PMPU is a broad planning policy document that does not address the locations of service facilities for unknown individual site-specific development project requests. Instead, the location and functioning of building service facilities will be addressed in the site specific review required by CEQA Guidelines Sections 15152 and 15168. Further, Section 4.4.3, Standards for View Protection, stipulates that protection of views and physical access shall be maintained within view corridor extensions, scenic vista areas, and walkways. Specifically, standard 4.4.3(2)(a)-(b) require the following:

2. New development adjacent to view corridor extensions and walkways shall be sited and designed to minimize adverse impacts on visual access at view corridor extensions or walkways through specific measures, including but not limited to the following:
  - a. No building, associated architectural features, design component, structure, roof projection (e.g., eave, cornice, and eyebrow projections), openly supported architectural projections (e.g., trellis and awnings), bay windows, projecting signs, structural cantilevers, or any other associated architectural encroachments or projections shall obstruct bayward pedestrian views, circulation and/or pathways within view corridor extensions or walkways;

public view. All exterior garbage and refuse facilities and mechanical equipment should be screened in a manner that is compatible with the overall building design and streetscape treatment.

Unfortunately, the Lane Field Hotel service access is on Pacific Highway. Residents were promised it would not cause a problem because the service entrance included space to pull large vehicles inside. However, that is not what is happening. Pacific Highway is being treated like an alley for service deliveries.

Daily big trucks park next to the bike lane instead of going inside. One lane of traffic is often blocked, reducing traffic to one driving lane, and the deliveries are done from the street instead of from inside the garage.

We are dismayed with the actual functioning of the service access to the Lane Field hotels and feel this needs to be addressed in the PMPU so we do not have the same problem between B Street and Ash. We don't want the same disrespectful treatment of the neighborhood with any new development. These types of issues are why the NEVP states service was to be conducted on the east-west streets.

#### **ADD to Draft PMPU: Service Treatment**

Access to parking and loading areas shall be screened from predominant view, be provided from the east/west streets, minimize the visual impacts, and designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

#### **Page 281 5.3.4 South Embarcadero Subdistrict**

##### **5.3.4(A) Vision** (paragraph two)

Proposed public access improvements include accessibility enhancements at the South Embarcadero public access mole pier, a continuous waterside promenade throughout the subdistrict, and preserving scenic views from the shoreline without diminishing existing Recreation Open Space.

#### **Page 283 5.3.4(C)-II Coastal Access**



O17-25  
cont.

- b. No mechanical equipment, such as air conditioner units, gas meters, electrical fuse boxes, trash enclosures or dumpsters, utility boxes, or other similar building systems, shall be permitted within view corridor extensions or walkways;

Therefore, the PMPU provides standards to protect views and area aesthetics. Since the comment does not raise any issue with respect to the adequacy of the PEIR's analysis of aesthetics and visual resources in Section 4.1 or public views and access in Table 4.9-1 in Section 4.9, no further response is required. The commenter's recommended changes are included for consideration by the Board of Port Commissioners when it makes its decision whether or not to adopt the PMPU.

### **Response to Comment O17-26**

The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether or not to adopt the PMPU.

O17-26

Recreational Marina Facilities

PD3.66 Modify, or replace in-kind, existing recreational marina-related facilities in the subdistrict, provided there is no unmitigated-increase in shading or fill.

Page 285 5.3.4(D)-I Public Realm Standards

Views

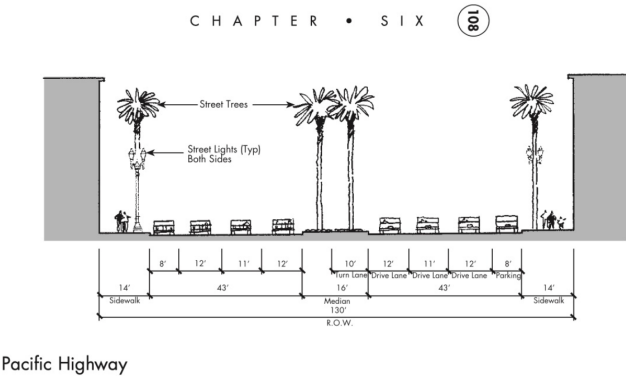
PD3.74 Preserve existing scenic vista areas

Page 286 Section 5.3.4(D)-II Building Standards

The Port must include building standards for the SE since it is earmarking projects like a new marina and consolidation of "development parcels" (in PD3.59). It is very disturbing to have another set of projects where the Port is abandoning its responsibility to provide developers with development guidance standards and parameters to build on public lands and waterways.

Appendix D Draft Program EIR: Transportation Impact Study (TIS)

The Columbia neighborhood lies adjacent to Port managed public lands on Pacific Highway. There are several versions of what is planned for Pacific Highway that cause concern. The below rendering of Pacific Highway was taken from the NEVP:



O17-26  
cont.

O17-27

O17-28

O17-29

Response to Comment O17-27

The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether or not to adopt the PMPU.

Response to Comment O17-28

This comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

The commenter's claims that the District is allowing developers to set development guidance standards and parameters is similar to Comment O17-2 and O17-6, above. Please see the responses to those comments. In addition, although the PMPU does not identify subdistrict-specific development standards for the South Embarcadero Subdistrict, future projects, therein, would still be required to comply with the PMPU's Baywide Development Standards. To illustrate this, please see the information box on page 281 in the PMPU, immediately following the South Embarcadero Vision Statement. Please refer to the PMPU, Chapter 4 – Baywide Development Standards for a list of standards that all future project-proponents must comply with.



**Page 106 NEVP Pacific Highway Site Access and Traffic**

“The Plan establishes Pacific Highway as an elegant tree-lined boulevard accommodating through traffic and pedestrian circulation. The street is designed with six travel lanes, a center turn lane and/or median, two parking lanes, and two fourteen-foot-wide sidewalks. Consistent with the CCDC Pacific Highway Concept Plan, the Visionary Plan establishes a consistent 130-foot-wide street section from Hawthorn Street to Harbor Drive in place of the inconsistent street section existing today.”

Unfortunately, that version of Pacific Highway no longer exists. The picture below shows Pacific Highway Tuesday, 12/28/21, when Harbor Drive was closed for the Holiday Bowl parade. Redirecting Harbor Drive traffic onto Pacific Highway is not acceptable.



Pacific Highway is no longer 6 traffic lanes with extra capacity but 4 traffic lanes with two class 4 bike lanes and a parking lane. Traffic is often reduced to one lane in a direction due to deliveries at Lane Field hotels in the southbound lanes. Pacific Highway cannot carry all the planned additional traffic.

The Draft EIR TIS confirms Pacific Highway's inability to successfully carry all the extra traffic. The Draft EIR stated the VMT impact after mitigation will be **"significant and**

O17-29  
cont.

23

**Response to Comment O17-29**

In the first part of the comment, the commenter makes several references to the NEAVP and describes existing transportation conditions along Pacific Highway, rather than what is proposed by the PMPU. Please see response to comment O17-10 above, which relates to the applicability of the NEAVP. As such, no response is required to address these particular comments.

The commenter does cite the significant and unavoidable VMT impact determination for PD3 from the Draft PEIR, suggesting that this determination confirms Pacific Highway's inability to carry additional traffic generated by the PMPU. However, the commenter is incorrectly conflating VMT with delay/congestion. Under recent amendments to the CEQA Guidelines, a project's effect on traffic delay no longer shall constitute a significant impact (CEQA Guidelines Section 15064.3(a)). Consistent with State CEQA Guidelines Section 15064.3, the Draft PEIR evaluates the PMPU's transportation impacts using VMT rather than level of service or other delay-based metrics (e.g., congestion). VMT is a measure of both the number of automobile trips as well as their associated travel distance, whereas delay/congestion relates to the capacity and efficiency of the roadway network.

As such, an increase in VMT does not necessarily correlate to increased congestion. In other words, a significant VMT impact does not mean that there would be significant increases in congestion and is not indicative of the effectiveness and/or ability of roadways to accommodate vehicular traffic. Additionally, as described in response to Comment O17-6, above, the TIS prepared for the PMPU did account for growth in Central Embarcadero as part of the cumulative condition. Please see the response to that comment.

As noted under Master Response M-1 and response to Comment O17-6 above, the PEIR and TIS both included the Seaport San Diego redevelopment project within the cumulative analysis. Thus, the additional traffic generated from the anticipated redevelopment was included within the overall VMT analysis. The direct land use coding that was incorporated into the SANDAG Model under Year 2050 conditions is provided in Appendix A of the TIS (Appendix D of the Draft PEIR). The Central Embarcadero land uses are contained in MGRAs 2652, 2653, 2654, 2655, 2656, 2658, 2662, 2663, 6778, and 6789. No changes to the PEIR are required in response to this comment.

**unavoidable**”(emphasis added) in District 3 with the current PMPU plans. The Traffic Study did not even include or consider the impact of Seaport Village bringing in 10 million annual visitors, as the developer stated to the California State Lands Commission. Pushing all this traffic onto Pacific Highway in a high density residential neighborhood is irresponsible and against the Climate Action Plan and efforts to reduce congestion downtown and reduce Green House Emissions.

Port Master Plan Update  
Transportation Impact Study

Table 4.2 summarizes the significance of the VMT impacts after implementation of the mitigation measures.

Table 4.2: Impact Significance After Mitigation

District <sup>1</sup>	Employment VMT	Retail & Recreational VMT	Transportation Improvements VMT
1	NI	SU	NI
2	SU	SU	SU
3	NI	SU	SU
4	NI	NI	NI
5	N/A		
6	N/A		
7	N/A		
8	NI	SU	NI
9	NI	SU	NI
10	NI	SU	NI

Notes:  
<sup>1</sup> Planning District 5, 6, and 7 were precluded in the analysis.  
NI = No Impact;  
SU = Impact would remain significant and unavoidable because due to timing uncertainty of implementation.

O17-29  
cont.

**A Significant increase to VMT is not “unavoidable”** if the Port makes different choices. As a sustainability issue, this position is unacceptable, especially since mobility hubs are often glorified parking lots inducing people to drive downtown. SANDAG and MTS have both objected to the Port’s Mobility hubs, since they don’t conform to the regional transportation system. It is unacceptable to create such significant traffic impacts considering the Climate Action Plan.

Even without the redevelopment of Seaport Village, the mobility hubs and potential parking structures, either stand alone or incorporated into hotel parking, being planned in the Embarcadero will only induce more travel downtown which is attributing to the unavoidable aspect of the analysis. The Port needs to find ways to significantly reduce VMT or downtown will be a congested nightmare.

Encourage the public to use true Regional Mobility hubs in the SANDAG and MTS

O17-30

transportation plans and take transit downtown. Do not create additional downtown parking spaces. The Port's shuttle should transport people between Port amenities and transit connections, not between parking lots.

The Central Embarcadero Seaport Village changes are not included in this study yet the developer's letter to the California State Lands Commission states that he expects 10 million visitors annually. This equates to over 27,000 visitors daily. If a project creates that type of demand, it should not be on an isolated point where it is required to go through neighborhoods and downtown to get there.

The Port needs to accept that people should park outside of the downtown area, take transit into the city center, and then move around on downtown services like the Port's shuttle. Other cities have successfully used this model for decades (New York, San Francisco, Washington DC, Boston, etc). That is a major way to decrease the VMT, but that is not what the Port is suggesting. They are planning not only enough spaces to replace all of the parking they are going to move, but also enough to meet demand.

The Port should not proceed with the PMPU until it can address the CAP traffic issues, including in the CE, and the traffic impact to Pacific Highway due to the plans previously addressed. It is not acceptable to say that the traffic impact is "**significant and unavoidable**". **It is avoidable if the Port changes its plans.**

Do not divert Harbor Drive traffic to Pacific Highway. Per the current PMP (page 59), "General commercial, residential, and commuter traffic would utilize an enhanced Pacific Highway grand boulevard". Do not move all the Port's traffic onto Pacific Highway so that Harbor Drive can be used for distracted drivers trying to enjoy the water view. The Port must find mitigation solutions and NOT cause significant increases in VMT on Pacific Highway before going forward with the Seaport Village redevelopment and redirecting traffic onto Pacific Highway from Harbor Drive.

See the new lane markings and bike lanes in the picture below



O17-30  
cont.

25

## Response to Comment O17-30

The comment raises a number of policy issues that illustrate the competing considerations the District must consider with respect to the PMPU. For example, the District must balance the comment's concern regarding traffic congestion with the state laws, regulations, and policies that elevate VMT concerns over roadway capacity and congestion. In addition, the District must balance the comment's concern about downtown parking and traffic congestion with the Coastal Act's requirements to prioritize public access to the bayfront, including adequate public parking. Furthermore, CEQA does not give the District any jurisdiction or authority which it does not otherwise have, so the District cannot assure the implementation of mitigation measures, such as parking lots away from the downtown area or regional mobility hubs outside its jurisdiction.

As discussed in response to Comment O17-6, the commenter also conflates VMT with traffic congestion. However, these two terms are not synonymous. As stated in Senate Bill 743, "It is the intent of the Legislature to balance the need for level of service standards for traffic with the need to build infill housing and mixed use commercial developments within walking distance of mass transit facilities, downtowns, and town centers *and to provide greater flexibility to local governments to balance these sometimes competing needs.*" (Gov. Code Section 650884(a).) It should be noted that, under recent amendments to the CEQA Guidelines pursuant to the adoption of SB743, a project's effect on traffic delay no longer shall constitute a significant impact (CEQA Guidelines Section 15064.3(a).)

As also discussed in the prior responses, most of the locations referenced in the comment letter are considered Transit Priority Areas and development in those locations is presumed to have a less than significant impact related to VMT. (CEQA Guidelines Section 15064.3(b)(1).) The commenter also raises several concerns that are addressed in other comments. Regarding the commenter's statements about mobility hubs and parking, please see response to Comment O17-14, above. As noted in that response, the implementation of Mobility Hubs generally should not increase the number of parking spaces within the District, as they would better organize the current parking spaces provided and provide visitors with multi-modal travel options to traverse the tidelands. Additionally, please see Master Response M-1 and the response to Comment O17-2, above, regarding the Seaport San Diego project not being part of the PMPU.



**This traffic problem highlights another reason why it is necessary for the Central Embarcadero to be included in the evaluation of the PMPU.**

O17-31

**Page 165 4 Baywide Development Standards**

**Parking /Mobility Hubs**

Although we agree that there should be convenient ways to travel around the Embarcadero without using your car, like a Bayside shuttle or Bayside circulator. We also agree with MTS and SANDAG that the Port is not developing true mobility hubs because their locations do not integrate into the regional transportation system. The concern is that the mobility hubs are glorified parking facilities to consolidate parking and they will contribute to more VMT by encouraging drivers into the city to park and then use the alternative mobility options. True mobility hubs are located outside of downtown as SANDAG explains. Additionally, hotel parking lots should not be used to add significant public parking.

**Page 166 4.1.2(A) Land Use and Siting**

2. **Parking. Local Gateway Mobility Hubs should be within 500 feet of off-street public parking. All public parking spaces for vehicles in the Embarcadero shall be full levels below grade. In areas where there is above ground parking it shall be totally encapsulated (i.e., clad in such a manner that it is indistinguishable from the building elements around it) or visually screened by means of other uses such as substantial perimeter planters or architectural elements which effectively shield vehicles within the structure from view at grade level. Ceiling-mounted lighting within the structure should also be screened from grade-level view.**

O17-32

3. **Surface lots and above grade parking should be well screened from public view and shall be well lighted.**

**Page 167 Table 4.1 Mobility Hub: Accessibility Requirements and Amenities**

Parking requirements and number of spaces are not in the PMPU. The footnote on this Mobility hub table states, "Parking demand study would be required to determine the number of spaces that need to be included in the hub." "PARKING DEMAND" is a bad metric in general. That includes all the visitor demand to park downtown, which could be thousands of spaces. This type of demand is counter-productive for the CAP. However, the demand for parking spaces is shrinking at hotels as visitors and tourists in downtown hotels move away from rental cars and personal vehicles rather than pay for a car rental and a hotel parking fee. Instead they use Uber, Lyft, taxi, FRED, trolley, bus, train or walk.

Using "Public Demand" to determine the number of parking spaces required is unrealistic, since the public demand is almost always for modestly priced or free parking. Surely the Port doesn't intend to build enough parking spaces to meet the

26

## Response to Comment O17-31

The Central Embarcadero is included in the evaluation of the PMPU. (See, e.g., PEIR, pp. 3-70 - 3-74.) To the extent it means to refer to the Seaport San Diego proposal, the comment raises concerns that are addressed in other comments. Please see Master Response M-1, Comment O17-2, and Comment O17-6, above, regarding the Seaport San Diego project not being part of the PMPU and the Seaport San Diego project being included in SANDAG's transportation model.

## Response to Comment O17-32

This comment is similar to Comment O17-14, above. Please see the response to Comment O17-14.

public demand for over 27,000 visitors a day to the new Seaport Village, yet that is what the Port proposes.

The Citizen's Advisory Board to the NEVP made it clear that parking on the Port property should be below ground. Even the NEVP guidelines state that every effort should be made for parking to be subterranean. Since all the other developments have underground parking, that is a reasonable and expected requirement.

The number of parking spaces should be focused on accessible parking for people with disabilities and hotel demand, not "PUBLIC DEMAND". As a result, there is no need to have huge above ground podiums around hotels to account for public parking. Parking is either underground or it does not exist.

Footnotes: Table 4.1 Mobility Hub: Accessibility Requirements and Amenities

3. *Parking demand study would be required to determine the number of spaces that need to be included in the hub. Parking demand study for hotels within the hub location shall be based on the parking demand of hotel guests and ADA accessible parking needs.*

#### Page 174 4.2.1 Standards for Recreation Open Space

The following requirements apply to areas designated as Recreation Open Space:

2. *Should be designed with landscaping or native indigenous vegetation; (Palm trees are not native. The only native tree is the Torrey Pine.)*

#### Parks/Plazas/Recreation Open Space Reconciliation

We request the Port create a reconciliation document between the Park/Plaza (green space) acreage in the current PMP and Recreation Open Space (ROS) acreage in the new Draft PMPU. In order to do this reconciliation, the Port must include the CE acreage. The Port already has significant mitigation issues from existing projects, but the only way to ensure the Port delivers on all its commitments is with a reconciliation. We believe this reconciliation should be public and transparent. This full reconciliation cannot be done without the information from the CE.

Example:

Initial PARK/PLAZA acreage commitment in current PMP

Increase from amendments/mitigations

Decrease from completed projects

Decrease from completed mitigations

=Remaining commitments

Compare to Draft PMPU Recreation Open Space and make adjustments as/if needed

The resident population of downtown San Diego is already at 40,000. It is expected to grow to 80 or 90,000 in the next 30 years, the time period of this PMP. Downtown

O17-32  
cont.

O17-33

O17-34

27

## Response to Comment O17-33

The comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

## Response to Comment O17-34

Please see Master Response M-1 as well as the responses to Comments O17-2, O17-10, and O17-16 above regarding the Seaport San Diego project and the status of the NEVP, respectively. Regarding the comment's request for reconciliation between the PMPU and the current PMP, Table 3-3 in the PEIR (pages 3-16 – 3-17) identifies the acreage devoted to Park/Plaza in the existing PMP (259.6 acres) and the proposed acreage for Recreation Open Space in the PMPU (273.6 acres), which indicates the total acreage for such uses would increase by 14.03 acres in the PMPU. The comment's request for additional park and recreation facilities to serve an increasing resident population in downtown San Diego is beyond the jurisdiction of the District, which is required by the Coastal Act and the Public Trust Doctrine to devote its resources for the benefit of all of the citizens of California, and not primarily to serve local residents. Although the comment raises a policy issue regarding the needs of residents in adjacent cities for parks and recreational facilities and the designation of land use categories for the land and water within the District's jurisdiction, it does not raise any issue regarding the adequacy of the PEIR's analysis of the PMPU's environmental impacts on parks and recreation in Section 4.12 of the PEIR. Since the comment does not raise an environmental issue, no further response is required. The comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether or not to adopt the PMPU.

residents use Port facilities on a regular basis, and individually much more often than an individual tourist. Resident's exercise, enjoy the bay, and visit the restaurants and facilities throughout the year. Our impact is multiplied due to frequency. As Downtown residency grows, the need for outdoor space will grow with it. The Port needs to increase park and activated recreational spaces to meet this demand. We do not want to be walled in by hotels and retail spaces. In order to facilitate the Port's need for more activated recreational open public space, the 1220 Pacific Highway space should be converted into activated ROS once the property returns to the Port, and B and A streets should be beautiful pedestrian walkways to the bay. Port and CCC policies require the Port to make public access and opens space a priority.

#### Page 180 4.3.3 Standards for Walkways

Figure PD3.4 A and B Streets are pictured as Walkways

##### 4.3.3(A) Location and Access

4. Walkways shall have a minimum width of 30 feet unless otherwise specified in the development standards for each subdistrict. Walkways are an addition to Roadway Requirements, not included in Roadway Requirements.

#### Page 182 4.4 View Standards

##### 4.4.1 Standards for Scenic Vista Areas

5. In addition to waterside, end of pier and street corridors, there shall be views from the inland side of the Port in the following locations:

- a. Pacific Highway between A and B Streets,
- b. between A Street and Ash.
- c. Preserve Ruocco Park in its current location as well as the existing scenic Bay views from Ruocco Park.

##### Coastal Views

Some coastal views should be from the inland side of the Port property, such as Pacific Highway, not just down street corridors and the waters edge.

While we appreciate the listed Access and Scenic Views in the PMPU, we think they are insufficient. There's a level of absurdity when the only views relevant to the Port occur when people are in the middle of the street or are able to see water when they are at the water's edge.

1. View corridors: More aptly named Street View Corridors. If you are driving down the street, the Port wants you to look at the water view. Or, if you are a pedestrian, you can stop in the middle of the street to look at the water.
2. If you are at the water's edge, the PMPU states it will not block the views of the water, most of the time. However, in many instances, viewers still must go to the end of the pier or the deck for the scenic view.

O17-34  
cont.

O17-35

28

## Response to Comment O17-35

This comment recommends that the PMPU adopt or amend policies to provide broader views of San Diego Bay than street-wide view corridors. The PMPU includes both standards for scenic views and for view corridors to the waterfront. The width of view corridor extensions would be equal to the public right-of-way from which they extend. Blocking or interrupting a scenic vista or view corridor would result in an inconsistency with the PMPU and CEQA compliance would not be covered under the PEIR. The commenter wishes for the District to consider additional inland views and to avoid a walled off condition from development that blocks views to the Bay. The proposed scenic vista and view corridor extension standards are designed to avoid any walling off by always maintaining lines of sight at and along these locations. In addition, the PMPU's potential impacts on visual resources, including public viewpoints and view corridors, are analyzed under Thresholds of Significance 1 and 3 in Section 4.1 of the PEIR. The comment does not raise any environmental issue regarding the adequacy of the PEIR's analysis of visual impacts and does not raise any concern under CEQA, so no changes to the Draft PEIR and no further response to this comment are required. However, the commenter's recommendations are included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

## Response to Comment O17-36

The commenter suggests that the District has not adequately addressed sea level rise in its planning, but does not provide any specific examples of inadequacies. The PMPU provides a comprehensive approach to sea level rise in Chapter 3.4, Safety and Resiliency. This chapter of the PMPU includes a discussion about adapting to sea level rise (3.4.2(C)-II), employing an adaptive management framework to address sea level rise (3.4.2(C)-III), and using adaptation strategies (3.4.2(C)-IV). Additionally, Chapter 3.4 includes numerous goals, objectives, and policies to reduce or avoid risks posed by sea level rise and storm surge, including existing structures, human health, and sensitive resources. These policies require, among other things, permittees to submit site-specific hazards reports to the District that address anticipated coastal hazards over the anticipated

3. Public access for public viewing areas located inside of, in front of, any portion of an area, are not marked. There is no signage outside of the Intercontinental Hotel, Navy Pier, Lane Field Park, or the barge at Coasterra identifying them as having public viewing areas. All areas appear to be private property.

The Standard for water views and access should include the inland side of the Port land, not just directly waterside or the street corridors. For instance, Ruocco Park provides real scenic views since the views start at the intersection of Harbor Drive and Pacific Highway and you can see the water, Coronado and beyond. Downtown residents do not want to lose this green space in the Seaport Village redevelopment. More vistas need to be created or preserved from Pacific Highway. The complaints of feeling walled off are not just at the water's edge, but from the inland side of the Port as well. An example of being "walled off" occurs at Harbor Drive West at the Convention Center. There are no Bay views even though public lands controlled by the Port are across the street. Instead, it is wall-to-wall convention center and hotels. CE and NE do not want to end up like the SE where it can be difficult to find your way through to the water.

The Lane Field Hotels north of Broadway wall off water views from the east, including a very poor view corridor through C Street that only looks like a hotel entrance, and from the north or south because of the 300 ft long hotels. We want Bay views from the inland east side of the Port looking west to the water. North of Ruocco Park up to Ash Street, you cannot see the Bay while standing on Pacific Highway. Even the wide Broadway view corridor is blocked at the water's edge by a building. At a minimum, there should be a view from Pacific Highway to the water, besides a street corridor, such as a westward view toward the bay between B and A Streets. If the Wyndham is replaced with towers that are perpendicular to the water, and there is no street wall, then ROS that the City requested at 1220 Pacific Highway could provide open access and Bay views. Do not create a wall of hotels and retail to block the people of California, who live in and visit San Diego, from the Bay.

#### Appendix I DRAFT Program EIR: Sea Level Rise Analysis

We are not Climate experts, but the Port must identify and make significant efforts to advert the impact of sea level rise. We are concerned that the Port has not adequately addressed the problems to ensure protective planning toward resilient sea level rise and flooding with smart infrastructure to meet State and Federal standards. Please coordinate with surrounding agencies to do more to combat sea level rise.

#### DRAFT Program EIR: Alternatives

##### Page 6-63 6.5.6 Environmentally Superior Alternative

From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended

017-35  
cont.

017-36

017-37

life of the development (SR Policy 3.3.1). Other proposed PMPU policies require permittees to site and design development to avoid effects from projected sea level rise considering the anticipated life of the development and, if coastal hazards cannot be completely avoided, to plan, design, and implement adaptation strategies (see SR Policy 3.3.2). Additionally, to reduce the risks posed to neighboring properties and the natural environment from coastal protection devices, the proposed PMPU requires the prioritization of nature-based adaptation strategies, where feasible (SR Policy 3.3.4). If coastal protection devices are used, they must be designed to minimize adverse effects on local sand supply, recreation, habitat, scenic views, beach width, coastal fill, and effects on coastal access and other Public Trust uses (SR Policy 3.3.10). Sea level rise and increased "storminess" due to climate change may increase wave uprush, which would be analyzed on an individual development basis, as required in SR Policy 3.3.1. Specific design approaches would be reviewed by the District as specific development proposals are submitted for development review. Regarding the commenter's request that the District coordinate with surrounding agencies to do more to combat sea level rise, the PMPU includes SR Objective 3.4, which states, "Collaborate with partner agencies and adjacent disadvantaged communities to effectively monitor, assess, plan, and adapt for future hazards, including climate-related impacts in and around San Diego Bay." This objective is implemented through SR Policy 3.4.1 through SR Policy 3.4.7 of the PMPU. A full list of goals, objectives, and policies related to sea level rise is provided in Chapter 3.4 of the PMPU and in Section 4.13.4.3 of the PEIR.

In addition, Section 4.13, *Sea Level Rise*, of the PEIR thoroughly analyzes the potential impacts of the PMPU with respect to sea level rise. Table 4.13-5 analyzes the PMPU's consistency with the CCC's 2018 Sea Level Rise LCP Guidelines and Table 4.13-6 analyzes the PMPU's consistency with the CCC's Sea Level Rise Adaptation Strategy Goals. The comment does not raise any environmental issue regarding the adequacy of the PEIR's analysis of sea level rise impacts and does not raise any other concern under CEQA, so no changes to the Draft PEIR are required and no further response to this comment is warranted.

to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities.”

Sincerely,

Embarcadero Coalition  
[embarcaderocoalition@gmail.com](mailto:embarcaderocoalition@gmail.com)

Contacts: Janet Rogers and Susan Simon

017-37  
cont.

### Response to Comment O17-37

The comment expresses support for the adoption of Alternative 3 and does not raise any environmental issue with the content or adequacy of the PEIR or the CEQA process. Therefore, no further response is required and this comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

2.5.18      **Comment Letter O18: San Diego Waterfront Coalition**  
Don Wood

Lily Tsukayama

Letter O18

**From:** dwood8@cox.net

**Sent:** Monday, January 10, 2022 3:04 PM

**To:** Port Master Plan Update; Lesley Nishihira

**Cc:** Ann Moore; 'Bob Nelson'; 'Dan Malcolm'; Garry Bonelli; Jason Giffen; Lucy Contreras; Mark McIntire; 'Marshall Merrifield'; Michael Zucchet; Rafael Castellanos; 'Randa Coniglio'; Robert Valderrama; 'Scott Edwards'; Shaun Sumner; Thomas A. Russell

**Subject:** Comments of the San Diego Waterfront Coalition on the Port District's November 8, 2001 draft Port Master Plan Update and draft environmental impact report

**Attachments:** January 10 2022 SDWC PMPU EIR Comments.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Don Wood  
619-463-9035  
Dwood8@cox.net

January 10, 2022

**Subject: San Diego Waterfront Coalition's initial comments on the latest Port Master Plan Update (PMPU) version and Draft Environmental Impact Report (EIR)**

The San Diego Waterfront Coalition (SDWC), formerly known as the Navy Broadway Complex Coalition, strives to ensure its comments reflect the collective principles and views of its member organizations, including multiple local planning and environmental groups.

We appreciate the energy and tenacity demonstrated by the ports planning staff who have kept this planning process moving forward despite numerous obstacles and distractions caused by the pandemic and port board turnover.

**1. Port needs to stop piecemeal planning**

We agree with the Southwest Wetlands Interpretive Associations (SWIA) that CEQA requires the lead agency, when drafting a project or program EIR, to consider the whole of an action, not just its component parts – and forbids piecemealing (e.g., CEQA Sections 15003 and 15378) – which raises the concern regarding the appropriateness of the Draft EIR (analysis) not to analyze various port districts areas around the bay in the latest PMPU and the draft EIR. Our primary concern in this area is the port's decision to leave existing plans for the redevelopment of Seaport Village and the Central Embarcadero out of the latest draft version of the PMPU and the draft EIR.

Port staff already has the formal project description, area renderings and other details provided by the project developer. It makes no sense for the port to continue pretending that such a project description and details don't exist. They do exist, and must be fully considered and analyzed within the context of the next version of the updated PMPU and in the next draft of the EIR.

On page 2-19 thru 2-23 of the draft EIR Port staff lists 13 plans being undertaken by the port and adjoining cities. We see no reason why the plans being undertaken by the port, including Chula Vista Bayfront Master

## Response to Comment O18-1

The District appreciates the San Diego Waterfront Coalition's interest in the PMPU and PEIR. Responses to individual comments are provided in comments and responses that follow.

## Response to Comment O18-2

The response to this comment is covered in Master Response M-1. All projects cited by the comment are analyzed as cumulative projects, including the TAMT Redevelopment Plan (#12) and B Street Cruise Ship Terminal Interior Improvements (#13), both of which are already approved and being implemented. The cumulative projects are listed in Table 2-2 of the Draft PEIR and their cumulative effects are considered in Chapter 4, Environmental Analysis, for each environmental subject area. Further, all acreages of the water and land use designations, including ROS, are shown for the certified PMP, the GIS digitization, and finally, the PMPU. These acreage calculations are explained in the PEIR, Chapters 2 and 3 (see pp. 2-3 to 2-6 and 3-15 to 3-17, respectively). Finally, refer to response to Comment O17-10 (Embarcadero Coalition Letter) regarding the PMPU's superseding the NEAVP/NEVP, which shows that a comparison between the NEVP and the PMPU is unnecessary. No changes to the PEIR are required in response to this comment.

O18-1

O18-2

Plan (CVBMP)1, National City Bayfront Projects and Plan Amendments, Wetland Mitigation Bank at Pond 20, The Seaport San Diego Project, Tenth Avenue Marine Terminal (TAMT), and B Street Cruise Ship Terminal Interior Improvements planning should not be included in and analyzed in the context of the latest PMPU draft and the draft EIR. The port has promised the public that the PMPU will provide comprehensive planning for all the areas around the bay. Compliance with CEQA requires that these “outside” port tidelands planning efforts be addressed as part of the next draft PMPU and draft EIR.

## **2. Need for reconciliations comparing previous Port commitments to today’s proposals**

We agree with the Embarcadero Coalition that the Port needs to create a reconciliation document between the Park (green space) acreage in the current PMP and Recreation Open Space (ROS) acreage in the new Draft PMPU. In order to do this reconciliation, the Port must include the Central Embarcadero acreage.

We agree that the only way to ensure the Port delivers on its commitments is with a reconciliation. We agree this reconciliation should be public and transparent, and that this full reconciliation cannot be done without the information from the Central Embarcadero.

Similar reconciliations must be done comparing previous Port commitments in the original Port Master Plan and the North Embarcadero Visionary Plan with what is now being proposed in the most recent PMPU.

We agree with the Embarcadero Coalition that it is not possible to provide an accurate review without including the Central Embarcadero planning district. The massive development planned for Central Embarcadero will have a huge impact on everything from design, parks, Recreation Open Space (ROS), parking, hotel rooms and Vehicle Miles Travelled (VMT).

## **3. North Embarcadero Redevelopment comments**

We agree with and endorse many of the comments of the Embarcadero Coalition, especially those limiting additional hotel rooms at the Wyndham Hotel site and the 1220 Pacific Highway parcel, tower widths, sizes and heights, changes in podium structure standards, sidewalk setbacks, making B Street a pedestrian

O18-2  
cont.

O18-3

O18-4

## **Response to Comment O18-3**

Please see Master Response M-1 and the response to Comment O18-2 regarding the inclusion of the Seaport San Diego project in the PMPU and why excluding a developer proposed project from the District’s PMPU is not piecemealing. Additionally, please see the response to Comment O17-34 regarding reconciliation between Recreation Open Space acreage in the PMPU and Park acreage in existing planning documents. Please also see Table 3-3 (p. 3-17) and Figure 4.12-1 (p. 4.12-13) and Section 4.12, *Public Services and Recreation*, of the PEIR, which show the District currently manages 22 parks and miles of walking and biking trails along the waterfront to make up approximately 259.62 acres of Recreation Open Space within the District Tidelands (p. 4.12-53) and land designated for Recreation Open Space uses in the PMPU would total 273.65 acres, which would be an increase of 14.03 acres over existing conditions (p. 4.12-50).

## **Response to Comment O18-4**

The commenter indicates that it agrees with the comments provided by the Embarcadero Coalition regarding future development on the Wyndham Hotel Site and the 1220 Pacific Highway parcel. Please see the responses to Comments O17-17 and O17-34 of Comment Letter O17 (Embarcadero Coalition Letter #2). Please also see Master Response M-1 in this chapter. No changes to either the PMPU or PEIR are required in response to this comment.



promenade, recreational open space, limiting floor area ratios and below grade parking requirements.

O18-4  
cont.

#### 4. Harbor Drive Planning

We continue to support the development of a new linear recreational open space park along the east side of a narrower Harbor Drive. The Port agreed to study one alternative for an average 205' setback park along Harbor Drive stretching from Hawthorne to the elongation of B street, and several other alternatives in the next PMPU in the Memorandum of Understanding between the Port and the Navy Broadway Complex Coalition and Lane Field Developers, LLC on November 9, 2010. While the alternative is mentioned in the draft PMPU and EIR, any consideration or analysis of it is cursory at best, and in our opinion, does not fully comply with the MOU.

O18-5

We note that the Port still has failed to live up to its twelve-year old commitment to try to regain control over the 150' setback portion of the 1220 Pacific Highway parcel required to complete the north half of the Lane Field Park.

O18-6

While we support the proposed narrowing of and removal of automobile parking spaces from Harbor Drive, we see problems with the ports proposal to move that parking to two massive new "mobility hubs" aka parking garages, one on the east portion of the 1220 Pacific Highway parcel between the Lane Field hotels and the Wyndham hotel site, and the other on the block just north of the County Administration Center, between Hawthorne and Grape St., east of Harbor Drive.

O18-7

The Port has been trying to convince the Navy to hand back control of its long-term lease of the 1220 Pacific Highway parcel since at least 2010, without success. That indicates that the port is unlikely to regain control over that parcel until the Navy's lease expires.

O18-8

Daily traffic on Hawthorne St. going west and on Grape Street going east is very heavy, making the idea of pedestrians crossing those streets to get to and from their parked cars questionable at best.

O18-9

Along with the Embarcadero Coalition and several other organizations, we believe that any new parking developed west of Pacific Highway should be constructed below grade. The feasibility of this form of parking was proven at the Lane Field hotel south, at the County Administration Center Waterfront Park parking garage

O18-10

## Response to Comment O18-5

Contrary to the comment, the Options for the park along Harbor Drive are not CEQA project alternatives. The PEIR provides detailed descriptions and analyses of three potential project Options for the addition of new linear open space in the North Embarcadero planning area. The Options are described in the Project Description chapter of the PEIR on pages 3-56 to 3-67 and shown on Figures 3-5 to 3-7 (see also Appendix A of the draft PMPU). One or more of these Options for the North Embarcadero Subdistrict are available for consideration by the Board of Port Commissioners if it wishes to include any of the Options in the PMPU. Inclusion of these Options in the PEIR was provided consistent with the NEVP Phase I CDP and the San Diego Navy Broadway Complex Coalition MOU. Option One is consistent with the 2011 North Embarcadero Visionary Plan (NEVP), Phase 1 CDP. Options 2 and 3 are analyzed based on commitments of the Lane Field Project MOU (2010) ("Lane Field MOU"), as quoted here:

"D. North Embarcadero PMPA. In the North Embarcadero PMPA, the District must study, at a minimum, (i) one alternative for an average 205-foot setback adjacent to North Harbor Drive as presently aligned, running from Hawthorn [Street] to the prolongation of "B" Street; and (ii) one alternative for the realignment of North Harbor Drive to the east of its present location, with the 205-foot-average setback to the immediate west of the realigned North Harbor Drive, to the immediate east of the promenade planned under the NEVP adjacent to San Diego Bay, and again running from Hawthorn to the prolongation of "B" Street. The purpose of the 205-foot setback under these two alternatives is the same as the Setback Park/Plaza. The project description and the NOP or the North Embarcadero PMPA must also be revised to include the study of these alternatives, which shall be studied on an equal footing with the primary project that is the subject of the NOP and not merely as two alternatives among the range of reasonable alternatives that must be studied under CEQA for any project. The study may include an economic analysis of the funding, feasibility, and impacts of the alternatives." (p. 4 – District Document No. 57019).

The PEIR analysis of the options satisfies the District's obligations regarding the Lane Field MOU. In addition to "D." quoted above, the MOU's Agreement consists of the following:

" ...

B. Setback Park/Plaza. The District and LFSDD must establish a 150-foot setback from North Harbor Drive for the entire distance between

the prolongation of "B" Street to the north and West Broadway to the south. Within the setback, the District and LFSDD must design, permit, and construct public space (the "Setback Park-'Plaza") as part of the NEVP Phase I project or as part of the Lane Field project, whichever comes earlier. Prior to the earlier of the substantial completion of the NEVP Phase 1 project or the opening of the first hotel to be constructed as part of the Lane Field project, the Setback Park/Plaza must be designed and constructed and the District must allocate funding sufficient to complete the remainder of the Setback Park/Plaza on 1220 Pacific Highway.

Each Option prioritizes pedestrians over vehicles (see Table 3-8 for a breakdown of land use changes between the Options) and the PEIR provides an adequate level of analysis, as required by the CDP and MOU, as described in the PEIR (p. 3-56, etc.). Although the commenter objects generally to the PEIR's level of analysis, the commenter does not specify how the PEIR's analysis and conclusions regarding these Option are deficient, does not identify any information which should have been considered in the PEIR but was not, and provides no evidence to support this opinion. In addition, the commenter suggests that Option 2 is not fully compliant with the Lane Field MOU, but does not indicate how nor does the comment provide any evidence to support their opinion. No changes to the Draft PEIR are required in response to this comment.

### **Response to Comment O18-6**

The 1220 Pacific Highway parcel, including the setback portion referred to in the comment, is subject to a lease to the U.S. Navy and thus is not within the control of the District, as the commenter subsequently notes in Comment 8. (PEIR, p. 3-67.) The commenter does not raise an environmental issue or identify any deficiency associated with the District's compliance with the CEQA process. No response is required pursuant to CEQA Guidelines Section 15088 and no changes to the Draft PEIR are required in response to this comment.

### **Response to Comment O18-7**

Mobility Hubs, as defined and proposed by the PMPU, are connection points in which visitors and workers are provided the opportunity to change from one mode of travel to another, as necessary, to reach their destination. A mobility hub includes, but is not limited to, landside modes such as personal auto; transit; rideshare; biking; walking; micro-mobility options; as well as waterside modes such as transient docking and water-based transfer points that support a water-based transit network, such as water taxis and/or ferries. These differ from automobile focused parking

structures, in that they are designed to provide multiple modes of travel from their locations, providing the user with multiple options of how to moving around the bayfront and downtown and access the various amenities and attractions. See Figure 4.1 in the PMPU for an example of a Regional Mobility Hub and Figure 4.2 of the PMPU for an example of a Local Gateway Mobility Hub.

To assist with clarifying the commenter's understanding of Mobility Hubs, the two identified by the commenter are different in scale. The mobility hub identified on the block between W Ash Street to the north and Broadway to the south is classified as a Local Gateway Mobility Hub. A Local Gateway Mobility Hub connects visitors to a group of attractions and other uses in a small and specific area. (See Figure 4.2 of the PMPU.) Local Gateway Mobility Hubs are intended to both draw visitors to Tidelands and act as a connection point for visitors who are already traversing Tidelands using other modes of transportation. (PMPU, pp. 4-170 – 4-171.)

The Mobility Hub to be located north of West Grape Street and south of Hawthorn Street is classified as a Regional Mobility Hub. A Regional Mobility Hub is intended to serve visitors and employees as they access and travel throughout Tidelands. They are intended to be used to consolidate public parking in the area, which will allow for existing on-street and/or surface parking to be repurposed as Recreation Open Space, such as esplanades, promenades, and plazas, and to connect to multimodal facilities, dedicated transit lanes, bicycle facilities (Class II Bike Lanes, Class IV Cycle Tracks, or Class I Multiuse Paths), and other waterfront uses. (See Figure 4.1 of the PMPU.) Regional Mobility Hubs will help to reduce the amount of vehicle miles traveled throughout Tidelands and potentially in areas adjacent to Tidelands as they may connect to other regional mobility networks. (PMPU, pp. 4-166 – 4-169.)

The commenter's general objection to moving parking to the mobility hubs at the locations indicated in the comment does not raise a specific environmental issue with respect to the PEIR or the District's compliance with CEQA. Accordingly, no further response is required and the comment's concerns are included in the record for Board of Port Commissioners consideration when it makes a decision whether to adopt the PMPU.

### **Response to Comment O18-8**

Please see response to Comment O18-6, above. The comment does not raise an environmental issue associated with the PEIR, the adequacy of the PEIR, or the District's CEQA process. No response is required pursuant to CEQA Guidelines Section 15088 and no changes to the Draft PEIR are required in response to this comment.

**Response to Comment O18-9**

The commenter appears to be discussing baseline traffic congestion (I.e. “Daily traffic”). It is not the purpose of the EIR to analyze impacts associated existing deficiencies, and any future, specific pedestrian crossings associated with the PMPU’s Goals, Objectives, Policies, and Development Standards would be analyzed under CEQA, when a project-specific proposal is presented to the District. Within the City of San Diego jurisdiction, any future, specific pedestrian crossings would comply with the City of San Diego’s standards, including the City’s Street Design Manual and Pedestrian Master Plan and would require related entitlements from the City. Designing pedestrian crossing using best practices will reduce any potential safety hazards from regular daily vehicular traffic. Please also see Draft EIR Section 4.14, Threshold 3, for discussion of transportation-related safety. No changes to the Draft PEIR are required in response to this comment.

**Response to Comment O18-10**

This comment indicates support for a comment made by the Embarcadero Coalition. Please see the response to Comment O17-14 in Comment Letter O17 (Embarcadero Coalition Letter #2). In addition, the feasibility of below grade parking would be considered as part of the site specific environmental review of any future development proposal which includes parking west of Pacific Highway. The commenter’s opinion that parking should be provided underground is noted for the record and for Board consideration when it makes a decision whether or not to adopt the PMPU. No changes to the Draft PEIR are required in response to this comment.

and at the Navy Broadway Complex redevelopment project, also known as IQHQ's Research and Development District (RADD).

It is also consistent with the recommendations from the port's own North Embarcadero Visionary Plan Citizen's Advisory Committee. This underground public parking could be located beneath the new linear park along the east side of Harbor Drive. If the port insists on constructing new parking garages on the 1220 Pacific Highway site and the block just north of the County Administrative Center, both of them should be constructed below grade.

**5. Order the Midway Museum to construct the long-promised veteran's park on the Navy Pier by 2023**

The port's treatment of the Midway Museum's coastal development permit (CDP) regarding the Navy Pier justifies the rejection of this latest draft PMPU and draft EIR by the California Coastal Commission. Since 2004, the Midway Museum has been operating the carrier museum under a Coastal Development Permit (CDP) that requires the museum to replace the public parking lot on Navy Pier with a veteran's memorial park. Every few years, leaders of the Midway Museum have paraded groups of aging volunteers before the port board and the coastal commission to convince them to give the museum longer extensions exempting it from carrying out this CDP requirement. Almost two decades after the museum first committed to building the veterans park on the deck of the Navy Pier, the promise remains unfulfilled. The Museum has provided the port several sets of renderings of potential parks, but has shown no inclination to actually begin construction of the promised park.

In its December 30, 2021 edition, the San Diego Union noted that "In a previous letter, the Coastal Commission instructed the port to include a finalized Navy Pier park project plan in the Port Master Plan Update – with specific deadlines – to ensure that the park is constructed as soon as possible." Per the article, the port is trying to convince the Commission to issue yet another new Navy Pier CDP, which could give the Midway Museum six more years to build the veteran's park. The Midway and the port have been playing this kind of rope-a-dope with the Commission for far too long.

This situation should embarrass the port and the coastal commission, who have both failed to enforce the terms of the museum's CDP for decades. We believe

O18-10  
cont.

O18-11

## Response to Comment O18-11

The comment concerns the requirements of an existing Coastal Development Permit (CDP) for the USS Midway Museum. An EIR is not the proper forum for rectifying existing environmental deficiencies or determining the nature and consequences of the prior conduct of a project applicant. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4<sup>th</sup> 1428, 1452.) The comment does not address the content or adequacy of the PEIR and does not raise an environmental issue associated with the CEQA process. No response is required pursuant to CEQA Guidelines Section 15088 and no changes to the Draft PEIR are required in response to this comment. However, please note that on April 12, 2022, the District and the USS Midway Museum entered into an MOU to scarify the existing parking lot and replace it with recreation open space. Furthermore, the PMPU delineates the Navy Pier with a Recreation Open Space Land Use Designation, in anticipation of transforming the Navy Pier to recreational uses, as opposed to the current parking lot. For a status regarding the Coastal Commission's adoption of a CDP to construct the comment's referenced public park, please see response to comment O15-8.

that it far past time for the port and the coastal commission to join forces and order the museum to begin construction of the promised veteran’s park in 2022 and finish it by 2023; or vacate its occupancy of berthing space on Navy Pier.

**6. Alternatives Considered**

Given the need to preserve the limited remaining public access and viewsheds along the North and Central Embarcadero, we support a combination of Alternative 3 in DEIR Table 6.2, and the elements of Alternative 5 which produce the most public parks and recreational open space along the embarcadero.

O18-11  
cont.

O18-12

**Response to Comment O18-12**

The commenter’s preference is noted for the record and for Board consideration when it makes a decision whether or not to adopt the PMPU. Because this comment does not raise an environmental issue, no additional response is needed.

## 2.6 Business and Tenant Letters and Responses

### 2.6.1 Comment Letter BT1: San Diego Port Tenants Association

John Laun, Chairman, Todd Roberts, Vice Chairman, and Sharon Cloward, President

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Letter  
BT1

#### SAN DIEGO PORT TENANTS ASSOCIATION

January 10, 2022

Delivered by email: [PMPU@portofsandiego.org](mailto:PMPU@portofsandiego.org)

San Diego Unified Port District  
3165 Pacific Coast Highway  
San Diego, Ca 92101

Dear Jason and Lesley,

This letter, on behalf of Port Tenants, is in response to the November 2021 Draft Port Master Plan Update (PMPU) and Draft Environmental Impact Report (DEIR). Many of the issues detailed in our previous letters dated November 17<sup>th</sup>, 2020, and February 28<sup>th</sup>, 2021, have still not been addressed. Both letters are attached for your reference.

In addition to our previous letters attached, our current comments are summarized below.

- The requirement for a setback of 12 to 15 feet for purposes of promenades, walkways, step downs, etc. is unrealistic. It is impossible to apply this universally to all tideland properties. There is substantial existing public access on Shelter Island and Harbor Island, so we urge this requirement be deleted on the islands. In other areas there needs to be language in the plan that allows for flexibility and alternatives where it cannot easily be enforced, for example, facilities that extend over the water. A process that requires Board action for an exception will be very cumbersome.
- We urge the Seaport San Diego project be included in the PMPU. We understand that Seaport San Diego submitted a detailed project description late last year. This should provide the Port with sufficient details associated with this massive project to now be included in the PMPU. The new project, along with other significant development in the immediate area, will have a substantial impact on the viability of the current plans for the Embarcadero.
- Commercial Fishing marinas in the East Shelter Island Subdistrict and the Central Embarcadero Subdistrict are similar in function, but very different in business construct. The privately owned Commercial Fishing marina and adjacent facilities in Shelter Island must have more flexibility than is permitted under the Secondary Use restrictions to rent slips and space to non-Commercial Fishing uses. This is essential for long-term financial viability.
- The draft PMPU remains light on growth opportunities or accommodations to enhance viability for Maritime businesses in general. Comments on rail transportation highlight the trolley but are silent on BNSF rail connections and crossing improvements, either structurally or operationally.

BT1-1

BT1-2

BT1-3

BT1-4

BT1-5

#### Response to Comment BT1-1

The District appreciates the Port Tenants Association's comments on the PMPU and PEIR. Responses to the Port Tenants Association's specific comments are provided below.

#### Response to Comment BT1-2

This comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary.

Nevertheless, the PMPU contains a number of provisions which address the comment's concerns. For example, promenades are not required for Coastal-Dependent Maritime Industrial uses. (PMPU, at Section 4.1.1 and 4.3.1.) As noted in the PMPU Baywide Development Standards Section 4.3.1, "Waterside promenades ensure coastal access to the waterfront. Promenades are identified in each planning district's coastal access views and pathways map. Additional location-specific requirements are identified in the development standards for each subdistrict." PMPU page 201, Figures PD1.4 and PD2.4, depict the coastal access views and pathways map for the Shelter Island and Harbor Island Planning Districts, respectively. As shown in these figures, there are multiple areas where there are no waterside promenades identified.

Even where a "Waterside Promenade" is shown in the PMPU, the coastal access views and pathways maps, PMPU Section 4.3.1(5) (page 178), include exceptions to the waterside promenade requirements. That section states: "Waterside promenades are required for all uses considering the need to protect public rights to access Tidelands. Exceptions to this requirement may be allowed except where alternatives to a waterside width and/or alignment may be allowed if BPC makes one of the following findings: ... (c) Development of the waterside promenade width and/or alignment would require demolition and setback of an existing building that is currently

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## SAN DIEGO PORT TENANTS ASSOCIATION

January 10, 2022

Delivered by email: [PMPU@portofsandiego.org](mailto:PMPU@portofsandiego.org)

San Diego Unified Port District  
 3165 Pacific Coast Highway  
 San Diego, Ca 92101

Dear Jason and Lesley,

This letter, on behalf of Port Tenants, is in response to the November 2021 Draft Port Master Plan Update (PMPU) and Draft Environmental Impact Report (DEIR). Many of the issues detailed in our previous letters dated November 17<sup>th</sup>, 2020, and February 28<sup>th</sup>, 2021, have still not been addressed. Both letters are attached for your reference.

In addition to our previous letters attached, our current comments are summarized below.

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- We urge the Seaport San Diego project be included in the PMPU. We understand that Seaport San Diego submitted a detailed project description late last year. This should provide the Port with sufficient details associated with this massive project to now be included in the PMPU. The new project, along with other significant development in the immediate area, will have a substantial impact on the viability of the current plans for the Embarcadero.
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- The draft PMPU remains light on growth opportunities or accommodations to enhance viability for Maritime businesses in general. Comments on rail transportation highlight the trolley but are silent on BNSF rail connections and crossing improvements, either structurally or operationally.

Letter  
BT1

BT1-1

BT1-2

BT1-3

BT1-4

BT1-5

occupied or fit for occupancy and the applicant is not proposing demolition of any part of said structure.”

This comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

### Response to Comment BT1-3

Please see Master Response M-1 in this chapter regarding the Seaport San Diego project and inclusion as part of the PMPU. This comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

### Response to Comment BT1-4

This comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. In addition, the PEIR is not required to evaluate the potential economic effects of the PMPU because, pursuant to CEQA Guidelines Section 15131, economic effects are not considered environmental impacts. Pursuant to CEQA Guidelines Section 15088, no response is necessary.

It should be noted that PMPU Commercial Fishing Designations in Table 3.1.2 of the PMPU (PMPU page 52) allow commercially caught fish market operations, as well as commercial fishing facilities and operations. This use category is consistent with the existing physical uses in many of these areas, and the use designations in the existing PMP that designate the site as “Commercial Fishing.” (Existing PMP Figure 2a, *Land and Water Use Element*, and Figure 4 *Precise Plan for Shelter Island*.)

However, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.



January 10, 2022  
Port Master Plan Update  
Page 2

- The draft PMPU shows changed land use from Commercial Recreation (CR) to Recreation Open Space (ROS) on approximately 5 acres of Port land under lease to Keith Mishkin representing Cambridge Properties “Cays Resort” on Grand Caribe Isle – North. The ROS designation will significantly limit what can be done on the site. We urge you to maintain the CR designation and add a hotel to the appealable projects list.

BT1-6

Further, there is now an ambiguity in terms between Section PD9.25 in the newly revised PMPU (i.e., no new hotel rooms are planned or allowed) and the footnote in Figure PD9.2 (i.e., notwithstanding the ROS designation, nothing in the PMPU shall impair or infringe upon any rights or obligations existing under the lease when the PMPU took effect). We oppose the “no new hotel rooms” language and request that these ambiguous terms in the PMPU be resolved.

BT1-7

A hotel or similar project in this location will do more to generate Port revenue and create public access and amenities than an unfunded park.

- We are pleased to see that the existing public/private piers along La Playa Trail will remain. These piers are a part of San Diego’s history and character and enhance public access to the waterfront.

BT1-8

- We do support overlay for tourism accommodating services where it is designated Marine Services.

BT1-9

- Section 4.4.3, Standards for View Protection address requirements that affect view corridor extensions, scenic vista areas and walkways. Specifically, 4.4.3 (2a) notes:

- No building, associated architectural features, design component, structure, roof projection (i.e., eave, cornice, and eyebrow projections), openly supported architectural projections (e.g., trellis and awnings), bay windows, projecting signs, structural cantilevers, or any other associated architectural encroachments or projections shall obstruct pedestrian views, circulation and/or pathways within view corridor extensions or walkways;

BT1-10

This language is too restrictive and does not allow for architectural design flexibility. If the intent is to protect the pedestrian view, the SDPTA suggests a modification to the language that allows for architectural features if they do not obstruct the pedestrian views. We also suggest that the pedestrian view be clearly defined.

- There is not sufficient detail in the North Harbor Drive realignment that is envisioned in the PMPU to confirm it would not require any demolition of the existing hotel but based on the general description it appears that it would not. According to the description of the Options set out in the Program EIR, only Option 3 would impact the hotel. And the extent of the impact is not described, saying only, “implementation of Option 3 would require an addition of land from: 1220 Pacific Highway and Wyndham San Diego Bayfront Hotel (which includes Ruth’s Chris and Hazelwood’s,” Program EIR at 3-67. However, the illustration of the three options appear to show park land encroaching far enough into the Hotel property to require demolition for both Option 2 and Option 3 (Program EIR, Figure 3-6 and Figure 3-7).

BT1-11

- On page 3-51, under “Vision,” the Program EIR state that part of the PMPU’s vision is “completions of the Lane Field Setback Park.” It should be made clear that the PMPU itself is completing the Lane Field Setback Park, and not that Option 2 or Option 3 is required to be adopted in order to accomplish that goal.

BT1-12

## Response to Comment BT1-5

This comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the Draft PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary.

Importantly, however, future planning associated with goods movement (including via truck and rail) at the Tenth Avenue Marine Terminal was performed as part of the Tenth Avenue Marine Terminal Redevelopment Plan, and analyzed in the associated TAMT Redevelopment Plan Final EIR (SCH# 2015-031046). (Draft PMPU PEIR page 3-77; see also Draft PMPU PEIR Section 1.4.1.) Nevertheless, the PMPU discusses the movement of goods via rail and includes goals, objectives, and policies that supports this activity and use (e.g., see PMPU Sections 3.2.3(A), 3.2.3(D), 3.2.3(E) [“Movement of Goods”], 3.2.3(F), Figures 3.2.1, 3.2.2, 3.2.3, M Policies 2.1.7, 2.2.3, 2.2.4, 2.2.5, 2.2.7, 3.1.2, 3.2.1). Moreover, the District does not have any authority to implement improvements to rail connections or crossings on the BNSF Railway, which is exclusively under the jurisdiction of the federal Surface Transportation Board.

This comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

## Response to Comment BT1-6

The referenced location is currently used as a boat storage facility in proximity to the Coronado Cays Yacht Club and is designated in the existing PMP as Commercial Recreation. (Existing PMP, Figure 21, p. 110.) The PMPU water and land use designations are provided on PMPU Figure PD9.2 and include Recreation Open Space and Commercial Recreation (PMPU p. 337). This comment expresses the same concerns as expressed in the comment letters from Cays Resort, LLC (See Comment Letters BT18 and BT19 and the District’s responses). This comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

## Response to Comment BT1-7

The commenter is referencing text in PMPU Section 5.9.4 (PMPU p. 349), under PD9.25 that states, “No new hotel rooms are planned or allowed” and

comparing this text to language in a footnote to Figure PD9.2 (PMPU page 337). The language in the footnote to Figure PD9.2 states, “A parcel consisting of approximately 2.38 acres on the northern portion of Grand Caribe Isle in the Grand Caribe Isle and South Cays Subdistrict of Planning District 9 is subject to an existing lease which expires in 2034 (District Document No. 17678). Under the PMPU, the Commercial Recreation land use designation has been changed to Recreational Open Space (ROS). Notwithstanding the ROS designation, nothing in the Port Master Plan Update shall impair or infringe upon any rights or obligations existing under the lease when the Port Master Plan Update took effect.”

The two provisions are not “inconsistent.” The language in Figure PD9.2 would control development within the duration of the existing lease term, with development outside that leasehold controlled by PD9.25.

This comment raises the same concern as expressed in Comment Letter BT19. Please see the response to Comment BT19-18. This comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU. Please note that PD9.25 was clarified by deleting the portion stating “or allowed,” as shown below.

**Subsequent Revision to PMPU:**

**“Overnight Accommodations**

**PD9.25:** No new hotel rooms are planned ~~or allowed.~~”

**Response to Comment BT1-8**

The comment of support has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

**Response to Comment BT1-9**

The comment of support has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

**Response to Comment BT1-10**

This comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, the

District clarified that pedestrian views to the Bay shall not be obstructed by architectural features, as follows:

PMPU, Section 4.4.3, *Standards for View Protection*, Section 4.4.3 (2a):

“No building, associated architectural features, design component, structure, roof projection (e.g., eave, cornice, and eyebrow projections), openly supported architectural projections (e.g., trellis and awnings), bay windows, projecting signs, structural cantilevers, or any other associated architectural encroachments or projections shall obstruct bayward pedestrian views, circulation and/or pathways within view corridor extensions or walkways;...”

Additionally, within that same PMPU Section, the District included a new provision under Section 4.4.3(3):

“No elevated connecting structures (e.g., pedestrian bridges) are allowed in view corridor extensions, unless otherwise allowed within a subdistrict.”

Finally, this comment has been included within the record for consideration by the Board of Port Commissioners, when it decides whether to adopt the PMPU.

### **Response to Comment BT1-11**

The comment is the same as Comment BT2-10 (Felcor). The text in the PEIR has been updated to accurately reflect the changes shown in Figures 3-6 and 3-7 of the PEIR and clarify the description under Option 2 and Option 3 that indicates these options would require the addition of land at 1220 Pacific Highway and other properties with existing structures within the immediate area. Although an exact alignment is not yet known, if selected, Option 2 could potentially result in demolition of existing structures within the averaged 205-foot setback and Option 3 could potentially entail demolition of existing structures at the site often referred to as 1220 Pacific Highway (currently leased by the U.S. Navy) and the Wyndham San Diego Bayfront Hotel and related structures. Please see the corresponding revisions to page 3-67 in the Final PEIR, Volume 2.

### **Response to Comment BT1-12**

The comment is the same as Comment BT2-11 (Felcor) and partially cites the North Embarcadero Subdistrict Vision as written within the PMPU (on page 3-51). The PEIR, Figure 3-4, *PD3: Embarcadero Water and Land Use Map*, illustrates the Recreation Open Space (ROS) designation, in the location of the Lane Field Setback Park. On PEIR Page 3-51, coinciding with PMPU Figure 3-4, states:

“In addition to new development, enhancements to existing uses and activation of new uses should increase coastal access opportunities. *New*

*and enhanced recreational space, including the completion of the Lane Field Setback Park, is a primary component of this area's vision, where proposed reconfiguration of roadways and reallocation of parking areas will expand open space to add both passive and active amenities that enhance the visitor experience." (italics added for emphasis)*

Because the PEIR clearly indicates that the PMPU's vision of the North Embarcadero Subdistrict includes completion of the Lane Field Setback Park, without the need for the adoption of either Options 2 or 3, no additional clarification is needed in the PEIR. No changes to either the PMPU or PEIR have been made in response to this comment.

January 10, 2011  
Port Master Plan Update  
Page 3

- As we have stated previously, the definition of Major Development in the Glossary is very problematic. Of the 3 conditions, the Numbers 1 and 2 concerning modifications or replacements to existing improvements and Number 5 concerning New Development are reasonable. Numbers 3 and 4 are not. These provisions could require a tenant to undertake a major facility investment triggered by a simple administrative lease change, such as those related to the purchase of additional lease term or a new financing. We urge Numbers 3 and 4 be deleted. BT1-13
- In general, we support the Mobility Policy 1.1.10 which indicates that the District will develop Transportation Demand Management Plan Guidelines. We encourage the District to facilitate this study as soon as possible. The Study will affect both project specific planning and planning for either regional or local mobility hubs. BT1-14
- ECON Policy 1.2.6 indicates that the District shall create an impact fee program for needed public infrastructure. We encourage the District to facilitate studying the development and implementation of this program as it will affect project specific planning and underwriting. BT1-15

Thank you for considering our input. We strongly recommend your application of our recommendations into the final PMPU. We commend Port Staff on their dedication to developing this PMPU and associated EIR. Please feel free to contact our President, Sharon Cloward, with any clarifying questions as it relates to our input. BT1-16

Sincerely,

  
John Laun  
Chairman

  
Todd Roberts  
Vice Chairman

  
Sharon Cloward  
President

ATTACHMENTS:

November 17, 2020, Letter to Port regarding PMPU  
February 28, 2021, Letter to Port regarding PMPU

## Response to Comment BT1-13

This comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. It should be noted, however, that the definition of Major Development has been revised in the Final PMPU released with the Final PEIR, to more adequately define when Major Development requirements would take effect. That revision is as follows:

From the effective date of certification of this ~~Port Master Plan Update~~, as specified in 14 CCR § 13632 the:

Cumulative modification or cumulative replacement of 50 percent or more of a single major structural component of an existing development; or

Cumulative modification or cumulative replacement of 50 percent or more of the sum total of all major structural components of a single existing development or multiple existing developments on an existing development site; or

Issuance of a term extension or cumulative term extensions, ~~after the effective date of the Port Master Plan Amendment~~, that equal to fifteen (15) years or more; or

Granting of a new lease of more than ~~ten~~ fifteen (15) years unless the new lease is a result of a change of ownership and excludes any term extension or the new lease is with an existing tenant and number 3. above, has not been triggered; or

Issuance of a new Coastal Development Permit for new development.

However, this definition clarification was not made in response to this comment, but is mentioned here for informational purposes. This comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

## Response to Comment BT1-14

Although this comment is specific to the content of the PMPU, the PEIR includes mitigation measure MM-TRA-3, which will serve to help implement M Policy 1.1.11 and would require preparation of a Transportation Demand Management Plan for future projects that generate more than 110 daily trips. The TDM plan will need to be consistent with SANDAG's guidance and the District's guidance.

## Response to Comment BT1-15

Although this comment is specific to the content of the PMPU, the PEIR includes mitigation measure MM-TRA-1, which is consistent with ECON

Policy 1.2.6. This MM-TRA-1 requires that a vehicle miles traveled (VMT) infrastructure mitigation program be developed, with several options included regarding the program's funding. Therefore, in compliance with the PMPU's Mitigation Monitoring and Reporting Program, the transportation infrastructure Program would be prepared expeditiously.

**Response to Comment BT1-16**

The District appreciates the Port Tenant Association's interest in the project and the comments provided. This comment does not raise an environmental issue and no additional response is necessary.

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## SAN DIEGO PORT TENANTS ASSOCIATION

November 17, 2020

By email only: [pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Leslie Nishihira, Director  
 Planning Department  
 Port of San Diego  
 3165 Pacific Highway  
 San Diego, CA 92101

Subject: Comments on the Revised Draft Port Master Plan, October 2020

Dear Ms. Nishihira:

The San Diego Port Tenants Association, formed in 1989, represents 800 businesses and industries operating on the Port tidelands. The SDPTA members provide over 44,000 jobs, \$5.6 billion in economic output (pre-pandemic), and provide most of the Port's annual revenue. The SDPTA is dedicated to enhancing trade, commerce, tourism, and recreation while protecting the environment.

We have been active participants throughout the Port Master Plan Update (PMPU) process. We appreciate the opportunity to offer comments on the October draft, but as we stated in our November 5<sup>th</sup> letter (attached), we feel the time allowed to offer comments on this draft is too short. Due to the pandemic and the resulting economic stress, many of our businesses have yet been unable to devote sufficient time to analyze how our input from July 24, 2019, has been incorporated into the current draft. This is now even more an issue with San Diego County slipping into the Purple Tier. Generally, we fear if additional time is not permitted for sufficient public input, particularly tenant input, the Port may end up with a PMPU that is not able to encompass potential developments, thereby causing the need for future Port Master Plan Amendments. Accordingly, this letter of comment will highlight some major issues only, and we hope additional time will be granted so we can provide additional, more detailed, input.

A global concern with the PMPU is the degree of specificity throughout the document. An example is the detailed specification of promenades, walkways, setbacks, step downs, etc. Not only does this potentially put existing facilities into "non-conformance" and reliant on exceptions for future development or lease extensions, but it constrains future development, all leading to the need for plan Amendments. Of note, the language in Section 6.2.2 is ambiguous as to when Port Master Plan Amendments may be triggered. Language in the current Draft may be interpreted to require a PMPA for any changes in an existing development, even those consistent with the PMPU. It is important to highlight and discuss the need to retrofit existing properties to new planning standards, potentially even at the expense of removing existing utilized structures and amenities. This should be presented to the Board (and other interested stakeholders) in a specific separate analysis. By not addressing it to the public and the Board, it is impossible to responsibly analyze the changes required in the PMPU. To avoid doing so will set the Port up for Amendments in the future.

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## Response to Comment BT1-17

The commenter has provided three additional comment letters associated with previous Draft PMPU iterations dated November 17, 2020, November 5, 2020, February 28, 2021. Please see Master Response M-1 in this chapter, for a discussion of alleged piecemealing of the "Seaport San Diego Project." The comment letters also raise a variety of policy concerns regarding various aspects of the PMPU, but generally do not raise any environmental issues, do not raise any issues with the content or adequacy of the PEIR, and do not raise any issues related to the CEQA process. These letters were prepared before the release of the Draft EIR, and cannot comment on the adequacy of that subsequently released document. Under CEQA Guidelines Section 15088, no response is necessary. (See also *Sierra Club v City of Orange* (2008) 163 CA4th at 523, 537.) However, these previous comments on prior PMPU drafts have been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

BT1-17

Comments on the Revised Draft Port Master Plan, October 2020  
November 17, 2020  
Page 2

A major concern is the removal of the Seaport San Diego project from the PMPU. This significant development in the heart of the Port, “the 100% corner,” should be key to the planning of the Central Embarcadero. To ignore such substantial development greatly complicates the planning of all the other activities in the area, including the redevelopment of The Fish Market restaurant and planning for ongoing Commercial Fishing operations. This piecemeal approach does not serve the objectives of a comprehensive plan that is intended to serve the Port, its tenants, stakeholders, and the entire region for decades to come.

Another Commercial Fishing issue is the recognition that the Commercial Fishing marinas in the East Shelter Island Subdistrict and in the Central Embarcadero Subdistrict are similar in function, but very different in business construct. The privately-owned Commercial Fishing marina and adjacent facilities in Shelter Island must have more flexibility than is permitted under the Secondary Use restrictions to rent slips and space to non-Commercial Fishing uses. This is critical to maintain revenue when there is insufficient demand to fill with Commercial Fishing activity. This is apparently not an issue for the Port-operated Commercial Fishing marina in the Central Embarcadero Subdistrict.

To quote the Draft PMPU, “the Working Waterfront...is a highly productive consolidation of marine terminal and maritime services and industrial land uses, facilitating maritime trade and providing large-scale coastal-dependent industrial activities with direct access to heavy rail service and deep-water berthing.” The businesses of the Working Waterfront are critical to the Port and also to national security. However, the draft plan is very light on growth opportunities or accommodations to permit growth. Comments on rail transportation highlight the trolley, but are silent on the BNSF rail connections and crossing improvements, either structurally or operationally.

“Sustainable Shipyards” is a superficially appealing notion, but the statements in PD4.20 are concerning. They do not cite supportive policies, but rather anticipate substantial future investments without specifying drivers beyond “State goals.” This raises questions for an industry that has a critical role in supporting the United States Navy and national defense, and is a major economic driver for the Port and our entire region. As we are witnessing in the midst of pandemic, the shipyards create a level of financial stability in the Port’s portfolio of leases when tourism in particular is devastated. Commercially feasible considerations must be included to ensure that the well intentioned PMPU goals may be realized.

Next, in Coronado, the North Coronado Subdistrict PD10.13 specifies that no new hotel rooms are allowed. Our comments of July 24, 2019, strongly supported additional hotel rooms and associated visitor serving uses at the existing Coronado Marriott Hotel. We continue to believe that reasonable hotel development here is in the Port’s and the community’s interests and that the hotel should be encouraged to make the case with the community. Similarly, East Harbor Island is able to accommodate about 200 more rooms.

BT1-17  
cont.



Comments on the Revised Draft Port Master Plan, October 2020  
November 17, 2020  
Page 3

Finally, we have an overall principle issue to raise that is relevant with the example of the lease on Grand Caribe Isle in the Silver Strand Planning District. The situation is described in figure PD9.2 of a parcel “subject to an existing lease which expires in 2034.” The tenant has been working with the Port and the local community to develop a hotel on that parcel, but the land use has been changed in the Draft PMPU to Recreational Open Space, prohibiting the hotel development without an Amendment. We assert this unilateral change in the land use which frustrates a tenant’s development plans is unfair, and this is a bad policy precedent.

BT1-17  
cont.

Thank you for considering our input and plea for more time to provide additional input.

Sincerely on behalf of the San Diego Port Tenants Association Board of Directors,



Frank Plant  
Chairman



John Laun  
Vice Chairman



Sharon Cloward  
President

Enclosure: SDPTA Letter of Request for 90 Day PMPU Pause 11.5.2020

CC: Port of San Diego Commissioners and Executive Leadership Group  
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## SAN DIEGO PORT TENANTS ASSOCIATION

November 5, 2020

Port Chair, Ann Moore and Board of Port Commissioners  
 San Diego Unified Port District  
 3165 Pacific Highway  
 San Diego, CA 92112

Dear Port Chair Moore and Board of Port Commissioners,

Reference: Request 90 Day Pause in the PMPU Process to Enable More Complete Public Comment

We congratulate the leadership of Chair Moore, the Board of Commissioners, and staff for the significant progress made on the PMPU. Begun in 2013, it has been thoughtful, measured, and has benefited from substantial public comment. As in the past, we appreciate the Port affording public comment on the Revised Draft of October 2020. However, for the reasons stated below, we believe the current 4 week public comment period is too short to permit comprehensive public review and comment. We respectfully request a 90 day extension for comment, from the current schedule of November 17<sup>th</sup> until February 17, 2021.

We make this recommendation for the following reasons:

- The October 2020 draft contains 487 pages with substantial revisions to the previous draft from April 2019, 18 months ago. Unfortunately, a redline version of the changes from the April draft is not available, so it is very difficult to determine if the many comments offered as changes to the April draft have been adequately addressed. Given the extent of the revisions, it is incumbent upon your tenants to conduct their due diligence in reviewing the document to fully understand the proposed benefits and/or impacts. This will enable them to provide meaningful and constructive feedback.
- The COVID-19 pandemic could not have been anticipated. The resulting economic distress, business survival issues for some tenants, makes it impossible to devote sufficient time for thoughtful comment in such a compressed timeframe. Also, we question whether Port staff will have sufficient time to evaluate and incorporate comments received prior to the following Port Board Workshop.

The collective San Diego Bay community, under the Port's leadership and guidance, has come a long way throughout this process and the Bay is better for it. However, there is much more ahead of us and there should be no need to constrain the time for public comment at this key stage in shaping the document. We thank you in advance for the consideration to grant this extended comment period.

Sincerely on behalf of the San Diego Port Tenants Association Board of Directors,

*Frank Plant*

Frank Plant  
Chairman

*John Laun*

John Laun  
Vice Chairman

*Sharon Berrie-Cloward*

Sharon Cloward  
President

Cc: Port of San Diego Planning Department, Jason Giffen and Lesley Nishihira

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BT1-17  
cont.

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## SAN DIEGO PORT TENANTS ASSOCIATION

February 28<sup>th</sup>, 2021

San Diego Unified Port District  
 3165 Pacific Coast Highway  
 San Diego, CA 92112

Dear Mr. Jason Giffen and Ms. Lesley Nishihiri:

### Ref: PMPU Principles and Process, Shelter Island and Harbor Island

Thank you again for our recent meetings to highlight issues and questions of the Port tenants relating especially to Shelter Island and Harbor Island. These arise not just from their respective Planning Districts chapters in the current PMPU draft, but also from other areas of the plan that are relevant as these issues also apply to other Planning Districts.

Our continued discussions are very important – as it helps our tenants understand the nuances of the current draft policies and requirements. The SDPTA will continue to provide feedback through this process to provide a voice for tenants looking at the long-term prosperity of their businesses to provide recommendations where the Port can modify certain provisions or build in processes to analyze potential non-conformance.

As mentioned, the SDPTA has established a working relationship with California Coastal Commission (CCC) staff. Kanani Leslie, Melody Lassiter, Diana Lilly, and Deborah Lee joined our Board on October 21<sup>st</sup> last year and Kanani gave a very informative presentation. The discussion that followed was very constructive with CCC staff closing by encouraging SDPTA's future dialogue on specific projects. Additionally, Sharon led a walking tour of La Playa Trail for Coastal Commissioner Chair Padilla in 2018.

We would be happy to participate in another walking tour of Shelter Island and Harbor Island similar to your recent tour with Sharon and Corchelle, but now with Coastal staff, if they are amenable. This will bring the detailed plan requirements "to life" and perhaps highlight where flexibility is needed. Shelter Island and Harbor Island are, of course, different because they are islands – and perhaps a different set of standards should apply than those for the "mainland" coastline. I know our tenants on the islands would be pleased to participate and highlight issues of concern.

I have attached an informal outline of the principles and major "global" issues we are currently focused on, both for Shelter Island and Harbor Island, and also generally.

Thank you for your continued availability for our discussions. We are dedicated to and look forward to continued progress developing a PMPU that meets all the laudatory objectives stated.

Regards,  
 Sharon Cloward

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BT1-17  
 cont.

**SDPTA Principles and Global Issues  
Shelter Island and Harbor Island Especially**

1. The SDPTA is committed to retaining and promoting coastal dependent uses, and all the uses that benefit public enjoyment of the bay
2. The SDPTA is committed to collaboration with the Port, Coastal Commission, and other stakeholders to achieve the broad goals of the PMPU
3. The SDPTA believes a more defined process with certainty and flexibility is needed to evaluate and approve non-conformance – especially with regards to promenades, walkways, setbacks, and step downs
  - a. Existing facilities
    - i. Adjacent to new development, but not modified, or only partially modified, should be allowed flexibility to achieve the desired access objectives
    - ii. Definitions of Major Development that involve only administrative or financing related lease changes, but not physical changes to facilities, should be deleted
    - iii. Allow alternatives to promenades for public access when existing facilities are cantilevered over the water, or other similar constraints, by utilizing perpendicular access to view-points
  - b. New development
    - i. Unique site opportunities or constraints should be accommodated
      1. Establish a formula for “minimum access” on a square footage basis that would provide access but accommodate pinch points
      2. Recognize the abundant public access along the bay side of Shelter Island and Harbor Island when considering required access on the ‘insides’ of the islands.
    - ii. Enhanced uses for additional coastal dependent designation, and relief from promenade requirements, could include
      1. Dock and dine restaurants
      2. Water transportation landings associated with hotels and restaurants
      3. Hotels with associated marinas
  - c. Generally
    - i. Parking is always a significant issue and proximity to uses is critical, especially for marinas and similar. But, in addition to parking proximity, promenades that reduce spaces available for parking has a ripple effect on scale of development and redevelopment. Flexibility is needed to fairly balance goals.
    - ii. Establish offset program for the provisions of low-cost recreational activities or other similar public access benefits
    - iii. Sustain and promote Maritime activities, while maintaining security, guarding public safety, and respecting local communities
    - iv. Provide operational flexibility for privately owned Commercial Fishing Landing to recognize business requirements are different from a publicly owned landing

BT1-17  
cont.

## 2.6.2 Comment Letter BT 2: FelCor Hotels

Leslie Hale, President

FELCOR HOTEL ASSET COMPANY, L.L.C.  
c/o RLJ Lodging Trust  
3 Bethesda Metro Center, Suite 1000  
Bethesda, MD 20814

Letter  
BT2

January 6, 2021

Port of San Diego  
Attn: Planning Department  
3165 Pacific Highway  
San Diego, CA 92101

Dear Port of San Diego Planning Staff,

On behalf of FelCor Hotel Asset Company, L.L.C., I want to commend you for a job well done on the Port Master Plan Update (PMPU) and EIR drafts issued on November 12, 2021. I know that you have been working diligently to create a document that addresses the Integrated Planning Vision as defined by the Vision Statement, Guiding Principles and Framework Report. This version of the PMPU is user friendly, laid out in a logical format and is a good tool for understanding the Port of San Diego's goals, vision and development standards. It's exciting to see this progress as you move toward an integrated plan that addresses the region's waterfront.

BT2-1

As continued participants in the Port Master Plan Update outreach and process, we welcome the opportunity to share our suggested redlines and comments. We have reviewed the documents and have some specific and comprehensive comments that we would like to see incorporated into the final version of each.

### Port Master Plan Update Comments:

1. Mobility Policy 1.1.10 indicates that the District will develop Transportation Demand Management Plan guidelines. We encourage the District to facilitate this study as soon as possible. This study will affect both project specific planning and planning for either regional or local mobility hubs.
2. ECON Policy 1.2.6 indicates that the District shall create an impact fee program for needed public infrastructure. We encourage the District to facilitate studying the development and implementation of this program as it will affect project specific planning and underwriting.
3. Section 4.4.3, Standards for View Protection address requirements that affect view corridor extensions, scenic vista areas and walkways. Specifically, 4.4.3 (2a) notes:

BT2-2

BT2-3

No building, associated architectural features, design component, structure, roof projection (e.g., eave, cornice, and eyebrow projections), openly supported architectural projections (e.g., trellis and awnings), bay windows, projecting signs, structural cantilevers, or any other associated architectural encroachments or projections shall obstruct pedestrian views, circulation and/or pathways within view corridor extensions or walkways;

BT2-4

This language is too restrictive and does not allow for architectural design flexibility. If the intent is to protect the pedestrian view, we suggest a modification to the language that allows for architectural features if they do not obstruct the pedestrian view. We also suggest that the pedestrian view be clearly defined.

4. PD3.7 (a): This section notes the following roadway reconnection:

Extend A Street to North Harbor Drive to provide a link between North Harbor Drive and Pacific Highway for pedestrian, bicycle, and vehicle use.

BT2-5

1

### Response to Comment BT2-1

The District appreciates the commenter's interest in the proposed PMPU. This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

### Response to Comment BT2-2

This comment requests the prompt preparation of Transportation Demand Management Plan guidelines identified in the PMPU. The District intends to prepare the TDMP guidelines in a timely manner. Please see response to Comment BT1-14 (Port Tenants' Association). The comment relates to the PMPU and does not raise an environmental issue or question the adequacy of the Draft PEIR. Pursuant to CEQA Guidelines Section 15088, therefore, no further response is required.

### Response to Comment BT2-3

This comment is the same as Comment BT1-15 (Port Tenants' Association) and supports studying the development and implementation of a transportation impact fee program as identified in the PMPU. Please see response to Comment BT1-15. The comment relates to the PMPU and does not raise an environmental issue or question the adequacy of the Draft PEIR. Pursuant to CEQA Guidelines Section 15088, therefore, no further response is required.

### Response to Comment BT2-4

This comment is the same as Comment BT1-10 and is specific to the content of the PMPU. It does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

### Response to Comment BT2-5

The traffic impacts associated with proposed planned improvement PD3.7(a) are among the planned improvements that were included and programmatically analyzed in the PEIR's transportation analysis.

**FELCOR HOTEL ASSET COMPANY, L.L.C.**

c/o RLJ Lodging Trust  
3 Bethesda Metro Center, Suite 1000  
Bethesda, MD 20814

The minimum width of this connection shall be 80 feet, building face to building face, measured at grade.

A Street is not connected to the City street grid system as the railroad lines just east of Pacific Highway prohibit this roadway connection. While we understand that the District and City want to see a two-way roadway connection between Pacific Highway and North Harbor Drive we encourage the District to analyze the traffic impacts in doing so. Both Ash Street and B Street are signalized intersections and adding an additional two-way vehicular street between them could have adverse vehicular and pedestrian affects.

BT2-5  
cont.

5. PD3.26: There are currently 800 rooms between Broadway and B Street and an additional 600 rooms between B Street and Ash – for a total of 1400 rooms. The addition of 750 provides a total of 2150 rooms for the area bound by Broadway to Ash Street. The PMPU notes 2350 rooms. Please correct this section to note 2150 rooms.

BT2-6

6. PD3.41: Reads as follows:

A minimum of 65% of the base building façade shall be placed within 5 feet of the minimum required building setback, as generally depicted on *Figure PD3.9*. The remaining building may be set back further, to allow for articulation of the façade, variation in the design of the streetscape and public realm, and/or the integration of project features such as public plazas, outdoor dining, etc.

BT2-7

It is our understanding that this requirement affects all 4 sides of a block within the North Embarcadero District. We suggest that this requirement be applicable only to the setback requirements for North Harbor Drive and Pacific Highway. This will allow for better flexibility in architectural building articulation.

**EIR Comments:**

1. As a general comment, we ask that the District ensure consistency between language used in the PMPU and the EIR.
2. In the strike-out version of the PMPU, PD3.25 includes a general reference to the future Hotel Project, where it says: “Modify, or replace in-kind, existing hotel rooms, including associated retail, restaurant and/or meeting space, to the same or lesser size, and in the same general footprint in the Commercial Recreation-designated area between Ash Street and Broadway.”

BT2-8

The Program EIR on 3- 54, however, does not include that modification or in-kind replacement in the same general footprint as an “appealable project,” instead saying only “In addition to existing facilities, develop up to 750 additional hotel rooms .... For [sic] a total of up to 2,350 hotel rooms ... between Ash Street and Broadway.”

BT2-9

We request that the relevant language be revised in the Program EIR to be consistent with PMPU. Thus, the Port should revise the Program EIR’s discussion on 3-54 to reflect PD3.25’s updated language and state: “In addition to modification or in-kind replacement of existing facilities, develop up to ....”

2

However, the PMPU does not seek approval of any specific planned improvement or development and the environmental review of potential impacts associated with a site-specific planned improvement or development proposal will occur pursuant to State CEQA Guidelines sections 15152 and 15168. Additionally, proposed planned improvement PD3.7(a) is consistent with policies in the City of San Diego’s Downtown Community Plan and the City of San Diego’s implementing regulations within the Planned District Ordinance. Further, the North Embarcadero Alliance Visionary Plan also planned for the extension of A Street, as a street, with pedestrian and vehicular access, and therefore was analyzed in the associated EIR (SCH #1999031037).

Furthermore, the comments discussion of “traffic impacts” and “signalized intersections” implies the comment is discussing impacts associated with vehicular congestion, which are no longer recognized under CEQA as an environmental issue. (*Citizens for Positive Growth & Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609, 625.) Additionally, under the new VMT transportation metrics, the types of roadway connections referenced in the comment are unlikely to substantively affect the VMT analysis, because such analysis is focused upon regional driving distances and frequencies (e.g. origins and destinations), and not localized vehicular congestion at a specific intersection.

**Response to Comment BT2-6**

The correct number of hotel rooms is 2,150 and the other total cited in PD3.26 of the PMPU was a typographical error which will be corrected in the Final PMPU. Please see the correction to PD3.26 in the Final PMPU circulated with the Final PEIR.

**Response to Comment BT2-7**

The comment relates to the PMPU and does not raise an environmental issue or question the adequacy of the Draft PEIR. Pursuant to CEQA Guidelines Section 15088, therefore, no further response is required. However, the PMPU Building Standard PD3.41 has been revised to clarify that the standard only applies to the sides of the building located along Ash Street and Pacific Highway.

“PD3.41 Along Ash Street, Pacific Highway, and A Street, Aa minimum of 65% of the base building façade shall be placed within 5 feet of the minimum required building setback, as generally depicted on *Figure PD3.9*. The remaining building may be set back further, to allow for articulation of the façade, variation in the design of the streetscape

and public realm, and/or the integration of project features such as public plazas, outdoor dining, etc.”

This change is reflected in the Draft PMPU circulated with the Final PEIR.

### **Response to Comment BT2-8**

The District has endeavored to ensure the use of consistent language between the PMPU and the PEIR. However, this comment does not identify any specific instances where the PMPU and Draft PEIR are inconsistent. Where inconsistencies have been identified, revisions have been made to the Final PMPU that has been made available with the Final PEIR. Based on the lack of specificity in the comment, the District is not able to make any specific revisions to the PMPU or Draft PEIR in response to this comment.

### **Response to Comment BT2-9**

The commenter is referencing two different planned improvements in the PMPU. In the PMPU, PD3.25 refers to existing hotel facilities and allows for modification or in-kind replacement in the same general footprint. This planned improvement is not identified as an appealable project, as defined in the California Coastal Act, in the PMPU. The language cited by the commenter from page 3-54 of the Draft PEIR refers to PD3.26 of the PMPU, which does not include the same “modify or in-kind replacement” language as PD3.25 because it is specific to the development of *additional* hotel rooms and associated facilities (*italics added for emphasis*), as opposed to in-kind modifications or improvements to *existing* hotels, restaurants, or retail space, within generally the same footprint. This planned improvement allows for additional hotel rooms and is identified as an appealable project in the PMPU. Thus, the Draft PEIR correctly includes the language for PD3.26 on page 3-54 under the “Appealable Projects” discussion. While not specifically referenced by planned improvement number, PD3.25 (and PD3.24) were combined and both were accurately described in the first paragraph, at the last sentence, on page 3-54, under the “Planned Improvement” discussion. That sentence is reproduced next and states:

“Other visitor-serving commercial uses include allowance of modifications to, or replacement in-kind of, existing retail and/or restaurant, and existing hotel rooms, including associated retail or restaurant space, in the same general footprint in the Commercial Recreation-designated area between Ash Street and Broadway.”

Based on this, the descriptions for PD3.25 and PD3.26 are correctly included and described in the Draft PEIR. Further, both the PMPU and

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c/o RLJ Lodging Trust  
3 Bethesda Metro Center, Suite 1000  
Bethesda, MD 20814

3. In addition to the proposed PMPU project, which includes a realignment of N. Harbor Drive and creation of green space to the west of the Hotel, along the water, the Program EIR also analyzes three options for increasing parkland in PD3. The analysis of such options is a requirement of either the 2011 North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Development Permit ("NEVP CDP") (Option 1), or the fulfillment of the Port's commitment as part of the 2010 Lane Field Project Memorandum of Understanding ("MOU"). There is not sufficient detail on the proposed N. Harbor Drive realignment as envisioned in the PMPU to confirm if it would not require any demolition of the existing Hotel, but based on the general description it appears that it would not. According to the description of the Options set out in the Program EIR, only Option 3 would impact the Hotel. And the extent of the impact is not described, saying only, "[i]mplementation of Option 3 would require an addition of land from: 1220 Pacific Highway ... and Wyndham San Diego Bayfront Hotel (which includes Ruth's Chris [sic] and Hazelwoods." Program EIR at 3-67. However, the illustrations of the three options appear to show park land encroaching far enough into the Hotel property to require demolition for both Option 2 and Option 3 (Program EIR, Figure 3-6 and Figure 3-7).

BT2-10

We request that the description of the options and each of the three options' impacts specify if that option requires partial or full demolition of the Hotel (and, if applicable, the 1220 Pacific Highway building). If the option does require partial or full demolition of the Hotel, we request that the Program EIR include an analysis of the impacts from such demolition.

4. On page 3-51, under "Vision," the Program EIR states that part of the PMPU's vision is "completion of the Lane Field Setback Park..." It should be made clear that the PMPU itself is completing the Lane Field Setback Park, and not that Option 2 or Option 3 is required to be adopted in order to accomplish that goal.

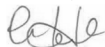
BT2-11

We request that the Findings and/or Staff Report for the Program EIR should be clear that the vision of completing Lane Field Setback Park is accomplished through adoption of the PMPU and does not require adoption of any of the options to accomplish that goal.

Again, I commend you and staff for the dedication to developing this PMPU and associated EIR. Should you have any questions for the RLJ team, do not hesitate to reach out to me or our consultant Michele Vives. I can be reached at (301) 280-7714 and Michele at (619) 906-4376.

BT2-12

Sincerely,



Leslie Hale  
President  
FelCor Hotel Asset Company, LLC

Draft PEIR are consistent with each other. Therefore, no changes to the Draft PEIR are required in response to this comment.

### Response to Comment BT2-10

This comment is the same as Comment BT1-11 (San Diego Port Tenants' Association). Please see response to Comment BT1-11.

### Response to Comment BT2-11

This comment is the same as Comment BT1-12 (San Diego Port Tenants' Association). Please see response to Comment BT1-12.

### Response to Comment BT2-12

The District appreciates the commenter's interest in the PMPU. This comment does not raise any environmental issues requiring a response pursuant to CEQA.



## 2.6.3 Comment Letter BT 3: Nielsen Beaumont Marine

Thomas A. Nielsen



PMPU Planning  
Port of San Diego

To Whom It May Concern:

As the owner of the master lease (Nielsen Beaumont Marine), located on Shelter Island, I am very concerned about the setback that the PMPU apparently creates. My concern is that a public access walkway behind our boatyard could only be built if we removed most of our shops which are built over the water. We must have these shops in order to perform the boat repair. The other alternative would be to drive piles into the ocean floor to create a walkway that extended past our shops. A project like that creates another issue of shading over the water and extends past the leasehold line. Both of which create environmental issues, and a project like that would be cost prohibitive. Our boatyard is an industrial site with many issues requiring multiple inspections and permits. We perform repairs for the U.S. Navy, which requires a high level of security. The last thing we can allow is the public accessing our property. Not to mention the potential afterhours access it would create for those of the public that do not have the highest and best intentions. We have had issues with theft in the past and work hard to prevent trespassing as much as possible.

Our boatyard is very active. Boat repair requires the use of coatings, welding materials, heavy equipment, and power tools in order to repair vessels. The Travelift gantry crane itself (while hoisting a vessel) would have to go back and forth over the walkway and at times block the walkway for long periods of time. In short, a public walkway is just not feasible and not a good idea.

I would highly recommend any group or individual making such a proposal to walk the properties on Shelter Island before making such suggestions.

Shelter Island is unique. Please keep that in mind when making broad regulations for the entire waterfront. The section of the Island we are on is very, very narrow, we cannot afford to lose area, we struggle as is with parking and space for boats.

Sincerely,

Thomas A. Nielsen

2420 Shelter Island Drive \* San Diego, CA 92106 \* (619) 222-4255 \* (619) 222-9109 Fax  
www.nielsenbeaumont.com

Letter  
BT3

BT3-1

### Response to Comment BT3-1

This comment is directed at the content of the PMPU and objects to the setback requirements for promenades and walkways. The comment assumes that a promenade would be built over the water and then raises potential environmental concerns related to that incorrect assumption, including increased shading from extending the promenade over the water, impacts from pile driving, and potential safety hazards associated with boatyard activities in proximity to pedestrian activity.

As cited in the PMPU, at Section 4.3.1, as a Coastal-Dependent Maritime Industrial use, Nielsen Beaumont Marine is excluded from any requirement to install a promenade. As noted in PMPU Baywide Development Standards 4.3.1, "Waterside promenades ensure coastal access to the waterfront. Promenades are identified in each planning district's coastal access views and pathways map. Additional location-specific requirements are identified in the development standards for each subdistrict." PMPU page 201, Figure PD1.4, depicts the coastal access views and pathways map for the Shelter Island Planning District where the Nielsen Beaumont Marine parcels are located, and does not include a "Waterside Promenade" within or adjacent to the Nielsen Beaumont property. Rather, the proposed waterside promenade shown on Figure PD1.4 would transition to a non-waterside promenade at approximately the Shelter Island Roundabout that directs pedestrian traffic to the sidewalk along Shelter Island Drive. Even where a "Waterside Promenade" is shown in PMPU, the coastal access views and pathways maps, PMPU Section 4.3.1(5) (page 178) include exceptions to the waterside promenade requirements. That section states: "Waterside promenades are required for all uses considering the need to protect public rights to access Tidelands. Exceptions to this requirement may be allowed except where alternatives to a waterside width and/or alignment may be allowed if BPC makes one of the following findings: ...(c) Development of the waterside promenade width and/or alignment would require demolition and setback of an existing building that is currently occupied or fit for occupancy and the applicant is not proposing demolition of any part of said structure."

Therefore, because the PMPU includes an exception to the development of a waterside promenade at the Nielsen Beaumont Marine parcels and does not propose a waterside promenade within or adjacent to the property, the other environmental concerns raised by the commenter would not occur. This comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

2.6.4 Comment Letter BT 4: Seabreeze Books and Charts/San Diego Harbor Safety Committee

Ann Kinner. Chair, San Diego Harbor Safety Committee  
Vice President, Seabreeze Books and Charts

Letter  
BT4

**From:** Ann Kinner <nav2bridge@sbcglobal.net>  
**Sent:** Saturday, January 8, 2022 12:46 PM  
**To:** Port Master Plan Update  
**Subject:** Port Master Plan Update Setback Requirement  
**Categories:** Orange Category

**WARNING:** The sender of this email could not be validated and may not match the person in the "From" field!

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

January 8, 2022

San Diego Unified Port District  
3165 Pacific Coast Highway  
San Diego, CA 92112

SDUPD Planning Department:

I am writing to you on behalf of Shelter Island boatyards and related businesses, concerning the proposed Port Master Plan Update requiring 12 ft to 15 ft setback to allow for promenades, walkways, and setbacks.

Many of these businesses have heavy equipment, machinery, hazardous materials such as fiberglass, paint and epoxy creating a potential unsafe environment for pedestrians. Additionally the working boatyards have, and need to have, direct access to their docks and the ability to lift large vessels out of the water and then transport them to yard work sites. This is not a safe environment for pedestrians and installing walkways would create a serious safety hazard for both the pedestrians and the yard workers.

Common sense alone says this requirement is a terrible idea and needs to be reconsidered in recognition of it's potential to cause harm and to seriously impact our working waterfront. There are places where walkways are appropriate and there are places where walkways do not belong.

Please reconsider the unilateral requirement for a 12 ft to 15 ft setback throughout the San Diego tidelands.

Sincerely,

Ann Kinner  
Chair, San Diego Harbor Safety Committee

Vice President  
Seabreeze Books and Charts  
1254 Scott Street  
San Diego, CA 92106

BT4-1

Response to Comment BT4-1

This comment is directed at the content of the PMPU but does raise environmental issues related to public safety associated with the potential widening of existing promenades adjacent to existing boatyards and other related businesses. This comment is similar to BT5-1. Please see the District's response to that comment.

This comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether or not to adopt the PMPU.

## 2.6.5 Comment Letter BT 5: Crow's Nest Marine

Eric Pearson, President



Letter  
BT5

January 10, 2022

San Diego Unified Port District  
3165 Pacific Coast Highway  
San Diego, CA 92112

To Whom It May Concern:

I am writing to you on behalf of Crow's Nest Marine INC. located at 2515 Shelter Island Drive, concerning the proposed Port Master Plan Update requiring 12 ft to 15 ft setback to allow for promenades, walkways, and setbacks.

We are a Yacht Brokerage with a marina. Our building structure is currently established right on the proposed promenade. We would lose valuable parking for the marina tenants and the current office building. The building structure has outlived its life expectancy and will need to be rebuilt closer to the sidewalk. This will trigger the requirement to meet the additional setback and will exceed \$100,000 in rebuild costs.

We urge you to use best judgement practices and give other leaseholders some leeway as it is impossible or not practical to have a 12'-15' promenade.

Sincerely,

Eric Pearson  
President  
Crow's Nest Marine, Inc.

2515 Shelter Island Dr.  
San Diego, CA 92106  
619-222-1122  
sandiego@crowsnestyachts.com

BT5-1

### Response to Comment BT5-1

This comment is directed at the content of the PMPU and expresses concern about the proposed setback requirements for promenades and walkway, which include potential issues associated with the loss of parking. The PMPU is intended to provide a framework for future development within the District's jurisdiction. At this time, no specific promenade widening projects are proposed. If and when a promenade widening project is proposed, site-specific analysis would be conducted to identify any potential site-specific environmental impacts. Issues regarding the feasibility of implementing the PMPU's requirements in connection with site-specific development would also be addressed when the District considers a site-specific development proposal.

Nevertheless, as noted in PMPU Baywide Development Standards 4.3.1:

"Waterside promenades ensure coastal access to the waterfront.

Promenades are identified in each planning district's coastal access views and pathways map. Additional location-specific requirements are identified in the development standards for each subdistrict." PMPU page 201, Figure PD1.4, depicts the coastal access views and pathways map for the Shelter Island Planning District where the Crow's Nest parcels are located, and does not include a "Waterside Promenade," within or adjacent to Crow's Nest property. Rather, the proposed waterside promenade shown on Figure PD1.4 would transition to a non-waterside promenade at approximately the Shelter Island Roundabout that directs pedestrian traffic to the sidewalk along Shelter Island Drive.

Even where a "Waterside Promenade" is shown in the PMPU, the coastal access views and pathways maps, PMPU Section 4.3.1(5) (page 178) include exceptions to the waterside promenade requirements. That section states: "Waterside promenades are required for all uses considering the need to protect public rights to access Tidelands. Exceptions to this requirement may be allowed except where alternatives to a waterside width and/or alignment may be allowed if BPC makes one of the following findings: ...(c) Development of the waterside promenade width and/or alignment would require demolition and setback of an existing building that is currently occupied or fit for occupancy and the applicant is not proposing demolition of any part of said structure."

Regarding the commenter's concerns about the potential loss of parking, parking was removed from the CEQA Guidelines as a potential significant impact in 2009. (See *Save Our Access-San Gabriel Mountains v. Watershed*

*Conservation Authority* (2021) 68 Cal.App.5th 8, 27.) Although CEQA does not explicitly require an analysis of parking impacts, the California Coastal Act (CCA) does mandate providing adequate public access to the waterfront and Section 30252(4) of the CCA states that “The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development with public transportation.”

To maintain and enhance public access to the waterfront, reduce VMT, and provide for a range of mobility options, the PMPU proposes to develop mobility hubs throughout the PMPU area. As discussed in Section 4.9, *Land Use and Planning*, on page 4.9-48 of the PEIR, “in accordance with Mobility Objective 1.2 in the Mobility Element and subsequent policies, the District would implement a series of interconnecting mobility hubs throughout the Tidelands. Regional Mobility Hubs would provide a direct connection to a regional transit stop, such as a trolley or bus stop, and a bayfront circulator stop. Additionally, these mobility hubs would connect to water-based access points throughout the Bay, where feasible. Parking areas may be included in mobility hubs or as standalone facilities. The District would encourage the development of mobility hubs rather than surface parking to provide proximate connections to the water and Tidelands, where feasible. The development of the mobility hub network and extension of the baywide circulator, combined with existing public transportation options, would provide substitute means of serving the development with public transportation. In addition, in accordance with Mobility Element Objective 1.3 and subsequent policies, the District would require permittees of future development to identify and secure vehicular parking sufficient to serve the development’s use. Parking could be provided through on-site parking, shared agreements with adjoining development, agreements with off-site parking facilities, and participation in the establishment of planned mobility improvements, including mobility hubs, etc. Additionally, in accordance with Mobility Objective 1.3 and subsequent policies, the District would provide public parking to meet evolving demands. The District will seek to balance the competing demands of the CCA for adequate parking with those of SB 743 and related laws and regulations to reduce GHG emissions.”

Within the Shelter Island Planning District, the PMPU identifies a Connector Mobility Hub on the western portion of Shelter Island Drive, near the Shelter Island Pier; a Connector Mobility Hub south of North Harbor Drive; and a Local Gateway Mobility Hub at the Shelter Island Yacht Basin, near the intersection of Anchorage Lane and Shelter Island Drive (Entry Segment). The general locations of these mobility hubs are identified on Figure PD1.3 of the PMPU.

A Local Gateway Mobility Hub connects visitors to a group of attractions and other uses in a small and specific area. Local Gateway Mobility Hubs are generally sited within 500 feet of off-street public parking, and may consolidate parking for public destinations (e.g., open space, recreation, public art) within the catchment area. Additionally, off-site parking for leasehold destinations (e.g., retail, restaurants, hotels) may also be consolidated in the mobility hub. Local Gateway Mobility Hubs provide access to a local transit stop and a bayfront circulator stop (Planning Districts 1-3).

Connector Mobility Hubs connect visitors to a specific attraction or use, are generally smaller than the other types of hubs, and do not typically include vehicular parking or need to be linked to any parking facilities. Rather, Connector Mobility Hubs are intended to link various transportation connections through wayfinding signage, bicycle, and pedestrian improvements and the provision of transportation amenities. These types of mobility hubs also provide access to a local transit stop and a bayfront circulator stop (Planning Districts 1-3). In Shelter Island, this would provide a connection to the Local Gateway Mobility Hub proposed at the Shelter Island Yacht Basin, where parking would be provided.

Given the broad scope of the PMPU and the PMPU PEIR, the District is required under CEQA to provide project-level environmental review of individual projects once a specific project is proposed and the details of the project and its surroundings can be sufficiently considered and analyzed. No specific promenade/walkway/setback widening projects are proposed as part of the PMPU. If and when such a project is proposed, site-specific analysis would be conducted to identify any potential site-specific impacts, including whether the loss of parking would be consistent with the CCA and alternative means of maintaining and enhancing public access, as discussed above, would be feasible. At the time of project review, the District would also consider its waterside promenade exceptions, consistent with PMPU Section 4.3.1. This comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

## 2.6.6 Comment Letter BT 6: Outboard Boating Club #1 and #2

*Outboard Boating Club of San Diego*



P.O. BOX 6565  
SAN DIEGO, CALIFORNIA 92166-0565

Letter  
BT6

December 12, 2021

San Diego Unified Port District  
Attn: Planning Department  
P.O. Box 120488  
San Diego, CA 92112-0488  
[PMPU@portofsandiego.org](mailto:PMPU@portofsandiego.org)

**SUBJ: Outboard Boating Club of San Diego's unresolved concerns regarding the Port Master Plan Update dated November 2021.**

**TO: San Diego Unified Port District-Planning Department**

The Outboard Boating Club of San Diego is a non-profit corporation organized to promote safe boating recreation. The Outboard Boating Club began as the local chapter of the Outboard Boating Club of America in 1953 and continues to support and promote safe boating today. Located at the head of the Shelter Island Boat Launch Ramp, the Boating Club is uniquely positioned to shape the perception of the waterfront experience and promote safe boating.

The principal duty of the Outboard Boating Club is to keep the Shelter Island Launch Ramp safe, supervise, direct and assist in the launching of boats and the area free of traffic congestion.

At issue is the Draft Port Master Plan Update submitted for public comment on November 8, 2021.

**The Outboard Boating Club objects to the reconfiguration of Shelter Island Drive between the Shelter Island roundabout and the Yokohama**

BT6-1

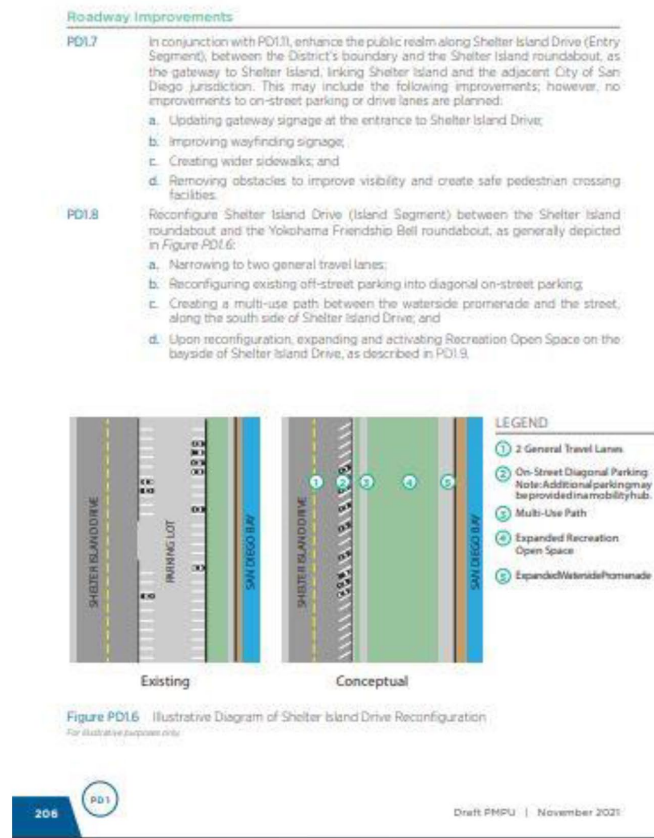
BT6-2

Page 1

### Response to Comment BT6-1

The District appreciates the commenter's interest in the proposed PMPU. This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

Friendship Bell PD1.8, specifically, as it impacts the Shelter Island Launch Ramp entrance, staging area and parking lot.



BT6-2  
cont.

Page 2

## Response to Comment BT6-2

This comment expresses concerns regarding the roadway improvements identified in PD1.8 of the PMPU. These concerns include the potential loss of off-street parking for boats and trailers and potential loss or interference with existing boat launch staging areas. The PMPU addresses these specific concerns with PD1.37, in Section 5.1.2(D)-II Building Standards – Parking, which provides for the following:

PD1.37 Provide parking for the general public as follows:

- a. The location and configuration of existing parking areas may be modified if an equivalent amount of public parking is provided through a mobility hub, on-street parking, or a combination, subject to the requirements of the Mobility Element.
- b. There will be no net loss of parking spaces in the parking lot directly adjacent to the Shelter Island Boat Launch, which provides convenient parking for boat trailers and others using the launch as an access point into the Bay.
- c. Diagonal on-street parking is not allowed where its location creates a conflict with ingress to/egress from the Shelter Island Boat Launch.

Because design and implementation of the improvements identified in PD1.8 must be consistent with the PMPU, conformance with the provisions of PD1.37 would avoid the comment's concerns regarding loss of parking for boat trailers and interference with boat launch staging areas. Please also see response to Comment BT5-1 (Crow's Nest Letter) regarding potential loss of parking.

The comment also expresses concern regarding potential conflict between existing boat launch activities and proposed pedestrian pathways. However, site-specific design of the improvements contemplated in PD1.8 would be subject to the PMPU's *Baywide Development Standards*, including those set forth in Section 4.3.1, *Standards for Waterside Promenades*. These standards include, among other things, provisions which authorize the District to consider alternatives to the proposed alignment of a waterside promenade if the proposed alignment is infeasible due to safety concerns or would interfere with a water-dependent coastal use. (PMPU, Section 4.3.1(5).)

The main street entrance to the launch ramp and upper parking lot is the most important section of the entire Shelter Island launch ramp facility. It is the only place for boats/trailers to stop and get the boat ready to launch before approaching the launch ramp. This area is used to put the boat back together before getting on the road.



There are 15 boat/trailer parking spaces in this main entrance area.

There are 51 public parking spaces in this area.

Most boats approach the launch ramp through the main entrance, stop and prepare the boat in the staging area and then proceed to launch.



Preparing to launch is to transfer gear from the truck to the boat, transfer children/passengers from the truck to the boat, put the drain plug in, get ice, put the coolers, fishing gear and safety equipment in the boat.

BT6-2  
cont.

Page 3

In addition, PMPU Baywide Development Standard 4.3.3(A)-1 has been revised to state that:

“Walkways shall provide safe, unobstructed physical access perpendicular to the waterfront, between the promenade and the public right-of-way roadway.”

All future walkway projects on Tidelands would be required to comply with this PMPU Baywide Development Standard to ensure that safe, unobstructed access is provided. Because design and implementation of the improvements identified in PD1.8 must be consistent with the PMPU, conformance with the provisions of PMPU Section 4.3.1 and Baywide Development Standard 4.3.3(A)-1 would avoid the comment’s concerns regarding potential conflict between pedestrian walkways and boat launch activities.

In addition, the comment’s concerns appear to be based on Figure PD1.6, *Illustrative Diagram of Shelter Island Drive Reconfiguration*, in the PEIR. As noted on Figure PD1.6, as well as in Section 2.3.4 of the PMPU, figures in the PMPU are intended for illustrative purposes only and do not mean that an application for approval of a similar design would be accepted or approved. This is because the PMPU is a master planning document which does not propose the approval of any specific development or improvement project. The PEIR has been prepared to support approval of the overall PMPU program and to simplify later environmental review as site-specific future improvements within the program are proposed. As provided in CEQA Guidelines Section 15168(d), the PEIR focuses on program-wide issues in the PMPU, leaving detailed analysis of issues specific to particular program components—like the roadway improvements in PD1.8—to later environmental documents. When a design for the improvements identified in PD1.8 is prepared and submitted for approval, the site-specific environmental review required pursuant to CEQA Guidelines Sections 15152 and 15168 would address any concerns regarding potential loss of parking that may remain after conformance with PD1.37 and any concerns regarding potential conflicts with pedestrian walkway that may remain after conformance with PMPU Section 4.3.1. As the District has maintained during prior discussions with the commenter, any future redesign of this parking lot would not result in a reduction of the total number of existing parking spaces or interference with use of the boat launch. In addition, this comment will be included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.



There is no stopping on the launch ramp itself, all the curbs are red. The curbs are red because boats/trailers need room to maneuver.

This satellite view shows the launch ramp main entrance, staging area and route to launch.



PD1.6 proposes to move off street parking to on street parking, eliminating boat/trailer parking at the main entrance to the launch ramp parking and staging area.

PD1.8: Reconfigure Shelter Island Drive between the Shelter Island Roundabout and the Friendship Bell.

PD1.8(b): Reconfigure existing off-street parking into diagonal on-street parking.

The staging area is critical to the operation of the launch ramp. It is vital to keep this area fully functional and available to launch ramp users.



BT6-2  
cont.

Page 4

The other half of the upper parking, near the launch ramp exit, fills up with boats/trailers that have already launched. It is adjacent to the launch ramp exit.

Launch  
Ramp  
Exit



BT6-2  
cont.

This section has 34 boat/trailer parking spaces and 15 public parking spaces. PD1.6 proposes to move off street parking to on street parking, eliminating boat/trailer parking in this area.



The complete upper parking lot has a total of 49 boat/trailer parking spaces and 66 public parking spaces.

Page 5

The lower launch ramp parking is primarily for boats/empty trailers, post launching.



This is one of the entrances to the lower launch ramp parking.



The lower parking lot has a total of 150 boat/trailer parking spaces and 181 public parking spaces.

There is no provision for a staging area in the lower parking lot. If boats/trailers were to stop in a lower parking lot lane, the entire lane would be blocked.

BT6-2  
cont

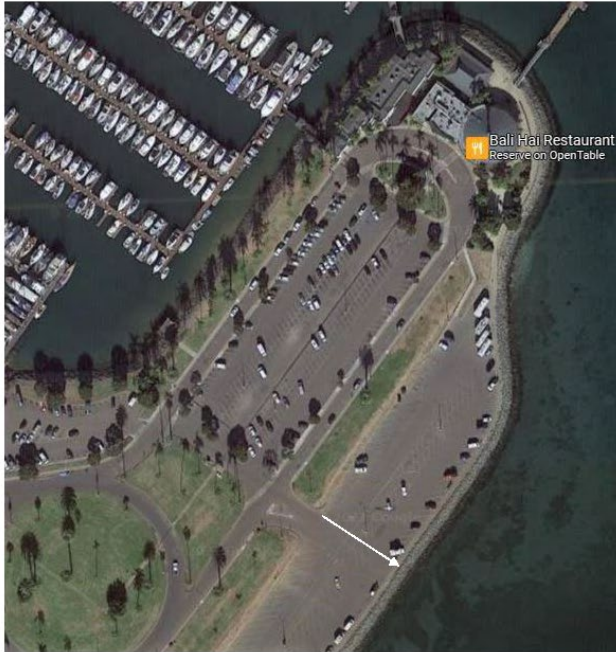
Page 6

This is the other entrance to the lower parking lot.



BT6-2  
cont.

This is the section of the lower parking lot for a proposed cross over pedestrian path.



BT6-2  
cont.

### Response to Comment BT6-3

Please see response to Comment BT6-2 above. This comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.



This is a satellite view of the section of the lower parking lot for a proposed cross over pedestrian path.



**The Outboard Boating Club objects to the proposed pedestrian cross over in the launch ramp parking lot as it poses a hazard for the boats/trailers launching and retrieving.**

BT6-2  
cont.

A proposed pedestrian pathway that cuts through the launch ramp boat/trailer parking endangers the safety of pedestrians and boaters.

**Boats entering and exiting the launch ramp area are either looking for a vacant lane to launch, engaged in looking behind them to see if their boat is lining up correctly to launch or upon departure, looking behind them to see if their boat is safely attached. They are not looking for pedestrians, bicycles, scooters, or skateboards.**

This proposed juxtaposition of vehicles with boats on trailers and pedestrians on foot, on bikes, scooters, or skateboards does not provide for a safe boating environment in the Shelter Island Boat Launch Ramp Facility.

Pedestrians out for a leisurely stroll are moving between rows of parked boat trailers. Boaters who are parked in this area are in the process of launching or retrieving their boats; they are in their designated parking lot and are not looking for sudden pedestrian appearances where there were none before.

BT6-3

Page 9

In order to separate the boat/trailer traffic from the pedestrian, a safer way would be to move the 13 boat/trailer parking spaces from this section of the parking lot to the upper launch ramp parking lot.

BT6-3  
cont.

**There is a ton of public parking in the vicinity of the launch ramp.**

Access to public parking in the launch ramp area overshadows access to boat/trailer parking in the launch ramp area.

Access to general public parking in the vicinity of the launch ramp excludes boat/trailer parking.

Trailer  
Parking  
Prohibited



This is a photo taken from the Bali Hai Restaurant parking lot looking at the entrance to the lower launch ramp parking lot. The Bali Hai parking lot has 159 spaces.



BT6-4

Page 10

**Response to Comment BT6-4**

Please see response to Comment BT6-2 above. This comment will be taken into consideration by the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.



On the other side of the Bali Hai parking lot, there is a modest but substantial lot with 67 parking spaces. This is a photo of the Bali Hai parking lot looking directly at the entrance to the smaller but conveniently located parking lot.



There is more public parking just on the other side of upper launch ramp parking lot. This section has 72 public parking spaces.



End of launch  
ramp parking in  
the upper  
parking lot

Public  
Parking

There is enough public parking to refocus allocating boat/trailer parking in main areas near the launch ramp entrance and exit where public parking has taken precedence.

BT6-4  
cont.



To summarize, the main launch ramp staging area is vital to the operation of the launch ramp facility. Boaters need this lane to prepare the boat prior to entering the launch ramp.



80,000 boaters using the Shelter Island launch ramp would be better served by developing this staging platform for boaters to prepare their boats prior to entering the launch ramp. This area needs all of its off-street parking space.



For pedestrians in the boat launch area, the proposed pedestrian path cross over would be much safer without boat/trailer parking interference.

BT6-5

BT6-6

Page 12

### Response to Comment BT6-5

Please see response to Comment BT6-2.

### Response to Comment BT6-6

Please see response to Comment BT6-2.

Response to Comment BT6-7

Please see response to Comment BT6-2.



- Relocate the 13 boat/trailer parking spaces from the lower parking lot to the upper parking lot.
- Develop this area as a park and remove the rocks at the waters edge for beach access.
- Please note the accessible Bali Hai public parking to the left of this lot.

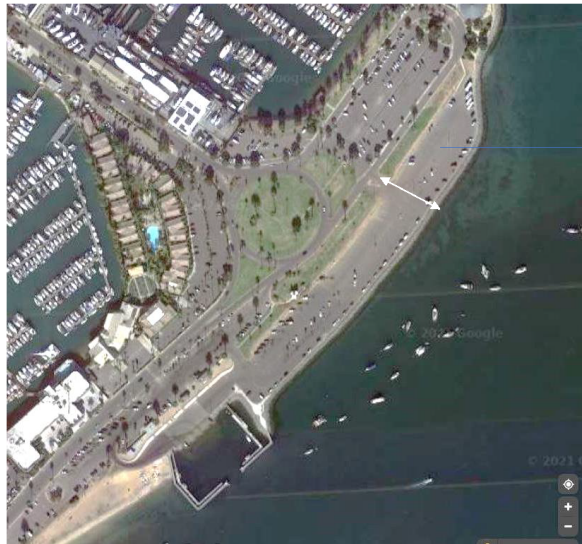
BT6-7

Thank you for your time and attention to the continued development and maintenance of the Shelter Island Boat Launch Facility.

Commodore Janet Callow  
Outboard Boating Club of San Diego



Unresolved concerns PMPU Updated Draft 11-8-21



13  
boat/trailer  
parking  
spaces

BT6-8

The parking lot selected by the blue line is part of the “lower launch ramp parking lot”. The proposed pedestrian path cross over (white line), runs from the lower parking lot entrance to the bay.

In order to separate the boat/trailer traffic from the pedestrian pathway, I am requesting the Port move the 13 boat/trailer parking spaces from this section of the lower parking lot to the upper parking lot.

This is part of the upper parking lot (between the white lines) and it is the most important section of the launch ramp facility because it is the only place wide enough to stop and get your boat ready to launch

## Response to Comment BT6-8

Please see responses to Comments BT6-2 and BT6-3.

before you get down to the launch ramp. This is also where you put your boat back together before you get on the road.



There are 15 boat/trailer parking spaces in this area.  
There are 51 public parking spaces in this area.

BT6-B  
cont.



There is no stopping on the launch ramp, all the curbs are red except for the kayak loading area by the launch ramp exit.

Preparing to launch is to transfer gear from the truck to the boat, transfer children from the truck to the boat, put the drain plug in, get ice, put the coolers and fishing gear in the boat.

There is no space in the lower parking lot wide enough for boats to stop and prepare to launch.

This is the only area available for boats to prep before launching and the only area available to put the boat back together before hitting the road.

I am concerned that PD1.6 proposes to eliminate boat/trailer parking in the upper launch ramp parking area and send it out to the street, which will eliminate the staging area.

PD1.8: Reconfigure Shelter Island Drive between the Shelter Island roundabout and the Friendship Bell.

PD1.6: Illustrative Diagram of Shelter Island Drive Reconfiguration.

PD1.8(b): Reconfigure existing off-street parking into diagonal on-street parking.

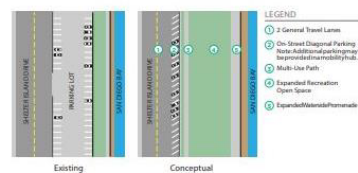


Figure PD1.6 Illustrative Diagram of Shelter Island Drive Reconfiguration  
for residents' use only

I can see where it would be very attractive to repurpose some of this upper parking lot "staging area" space because it looks like there is

BT6-8  
cont.

ample room. When this picture was taken there were no trucks and trailers with boats in this area.

Please keep in mind that this area is critical to the operations of the launch ramp. It is vital to keep this area operational.

You can see the main Shelter Island Drive entrance to the Launch Ramp on the left.



BT6-8  
cont.



The Shelter Island Launch Ramp parking is distributed between the upper and lower parking lots. The upper parking lot is the main street entrance to the launch ramp and the staging area.

The upper parking lot has a total of 49 boat/trailer parking spaces.

The upper parking lot has a total of 66 public parking spaces.

The lower parking lot is down towards the Bali Hai.

The lower parking lot has a total of 150 boat/trailer parking spaces.

The lower launch ramp parking lot has a total of 181 public parking spaces.

I am requesting that the Port allocate additional boat/trailer parking in the upper parking lot. Relocate the 13 from the lower parking lot and add boat/trailer parking.

There is a ton of public parking in the vicinity of the launch ramp, not including the upper and lower launch ramp parking lots:

Bali Hai has a large public parking lot with 159 spaces and it is very close to the lower launch ramp parking lot. The photo was taken from the Bali Hai parking lot and shows the entrance to the lower launch ramp parking lot. This is very close to the launch ramp.

BT6-8  
cont.



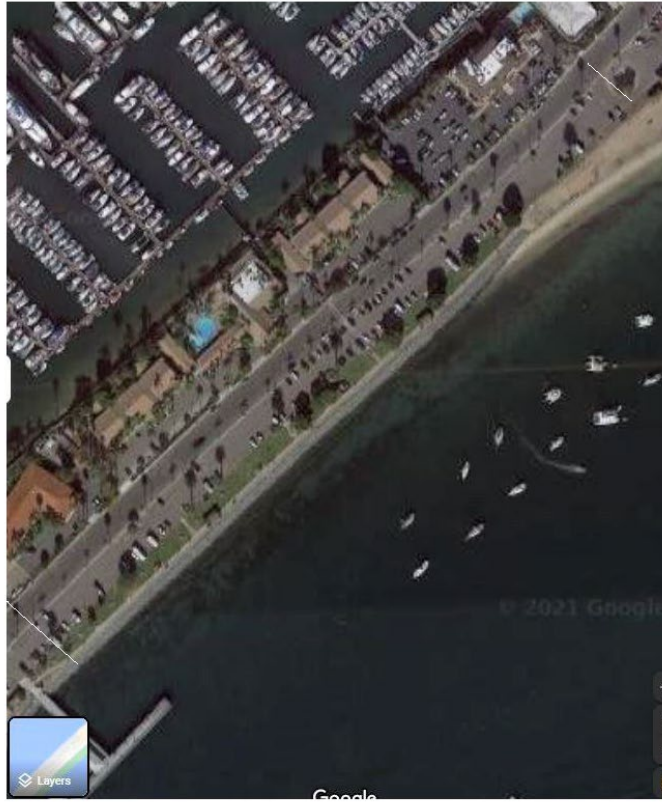
Koehler has a modest but substantial parking lot with 67 parking spaces and it is right next to the Bali Hai parking lot. This is a photo of the Bali Hai parking lot looking directly at the entrance to the Koehler parking lot.



BT6-8  
cont.



Just on the other side of the upper launch ramp parking lot is a long stretch of public parking which goes up to the public fishing pier, as shown here between the white lines. You can see how close it is to the launch ramp because of the view of sandy beach, top right-hand corner.



BT6-8  
cont.

A conservative option for public launch ramp parking would be to share this beach access parking (which is just outside the upper launch ramp parking lot), as shown here between the white lines.



BT6-8  
cont.

This section has 72 public parking spaces.

All in all, there is ample public parking to access the beach and the launch ramp, whether from launch ramp parking, Bali Hai parking, Koehler parking or up towards the public fishing pier.

In the direct vicinity of the launch ramp, please reserve this space for launch ramp parking. Please do not relocate the off-street parking here to on street parking. Please convert some of this public parking to boat/trailer parking. Thank you.



BT6-8  
cont.



## 2.6.7 Comment Letter BT 7: Bartell Hotels

Richard Bartell, President



Letter  
BT7

4875 North Harbor Drive, 5th Floor, San Diego, California 92106  
619.224.1556 Fax 619.224.2634 www.bartellhotels.com

January 10, 2022

San Diego Unified Port District  
3165 Pacific Coast Highway  
San Diego, CA 92112

Re: PMPU

To Whom It May Concern:

Our company, Bartell Hotels, owns three Port hotel leaseholds that are directly impacted by the proposed PMPU. Two of our hotels, Humphreys Half Moon Inn (2303 Shelter Island Drive on Shelter Island) and Best Western Plus Island Palms Hotel & Marina (2051 Shelter Island Drive) are located on Shelter Island. We also own San Diego Airport Hilton which is located on Harbor Island (1960 Harbor Island Drive). This letter is to express our deep concerns related the proposed Port Master Plan Update requiring 12 ft to 15 ft setback to allow for promenades, walkways, and setbacks.

For both Humphreys Half Moon Inn and Hilton Harbor Island, our facilities are situated literally over the water making it impossible to meet any rule that requires a setback between our facility and the bay without demolishing the improvements.

At Best Western Plus Island Palms Hotel & Marina, the buildings currently have a setback that is more than sufficient for pedestrian access and pedestrians currently enjoy the pathway between the marina and the hotel guest rooms. However, the pathway is less than 12 feet wide, and widening the path would likewise require us to demolish the improvements.

Under the proposed PMPU requirements, any improvements or renovation in the amount of \$100,000 or more triggers the setback requirement. As a hotel owner, it is common to perform capital improvements, renovations, or major repairs that exceed \$100,000, sometimes annually! As a tenant of the Port for more than 30 years, we have consistently maintained our hotels in excellent condition which requires frequent investments greater than this threshold. The currently proposed language will make it extremely difficult to continue investing in the hotels. The proposed setback language in the PMPU is not feasible for our leaseholds on Shelter Island and Harbor Island.

BT7-1

### Response to Comment BT7-1

This comment is directed at the content of the PMPU and expresses the commenter's concern about being able to comply with the policies related to promenade/walkway/setback requirements, and states that complying with the requirement would require the demolition of existing building improvements or relocating existing buildings.

The PEIR addresses potential impacts from development construction, including landside and waterside impacts. The commenter does not raise a specific concern related to the environmental effects associated with building demolition or construction and does not identify any deficiency in the PEIR with respect to this issue. Therefore, no additional response related to the potential environmental effects of the PMPU is necessary.

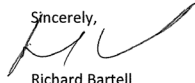
The PMPU is intended to provide a framework for future development within the District's jurisdiction, but does not include any proposals for site-specific implementation. Issues regarding the feasibility of implementing the PMPU's requirements in connection with site-specific development would be addressed when the District considers a site-specific development proposal. The District notes that proposed PMPU Section 4.3.1(5) (page 178), provides exceptions to the waterside promenade requirements, and states: "Waterside promenades are required for all uses considering the need to protect public rights to access Tidelands. Exceptions to this requirement may be allowed except where alternatives to a waterside width and/or alignment may be allowed if BPC makes one of the following findings: ...(c) Development of the waterside promenade width and/or alignment would require demolition and setback of an existing building that is currently occupied or fit for occupancy and the applicant is not proposing demolition of any part of said structure."

This comment has been included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

As a long-time tenant of both Shelter Island and Harbor Island, we ask that you to exempt tenants whose existing facilities are either cantilevered over the water or there is insufficient space to comply with the 12 feet requirement without relocating existing buildings.

BT7-1  
cont.

Sincerely,



Richard Bartell  
President

## 2.6.8 Comment Letter BT 8: Shelter Cove Marina

H. P. “Sandy” Purdon, General Partner

SHELTER COVE MARINA  
2240 Shelter Island Drive  
San Diego, CA 92106

Letter  
BT8

January 6, 2022

PMPU Planning  
Port of San Diego

To Whom It May Concern:

As the owner of the master lease called Shelter Cove Marina on Shelter Island, I am very concerned that the PMPU creates an unattainable problem for us. My concern is that the public access walkway behind our 12,000 sq. ft. office building does not meet the 15-foot requirement in the PMPU.

Our walkway is an extension of the walkway behind the Bali Hai Restaurant and is more than sufficient to handle any of the public using this path to walk along the waterfront behind our facility. It is as wide as it can be considering the edge of the building and a small amount of landscaping but much less than the required fifteen feet in the PMPU.

I personally showed Port staff and President Stuyvesant my issues on a walk around in 2019. I understand that if we do repairs to the building of \$100,000 or more, than we would have to meet the fifteen-foot-wide path. This requirement would require us to remove the 12,000 sq. ft. building and replace it with a new building with the fifteen-foot path. This would cost us about \$3.6 million not counting the demolition of the current building. The repair just to replace the roof and other items over the years would certainly exceed \$100,000 and trigger the removal of the building.

Please reconsider the width of the access paths between our building the water to something reasonable considering what is existing now is very sufficient and accessible by the public.

Sincerely,

*HP Purdon*

H. P. “Sandy” Purdon, General Partner

### Response to Comment BT8-1

This comment is specific to the content of the PMPU, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Pursuant to CEQA Guidelines Section 15088, no response is required.

The PMPU is intended to provide a framework for future development within the District’s jurisdiction, but does not include any proposals for site-specific implementation. Issues regarding the feasibility of implementing the PMPU’s requirements in connection with site specific development would be addressed when the District considers a site-specific development proposal. The District notes that proposed PMPU Section 4.3.1(5) (page 178), provides exceptions to the waterside promenade requirements, and states: “Waterside promenades are required for all uses considering the need to protect public rights to access Tidelands. Exceptions to this requirement may be allowed except where alternatives to a waterside width and/or alignment may be allowed if BPC makes one of the following findings: ...(c) Development of the waterside promenade width and/or alignment would require demolition and setback of an existing building that is currently occupied or fit for occupancy and the applicant is not proposing demolition of any part of said structure.”

This comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

BT8-1

## 2.6.9 Comment Letter BT 9: Tonga Landing

Thomas A. Nielsen, Owner

TONGA LANDING  
2385 Shelter Island Drive  
San Diego, CA 92106

January 8, 2022

San Diego Unified Port District

3165 Pacific Coast Highway

San Diego, CA 92112

To Whom It May Concern:

I am writing to you on behalf of Tonga Landing located on Shelter Island concerning the proposed Port Master Plan Update requiring 12 ft to 15 ft setback to allow for promenades, walkways, and setbacks.

Our facility is situated literally over the water making it impossible to meet any rule that requires a setback between our facility and the bay. The building is built on pilings and would require removal of the building in order to build a public walkway. The property is very narrow. There is no room for both a building, a public walkway, and parking at the same time.

I would highly recommend any group or individual making such a proposal to walk the properties on Shelter Island before making such suggestions.

Shelter Island is unique. Please keep that in mind when making broad regulations for the entire waterfront. This section of the island we are on is very, very narrow. We cannot afford to lose area. We struggle as is with parking and space.

We urge you to exempt tenants whose facilities are cantilevered over the water and allow flexibility for areas of the island that are so narrow.

Sincerely,



Thomas A. Nielsen

Owner

Letter  
BT9

BT9-1

### Response to Comment BT9-1

This comment is specific to the content of the PMPU and expresses concern that existing development at Tonga Landing would not be able to accommodate the setback requirements for promenades and walkways. The PMPU is intended to provide a framework for future development within the District's jurisdiction. At this time, no specific promenade widening projects are proposed. If and when a promenade widening project is proposed, site-specific analysis would be conducted to identify any potential site-specific environmental impacts. Issues regarding the feasibility of implementing the PMPU's requirements in connection with site-specific development would also be addressed when the District considers a site-specific development proposal. Since the comment does not raise any issue with the content or adequacy of the PEIR and does not raise any issue related to the CEQA process, no further response is required.

Nevertheless, as noted in PMPU Baywide Development Standards 4.3.1, "Waterside promenades ensure coastal access to the waterfront.

*Promenades are identified in each planning district's coastal access views and pathways map.* Additional location-specific requirements are identified in the development standards for each subdistrict." PMPU page 201, Figure PD1.4, depicts the coastal access views and pathways map for the Shelter Island Planning District where the Tonga Landing parcel is located, and does not include a "Waterside Promenade" within or adjacent to the Tonga Landing property. Rather, the proposed waterside promenade shown on Figure PD1.4 would transition to a non-waterside promenade at approximately the Shelter Island Roundabout that directs pedestrian traffic to the sidewalk along Shelter Island Drive.

Even where a "Waterside Promenade" is shown in the PMPU the coastal access views and pathways maps, PMPU Section 4.3.1(5) (page 178) includes exceptions to the waterside promenade requirements. That section states: "Waterside promenades are required for all uses considering the need to protect public rights to access Tidelands. Exceptions to this requirement may be allowed ~~except where alternatives to a waterside width and/or alignment may be allowed~~ if BPC makes one of the following findings: ...(c) Development of the waterside promenade width and/or alignment would require demolition and setback of an existing building that

is currently occupied or fit for occupancy and the applicant is not proposing demolition of any part of said structure.”

This comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.



## 2.6.10 Comment Letter BT 10: Bali Hai

Susan H. Baumann, President



Letter  
BT10

January 9, 2022

San Diego Unified Port District  
3165 Pacific Coast Hwy  
San Diego, CA 92112

To Whom It May Concern:

I am requesting that Shelter Island be exempt from the requirement of 12 ft promenades in the PMPU.

The Bali Hai Restaurant has a 6-8 ft promenade which goes completely around the perimeter of our lease. This promenade is more than adequate for pedestrian access.

Currently proposed in the PMPU, the requirement of a 12 ft promenade at the Bali Hai would go into effect if any improvements were made to our facility of more than \$100,000. Basic improvements could easily exceed \$100,000. If the Bali Hai was required to have a 12 ft promenade around our lease, we would lose one of our event spaces and our wedding site. This would be devastating for the Bali Hai, and it would severely impact the Port as it would cause a reduction in rent. This requirement would also discourage all Shelter Island tenants from making improvements to their properties.

I have met with Port staff and President Stuyvesant to encourage them to look at Shelter Island as a whole, as it relates to public access. Shelter Island was built with open space on the bay for the public to enjoy. We will always have this open space as there will be no additional building on this island.

Shelter Island is a wonderful place. I walked the island today. On a cool January day, the parks were full of families enjoying the outdoors, the playground, the boat launch area, and the Shelter Island pier.

Please consider exempting Shelter Island from the requirement of 12 ft promenades in the PMPU.

Sincerely,

  
Susan H. Baumann, President  
Shelter Island Inc.  
dba Bali Hai Restaurant

2230 Shelter Island Drive, San Diego, CA 92106-3108  
Phone (619) 222-1181 • Fax (619) 222-4081

### Response to Comment BT10-1

This comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. Nevertheless, the District notes that proposed PMPU Section 4.3.1(5) (page 178), provides exceptions to the waterside promenade requirements and states:

“Waterside promenades are required for all uses considering the need to protect public rights to access Tidelands. Exceptions to this requirement may be allowed except where alternatives to a waterside width and/or

alignment may be allowed if BPC makes one of the following findings: ...(c) Development of the waterside promenade width and/or alignment would require demolition and setback of an existing building that is currently occupied or fit for occupancy and the applicant is not proposing demolition of any part of said structure.” This comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

BT10-1

## 2.6.11 Comment Letter BT 11: Tom Ham's Lighthouse

Susan H. Baumann, President



Letter  
BT11

January 9, 2022

San Diego Unified Port District  
3165 Pacific Coast Hwy  
San Diego, CA 92112

To Whom It May Concern:

I am requesting that Harbor Island be exempt from the requirement in the PMPU for 12 ft setback to allow for promenades and setbacks.

Tom Ham's Lighthouse is literally situated over the water making it impossible to meet any rule that requires a setback between our facility and the bay. We currently have a promenade around the perimeter of our lease, except where it cantilevers over the water. There are currently places on our promenade where the public can enjoy the view from the benches we provide.

Harbor Island was purposely built with public access on the bayside of the island. This allows the public to enjoy bayside parks and the unobstructed views of San Diego Bay, downtown, Coronado/North Island, and the Coronado bridge.

I urge you to exempt tenant facilities which are cantilevered over the water.

Sincerely,

*Susan H. Baumann*  
Susan H. Baumann, President  
Shelter Island Inc.  
dba Tom Ham's Lighthouse

BT11-1

### Response to Comment BT11-1

This comment is specific to the content of the PMPU and expresses concern that it would not be feasible for Tom Ham's Lighthouse to meet the setback requirements for promenades and walkways. The PMPU is intended to provide a framework for future development within the District's jurisdiction, but does not include any proposals for site-specific implementation. Issues regarding the feasibility of implementing the PMPU's requirements in connection with site-specific development would be addressed when the District considers a site-specific development proposal.

Additionally, where a "Waterside Promenade" is shown in the PMPU coastal access views and pathways maps, PMPU Section 4.3.1(5) (page 178) includes exceptions to the waterside promenade requirements. That section states: "Waterside promenades are required for all uses considering the need to protect public rights to access Tidelands. Exceptions to this requirement may be allowed except where alternatives to a waterside width and/or alignment may be allowed if BPC makes one of the following findings: ...(c) Development of the waterside promenade width and/or alignment would require demolition and setback of an existing building that is currently occupied or fit for occupancy and the applicant is not proposing demolition of any part of said structure."

The comment does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no further response is necessary. However, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

2150 Harbor Island Dr. San Diego, CA 92101  
619-291-9110 fax 619-291-4613  
www.tomhamslighthouse.com

## 2.6.12 Comment Letter BT 12: Eppig Brewing

Todd Warshaw, Managing Member

Letter  
BT12

January 10, 2022

San Diego Unified Port District  
3165 Pacific Coast Highway  
San Diego, CA 92112

To Whom It May Concern:

I am writing to you on behalf of Eppig Brewing, located at 2817 Dickens Street, as a subleaseholder, concerning the proposed Port Master Plan Update requiring 12 ft to 15 ft setback to allow for promenades, walkways, and setbacks.

Our facility currently has a setback that is sufficient for pedestrian access. As currently proposed, any improvements we do to our facility of \$100,000 or more triggers the requirement to meet the additional setback. Today, basic improvements to our facility can easily exceed \$100,000. Increasing the spacing to allow for this proposed setback would literally require us to remove our building, as it is closer than 15' to the waterfront.

This requirement will impact critically impact our business if it were to be enacted, as our building would have to be removed and rebuilt- a multi-year project we could not survive financially.

As a tenant of Shelter Island we ask that you reconsider adding additional width to already existing promenades, walkways, and setbacks.

Sincerely,

Todd Warshaw  
Managing Member  
Eppig Brewing

BT12-1

### Response to Comment BT12-1

This comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. Nevertheless, the District notes that proposed PMPU Section 4.3.1(5) (page 178), provides exceptions to the waterside promenade requirements, and states:

“Waterside promenades are required for all uses considering the need to protect public rights to access Tidelands. Exceptions to this requirement may be allowed except where alternatives to a waterside width and/or alignment may be allowed if BPC makes one of the following findings: ...(c)

Development of the waterside promenade width and/or alignment would require demolition and setback of an existing building that is currently occupied or fit for occupancy and the applicant is not proposing demolition of any part of said structure.” This comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

## 2.6.13 Comment Letter BT 13: Ketch Grill and Tapas

Matt Morton, Director of Development



Letter  
BT13

January 10, 2022

San Diego Unified Port District  
3165 Pacific Coast Highway  
San Diego, CA 92112

To Whom It May Concern:

I am writing to you on behalf of Ketch Grill and Taps concerning the proposed Port Master Plan Update requiring 12 ft to 15 ft setback to allow for promenades, walkways, and setbacks.

Our facility currently has a setback that is plenty sufficient for pedestrian access. As currently proposed, any improvements we do to our facility of \$100,000 or more triggers the requirement to meet the additional setback. Today, basic improvements to our facility can easily exceed \$100,000.

This requirement will impact Ketch Grill and Taps by eliminating approximately one third of our dining patio, our managers office in an adjacent building, as well as a sub tenant (Jeff Brown Yachts) office immediately above our management office. This reduction in patio square footage would result in the loss of 30 waterfront restaurant seats, the highest grossing seats on the property. Additionally, our displaced office space would need to be relocated to the interior of the restaurant, displacing even more restaurant seats, while Jeff Brown Yachts office would be a complete loss with no viable replacement. Ultimately, all the above conditions would substantially detract from guest experience and negatively impact restaurant sales, resulting in lower rent payments to the Port District.

As a tenant of Shelter Island, we ask that you reconsider adding additional width to already existing promenades, walkways, and setbacks.

Sincerely,

Matt Morton  
Director of Development  
Brigantine Restaurants, DBA Ketch Grill and Tapas

BT13-1

### Response to Comment BT13-1

This comment is specific to the content of the PMPU, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Pursuant to CEQA Guidelines Section 15088, no response is required.

Nevertheless, the District notes that proposed PMPU Section 4.3.1(5) (page 178), provides exceptions to the promenade requirements, and states: “Waterside promenade are required for all uses considering the need to protect public rights to access Tidelands. Exceptions to this requirement may be allowed except where alternatives to a waterside width and/or alignment may be allowed if BPC makes one of the following findings:...(c) Development of the waterside promenade width and/or alignment would require demolition and setback of an existing building that is currently occupied or fit for occupancy and the applicant is not proposing demolition of any part of said structure.” At this time, no specific promenade widening projects are proposed. If and when a promenade widening project is proposed, site-specific analysis would be conducted to identify any potential site-specific environmental impacts. This comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether or not to adopt the PMPU.

## 2.6.14 Comment Letter BT 14: Driscoll's Wharf

Thomas A. Driscoll, Chief Executive Officer



January 10, 2022

Delivered by email: PMPU@portofsandiego.org

San Diego Unified Port District  
3165 Pacific Coast Highway  
San Diego, Ca 92101

### Re: Response to November 2021 Port Master Plan Update

Dear Port of San Diego Board of Port Commissioners:

Thank you for this opportunity to respond to the 2021 Port Master Plan Update (PMPU).

I'd like to begin with a short history of my family's involvement in the San Diego commercial fishing industry. The Driscoll Family has served the commercial fleet and associated fishing industries for over one hundred years.

- o **1916:** One of our businesses, Kettenburg Marine, built their first marine railway to haul and launch small commercial fishing boats in North San Diego Bay. The operation ultimately moved to the foot of Dickens in America's Cup Harbor. A 150-ton synchro-lift and a 100-ton marine railway were eventually added to accommodate vessels up to 150 tons.
- o **1940s:** My grandfather, John Gerald Driscoll Jr., became one of original founders of the Pan Pacific Tuna Association, and continued working with them until his death in 1975.
- o **1952:** My father, John Gerald Driscoll III, built the first boat yard on Shelter Island in 1952, which served a small commercial fishing fleet and provided net tenders for the purse seiners.
- o **1952:** My uncles, Ed, Vinny, and Joe Gann, started a company that eventually became Caribbean Marine Services. The company had their own fleet of dozens of commercial fishing vessels, including one the last of the super-purse seiners seen parked along Harbor Drive. They were also co-owners of the last tuna cannery operated in San Diego, known as Van Camp Cannery.
- o **1992:** My father and I purchased the leasehold interest of Fisherman's Village, currently known as Driscoll's Wharf. The Wharf provided moorage, storage space, and other amenities for the San Diego commercial fishing fleet.
- o **1998:** Driscoll's Wharf became a buying station for Starkist and Chicken of the Sea. We operated four facilities from San Diego to Seattle, where we offloaded and purchased albacore from the commercial fishermen.

Over the past three years, we added four separate commercial fishing sub-tenants that provide a significant public benefit to the region:

4918 N Harbor Drive #206 • San Diego, CA 92106 • 619-222-4930 • info@driscollswarf.com

### Response to Comment BT14-1

The District appreciates the commenter's continued involvement throughout the PMPU process. The comment expresses general opposition to the PMPU as currently drafted, but does not raise any environmental issues, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

BT14-1



1. Chula Seafood is a wholesale fish processor that sells fresh seafood to local restaurants and small markets. During the pandemic, the business model changed to provide wholesale to public fresh seafood.
2. Local fishmonger Tommy Gomes has teamed with restaurateur Mitch Conniiff and other local fishermen to create Tunaville Market and Grocery. The market will sell ONLY local caught fish and will include a small fishette, which will sell fresh fish cuisine such as ceviche, tuna stacks, and poke bowls, and will also include a live lobster tank and locally grown vegetables and meats.
3. Hayworth Fishing is currently operating on-site, selling local seafood to farmers markets, restaurants, and to the general public. In an effort to help the local fishermen during the pandemic, both Hayworth and Chula are providing access to our offloading pier and provisioning dock for their own direct-to-public fish sales.
4. Just last year, Driscoll and Chula have submitted a project and plans for a 4,000 square foot tuna processing facility. As well as processing, this facility will also provide the much-needed refrigerated and frozen storage space for our local fisherman.

Throughout our long history, the Driscoll family has been a vital part of the commercial fishing industry, managing several facilities that provide goods and services to state and local commercial fishing fleets. After personally attending every public workshop regarding commercial fishing and the PMPU, I have come to the conclusion that I must strongly oppose the draft November 2021 Draft PMPU. The plan would eliminate the economic viability of all privately-run commercial fishing facilities like Driscoll's Wharf. Privately-run facility leases must contain the flexibility in use that currently exists in the Driscoll's Wharf lease, and have revenue-generating secondary uses that do not conflict with ongoing commercial fishing activities.

Over last two updates, there has been a significant reduction in allowed primary uses, as well as approved secondary uses. The entire scope of secondary uses changed from revenue-generating uses such as recreational boating, charters, food services, etc. to non-revenue-generating uses such as aquaculture and blue technology. These proposed uses would be burdensome to private operators like Driscoll, as they are not economically viable without substantial subsidies. These uses are more appropriate for land owned and operated by the Port of San Diego.

Under the commercial fishing land/water use classification, there needs to be an additional category for privately-run commercial fishing facilities such as Driscoll's Wharf. This category would include the primary land use as it exists today, which includes subleases to marine-related businesses, and recreational berthing with a 72-hour notice to vacate if a commercial fisherman requests a berth. We also propose adding secondary uses including six-pack fishing boat charters, sport fishing, and a fisherman's farmers market. In the wake of a declining commercial fishing industry, these types of uses would allow privately developed and operated marinas such as mine to remain financially viable.

I want to personally thank you and the Port staff for all their hard work and dedication to this planning process over the last five years. I look forward to working with you to develop a plan that works for

BT14-1  
cont.

BT14-2

BT14-3

4918 N Harbor Drive #206 • San Diego, CA 92106 • 619-222-4930 • info@driscollswarf.com

## Response to Comment BT14-2

This comment is specific to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU and certify the PEIR.

The District notes that Driscoll's Wharf has a proposed "Commercial Fishing" land use designation and "Commercial Fishing Berthing" water use designation in the PMPU. (See PMPU page 49 [Figure 3.1.1.].) PMPU Land Use Table 3.1.2 (PMPU page 52) allows commercially caught fish market operations, as well as commercial fishing facilities and operations. These use categories are consistent with the existing physical uses on-site, as well as the land and water use designations in the existing PMP that designate the site as "Commercial Fishing" and "Commercial Fishing Berthing," respectively. (Existing PMP Figure 2a Land and Water Use Element and Figure 4 Precise Plan for Shelter Island.)



everyone. Again, I cannot support a plan that drastically impacts the future and sustainability of the San Diego commercial fishing industry.

Sincerely on behalf of Driscoll's Wharf, Driscoll Boatworks, Intrepid Boat Works, and Driscoll Mission Bay.

A handwritten signature in black ink, appearing to read 'Tom Driscoll'.

Thomas A. Driscoll

Chief Executive Officer

BT14-3  
cont.

### Response to Comment BT14-3

This comment is a conclusionary comment that does not raise any environmental issues requiring a response pursuant to CEQA.

4918 N Harbor Drive #206 • San Diego, CA 92106 • 619-222-4930 • [info@driscollswarf.com](mailto:info@driscollswarf.com)

## 2.6.15 Comment Letter BT 15: Midway Museum

Mac McLaughlin

<b>From:</b> <b>Sent:</b> <b>To:</b> <b>Subject:</b>	Mac McLaughlin <mmclaughlin@MIDWAY.ORG> Monday, January 10, 2022 3:29 PM Port Master Plan Update PMPU input	Letter BT15
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January 10, 2022  
**pmpu@portofsandiego.org**  
 Planning Department  
 Port of San Diego  
 P.O. Box 120488  
 San Diego, CA 92112-0488

**Subject: Comments to Draft Program EIR and Revised Draft PMPU: as it relates to the policies related the USS Midway Museum**

Dear Planning Department:

Thank you for the opportunity to provide comments on the Draft Program EIR and revised Draft Port Master Plan Update. We have one simple edit/addition to the

BT15-1

### Response to Comment BT15-1

The Midway Museum currently operates parking for Midway Museum. The PMPU does not propose any changes to the Midway Museum's parking. Further, the PMPU does not plan to alter the uses within the Midway leasehold. The PMPU text box was informational only and not intended to specify a development standard. Therefore, the text box was removed from the PMPU. Revisions to the draft PMPU in response to comments received during the Draft PEIR public review are addressed in Final PMPU made available with the Final PEIR.



footnote to the Navy Pier policy language. We request that PD3.3 be revised to add the highlighted text:

\* The amount of **public** parking **(which for purposes of clarity does not include Midway Museum's parking rights under its lease with the Port, which rights will remain subject to such lease)** will be determined and included in the draft Port Master Plan at a future date. Development on the Navy Pier will be required to comply with Recreation Open Space regulations and subdistrict development standards.

BT15-1  
cont.

Thank you for considering this clarifying addition.

Sincerely, Mac McLaughlin

*Mac McLaughlin*  
President & CEO

Office: (619) 398-8224



910 N Harbor Dr, San Diego, CA 92101  
(619) 544-9600 • [www.midway.org](http://www.midway.org)



## 2.6.16 Comment Letter BT 16: 1HWY1

Yehudi 'Ga' Gaffen, Chief Executive Officer



Letter  
BT16

### Response to Comment BT16-1

The District appreciates the commenter's interest in and support for the proposed PMPU. This comment does not raise any environmental issues requiring a response pursuant to CEQA. However, this comment has been included within the record for consideration by the Board of Port Commissioners.

January 10, 2022

Lesley Nishihira  
Planning Director  
San Diego Unified Port District  
3165 Pacific Highway  
San Diego, CA 92101

Re: Draft Program Environmental Impact Report for the Port Master Plan Update

Dear Ms. Nishihira,

On behalf of 1HWY1, thank you for the opportunity to comment on the Draft Program Environmental Impact Report for the Port Master Plan Update ("DPEIR"). Initially, we'd like to recognize the years of hard work put into the PMPU by the Port staff and community stakeholders. The DPEIR reflects the thoughtful and thorough approach taken by the Port throughout the update process. The DPEIR analyzes the potential environmental impacts of the PMPU and proposes appropriate mitigation, all in accordance with CEQA. 1HWY1 supports the PMPU and DPEIR.

BT16-1

Sincerely,

Yehudi 'Ga' Gaffen  
Chief Executive Officer  
1HWY1, LLC  
Protea Waterfront Development, LLC

## 2.6.17 Comment Letter BT 17: Joy Properties

Allan Arendsee

---

Letter  
BT17

**From:** Allan Arendsee <Allan@brandyinvestments.com>  
**Sent:** Monday, January 10, 2022 1:19 PM  
**To:** Port Master Plan Update  
**Subject:** Comments on EIR and PMPU  
**Attachments:** Comments to Port of San Diego.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see attached.

Joy Properties LLC  
Owners at 913 1<sup>st</sup> Street, Coronado, CA 92118

### Response to Comment BT17-1

The District appreciates the commenter's interest in the proposed PMPU. The comment is an introductory comment that summarizes the concerns that are raised in the letter. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

*"A Port Master Plan is required by the San Diego Unified Port District Act and the California Coastal Act. The Port's existing plan was certified (as a whole) in 1981 by the California Coastal Commission and since then there have been many location-specific amendments but never a comprehensive update. The PMPU seeks to reflect changes in the needs and priorities of Californians and the region's growth since the current master plan was approved 40 years ago. The Port's objective is to create a holistic, thoughtful, and balanced approach to future water and land uses on and around San Diego Bay for generations to come."*

Source: The Port of San Diego's General Press Release, dated November 23, 2021

Dear Port of San Diego Representatives,

We have reviewed the Draft Program Environmental Impact Report (EIR) for the Port Master Plan Update (PMPU), dated November 2021. We appreciate the opportunity to make comments on the EIR document and the PMPU.

We own and live on private property in the City of Coronado in the Port's Planning District 10, the Coronado Bayfront. The Port states in its press release that it wants a *holistic* approach to future water and land uses, but my private property in the City of Coronado is subject to a different set of development rules than the Port properties. The PMPU improvements directly impact the private properties along the bayfront and these impacts were not evaluated in the EIR. In addition, allowable mitigation measures for potential impacts to private properties from the PMPU are not the same as those for Port properties. The PMPU will also likely impact the Port's Tidelands adjacent to my property. This shallow water area of the bay includes eel grass habitat, as illustrated on Figure 4.3-3 of the EIR.

BT17-1

Comment

The federal government is responsible for the maintenance and deepening of the shipping channel in San Diego Bay. The Port's PMPU is planning on the deepened channel for larger cargo vessels and increased ship traffic. Dredging of the channel and spoil disposal change the bay's basin geometry. Bay sediments are excavated in areas and the spoils are placed in other areas. US Army Corps of Engineers' studies have shown that the hydrodynamics within the bay and the impact to the water/shore interface changes with the modified bathymetry. These changes will be amplified from more commercial, military and recreational watercraft activity and the passage of larger cargo ships, all of which are planned by the PMPU. Waves from the watercrafts' wakes will impact the unarmored soils along the bayfront and cause accelerated erosion of the exposed soils on my property, others' properties, and on some of the Port's properties. These wake waves will result in even more erosion over time as sea level rises. The results include increased water turbidity and the deposition of unnaturally excessive amounts of eroded soils onto the eel grass habitat in the adjacent Port's Tidelands. The Port is responsible for protecting eel grass habitat in the Port's Tidelands, and the Port's EIR and PMPU need to address these concerns.

BT17-2

**Response to Comment BT17-2**

The commenter raises several concerns related to increased vessel traffic in the bay and its effects on shoreline erosion of the commenter's property as well as adjacent properties, based on the commenter's assumption that the PMPU is planning on the federal government deepening the shipping channel in San Diego Bay. As a threshold matter, CEQA is concerned with the PMPU's potential impacts on the environment in general, not whether the PMPU will affect particular persons. (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4<sup>th</sup> 477.) Therefore, no response is required to the points raised in the comment regarding the private property of the commenter or others.

The PMPU does not propose to deepen the shipping channel in San Diego Bay, nor is that required by the PMPU visions, special allowances, policies, development standards, or the forecasts for future development intensity. The commenter correctly asserts that the *federal government* is responsible for maintaining and dredging the shipping channel in the bay, which is used for national and international cargo vessels, and military vessels. As such, any change in the bay basin's geometry or bathymetry would be a result of dredging and/or spoil disposal, which are matters within the jurisdiction and control of the federal government, not the District. Further, the deepening of San Diego Bay would occur or not occur irrespective of the PMPU's implementation.

The comment also asserts that the PMPU is planning on the deepened channel to accommodate larger cargo vessels and increased ship traffic. The PMPU does not propose to accommodate larger cargo vessels or to increase ship traffic. Implementation of the PMPU would not affect military and cargo vessel traffic, contrary to the assertion of the commenter. The District does not have jurisdiction or authority over federal government military and military support vessels. In addition, the PMPU does not contain any goals, policies, or objectives that would authorize increased cargo vessel traffic or larger cargo ships. Rather, as discussed in the Draft PEIR, particularly in Sections 4.2, *Air Quality and Health Risk*, and 4.6, *Greenhouse Gas Emissions and Energy*, activity assumptions for the Tenth Avenue Marine Terminal (TAMT), one of the two active marine terminals in San Diego Bay operated by the District, are based on the improvements and throughput analyzed in the certified Tenth Avenue Marine Terminal Redevelopment Plan and Demolition and Initial Rail Component FEIR (TAMT EIR, December 2016). The proposed PMPU does not propose any changes to the cargo throughput or improvements for TAMT or the National City Marine Terminal. Finally, the PMPU does not contain policies that would increase total cruise vessel

traffic. Therefore, any increases in military, cargo, or cruise vessel traffic would not be a result of PMPU implementation.

Within the District's jurisdiction, there are approximately 7,075 recreational boat slips. Within the PMPU area, there are currently approximately 5,900 recreational boat slips and approximately 295 commercial and sport fishing boat slips. Implementation of the PMPU would potentially result in additional recreational boating activity over its 30-year implementation life because it would allow for the development of up to 485 total new recreational boat berthing slips in Planning Districts 1 (Shelter Island), 2 (Harbor Island), 3 (Embarcadero), 9 (Silver Strand), and 10 (Coronado Bayfront) and an additional 65 commercial fishing berthing vessel slips in PD1 (Shelter Island) and PD3 (Embarcadero). To assist in the response to this comment, the District retained GHD, Inc. to prepare a passing vessel study that analyzes the environmental effect of additional vessel trips resulting from the potential increase in the number of slips described in the PMPU. The Port Master Plan Update Passing Vessel Study (May 5, 2023), is included as Appendix M of the Final PEIR.

The study included the following parameters. First, it developed maximum wave generation scenario for recreational and commercial vessels – both in terms of wave heights generated from the vessels and maximum wave heights approaching study shorelines. The vessel generating the maximum wave height at the shore was carried forward as the design wave / vessel for the study, as a conservative assumption. This wave/vessel was used to develop a predicted wave climate for the study beaches (Kellogg Beach [Shelter Island], Shoreline Park [Shelter Island], Coronado Ferry Landing Beach [Coronado], and Silver Strand Beach [south Coronado]) based on the maximum number of trips.

Second, the study defined cumulative wave loading (annual trips / wave climate). A wave climate was generated for two modeled scenarios: 1) baseline “existing” boat traffic conditions, and 2) traffic conditions that also include the anticipated activity associated with the PMPU's additional slips.. In the context of this study, the baseline boat traffic condition scenario was defined based on usage patterns derived from 2023 survey data and is meant to provide a reasonable estimate of vessel traffic for the baseline conditions. The proposed boat traffic condition scenario is defined as the cumulative wave climate of the baseline plus the proposed trips from the PMPU full buildout. The study also considered these two scenarios with the effect of estimated sea level rise in the future.

Third, the study evaluated shoreline change. The modeled wave climate scenarios were applied to the four previously mentioned representative

natural shorelines in the bay using an industry accepted one-dimensional cross shore evolution model.

The study determined that predicted shoreline change from proposed boat traffic conditions would have no change (zero inches) to Coronado Ferry Landing and Silver Strand Beach. The model results predict a decrease in shoreline beach width at Shoreline Park Beach of -1.88 inches from the baseline condition to the condition with the additional vessel traffic associated with additional slips under the PMPU. With SLR included in the model, the beach width decrease was lessened to -1.58 inches. Kellogg Beach displayed a very small increase in beach width of 0.86 inch under the baseline plus project condition and an increase of 1.24 inches when predicted sea level rise is included. As indicated in the study:

"These values are at such a scale that they are outside the confidence limits of the model results and shoreline change at this scale would be undetectable with conventional survey grade equipment. Thus, based on the model results it is unlikely that the increase in boat wakes will result in measurable changes at the shoreline."

Finally, the study analyzed the proposed PMPU's reasonably foreseeable vessel traffic increases on existing eelgrass beds at all study beaches where eelgrass habitat exists (i.e., Shoreline Park Beach, Coronado Ferry Landing Beach, Silver Strand Beach). The study found that there could potentially be very small vertical change occurring through the eelgrass bed at Shoreline Park Beach as a result of increased vessel traffic. At Shoreline Park Beach, the predicted vertical change (i.e. negative indicating loss in elevation and positive values indicating gain in elevation) was -0.02 to 0.24 inch for baseline plus project condition, and the baseline plus project condition with SLR included was 0.00 to 0.26 inch. This is considered to be outside the confidence limits of the model results and shoreline change at this scale would be undetectable with conventional survey grade equipment. In addition, the results display negligible change below an elevation of approximately -3 feet at Shoreline Park Beach. At Coronado Ferry Landing Beach, the predicted vertical change was negligible for the baseline to proposed condition and no change (0.00 inch) for the baseline to proposed condition with SLR included. At Silver Strand Beach, the model results suggest that there is no vertical change (0.00 inch) occurring through the offshore eelgrass bed for the baseline plus project condition with and without SLR.



In addition, the District requested review of the eel grass results by the District's marine biology consultant, MTS Incorporated (MTS). MTS determined that the minor changes identified in the study would not result in changes to eelgrass cover. (In addition, please note that the PEIR addresses potential impacts to eelgrass habitat in Section 4.3. of Volume 2.) Based on the study prepared by GHD (Appendix M) and the opinion of the District's marine biology consultant, MTS, the District has concluded that increased recreational and commercial fishing vessel traffic associated with future development under the PMPU would not cause or substantially contribute to a significant impact on beach sand erosion or eelgrass habitat. Moreover, the PMPU contains several policies that will serve to address the future effects of sea level rise. Specifically, SR policy 3.2.3 would require the District to create and periodically update a sea level rise adaptation plan that, among other things, requires recommendations for adapting structures and facilities, coastal access, recreational areas, coastal-dependent development, contaminated sites, and other infrastructures and coastal resources to projected sea level rise conditions; explores the potential for nature-based sea level rise adaptation strategies; identifies areas that could integrate natural resource protection, enhancement, and restoration solutions while providing appropriate SLR resilience; and identifies alternative opportunities for adapting to coastal hazards such as balancing or realigning natural habitat and the built environment, softening hardened shoreline structures; restoring or enhancing submerged habitats for coastal resiliency; and replacing in-kind public recreation areas, accessways, and other Public Trust resources that could be lost due to inundation or damage associated with sea level rise.

The PEIR specifically addresses the protection of beaches and other coastal access areas on page 4.13-48. The PEIR cites SR Policies 3.3.6, 3.3.7, 3.3.8, and 3.3.10. SR Policy 3.3.6, which would allow the District and permittees to implement shoreline protective devices or other adaptation strategies for protection from, or accommodation of, coastal hazards for existing landside accessways and recreational facilities where no adjacent in-kind alternative landside accessway or recreational facility exists on Tidelands. SR Policy 3.3.10 would direct the District to require the construction, reconstruction, expanding, or replacing of a shoreline protective device to minimize adverse impacts on local shoreline sand supply, minimize impacts on recreation, habitat, scenic views, beach width, and other coastal resources, encourage inland expansion of protective devices rather than further fill of coastal waters to minimize resource impacts; and not substantially impair coastal access or other Public Trust uses. Additionally, SR Policy 3.3.4 would require the District and permittees to prioritize implementation of nature-

based adaptation strategies for coastal resiliency as an alternative to the placement of shoreline protective devices.

In sum, the PMPU does not propose an increase in commercial/cargo/cruise ship related vessel traffic, does not propose “deepening the channel,” and does not have any jurisdiction over federal government military-related vessel traffic. The Passing Vessel Study (Appendix M) also determined that wakes created by increased vessel traffic would have no measurable impact on existing and future coastal erosion and/or turbidity and would not result in a significant impact related to beach erosion. Furthermore, the District’s marine biology consultant, MTS, reviewed the study and determined that passing vessel wakes would not have any change in eelgrass cover.

Importantly, the PMPU is a policy document that includes several strategies to reduce the effect of sea level rise and better adapt to its effects. Among these policies are the creation and regular updates to a Baywide adaptation plan, a focus on nature-based coastal resiliency, and policies that are designed to specifically plan and mitigate for sea level rise impacts on beaches and other coastal access areas. The Passing Vessel Study has been added to the Final PEIR appendices as Appendix M. No other changes to the PEIR have been made in response to this comment.

Comment

Section 4.5, Geology and Soils, of the EIR,, states that the EIR includes "...an analysis related to the proposed Port Master Plan Update's (PMPU's) potential to... (2) result in substantial soil erosion..."

The Impact Analysis (starting on page 4.5-52) is limited to the potential substantial soil erosion related to grading and excavation activities during development of Port properties. The EIR does not address the substantial soil erosion that occurs at the water/land interface where unarmored soils (land) are in direct contact with the bay water. The erosion of soils at the water/land interface will be accentuated by the PMPU, which includes plans for increased watercraft activity and larger cargo ships. There will be an increase in wake waves, which are not natural erosive agents.

As stated in the EIR, mitigation of soil erosion due to grading and excavation activities during development of Port properties can be attained with the implementation of BMP guidelines included in existing laws and regulations regarding site erosion control measures and discharge of sediments off properties.

The substantial soil erosion that will occur at the water/land interface due to an increase in wake waves related to the PMPU was not analyzed, and, thus, mitigation measures for this impact were not provided in the EIR. This condition should be addressed by the Port because it includes the deposition of unnaturally excessive amounts of eroded soils onto eel grass habitat in the adjacent Port's Tidelands. The erosion will also result in increased turbidity of the water in the bay. The Port is responsible for protecting the eel grass habitat and assessing water turbidity issues.

BT17-3

**Response to Comment BT17-3**

This comment raises similar concerns to those addressed in Comment BT17-2, above. Please see the response to that comment. As clarified in the District's response to Comment BT17-2, the PMPU does not authorize larger cargo vessels or an increase in vessel activity beyond that already allowed in the existing PMP. No revisions to the Draft PEIR are required in response to this comment.

Comment

Section 4.5, Geology and Soils, of the EIR,, states that the EIR includes "...an analysis related to the proposed Port Master Plan Update's (PMPU's) potential to... (5) destroy a unique paleontological resource or site or unique geologic feature."

Regarding the potential impacts to paleontological resources, the EIR indicates that the implementation of mitigation measures will reduce the impacts to a less-than-significant level for Port development projects. As mentioned in our previous comments, there is a potential for soil erosion at the water/land interface. There may be the potential for paleontological resources to become exposed during soil erosion at the water/land interface. This condition was not analyzed. Planning District 10, the Coronado Bayfront, is listed as having a none, low or high potential for paleontological resources in Table 4.5-4, Geologic Formations and Paleontological Sensitivity by Planning District.

BT17-4

**Response to Comment BT17-4**

As shown in Figure 4.5-8 of the Draft PEIR, the coastal shoreline area of Planning District 10 is underlain by artificial fill and undivided marine deposits (late Holocene), which are assigned a paleontological resources sensitivity of none and low, respectively, by the City of San Diego and San Diego Natural History Museum (also see footnote 1 in Table 4.5-8). As such, these areas do not contain paleontologically sensitive geologic formations. Additionally, please see response to Comment BT17-2, above. No revisions to the Draft PEIR are required in response to this comment.

Comment

On page 4.5-74, the EIR states, “While there are no unique geologic features identified in the proposed PMPU area, present and probable future projects could damage or destroy unique geologic features in adjacent areas, which would be considered part of the cumulative study area.... Because direct or indirect impacts could occur as a result of implementation of past, present or probable future projects, the impacts would be cumulatively significant.”

It is not clear what unique geologic features exist on areas adjacent to the PMPU area. From our review, it appears that Section 4.5.5.4 of the EIR, Cumulative Impact Determination and Mitigation (page 4.5-76), does not address the “cumulative study area” and the “cumulatively significant” impacts mentioned in the above paragraph from page 4.5-74 of the EIR.

BT17-5

**Response to Comment BT17-5**

The cumulative study area for unique geologic features includes the geographic area covered by the past, present, and probable future plans and programs in the vicinity of the PMPU area (see Table 2-2 in Chapter 2 of the Draft PEIR). As cited by the commenter, page 4.5-74 of the Draft PEIR acknowledges the potential for implementation of these other cumulative plans and programs to result in potentially significant cumulative impacts on unique geologic features present within their respective project areas. However, as noted on page 4.5-76, there are no unique geologic features within the proposed PMPU area and, therefore, implementation of the proposed PMPU would not result in any direct or indirect impacts on these resources, and the proposed PMPU’s contribution would not be cumulatively considerable. This approach is consistent with CEQA Guidelines Section 15130 which explains that “[a]n EIR should not discuss [cumulative] impacts which do not result in part from the project evaluated in the EIR.” (CEQA Guidelines § 15130(a)(1).) Therefore, no revisions to the Draft PEIR are required in response to this comment.

Comment

Section 4.13.1 indicates that the EIR analyzed the proposed PMPU's "potential to exacerbate the physical effects of sea level rise." As mentioned in our previous comments, soil erosion will occur at the water/land interface due to an increase in wake waves related to the PMPU. This unnatural erosion condition will increase as sea level rises. The shallow water of the adjacent Tidelands will become deeper and the altered hydrodynamics will allow larger wake waves to impact the water/land interface. Even more erosion will occur at this interface. This condition should be addressed by the Port because the substantial soil erosion will result in the deposition of unnaturally excessive amounts of eroded soils onto eel grass habitat in the adjacent Port's Tidelands.

BT17-6

**Response to Comment BT17-6**

This comment is similar to Comment BT17-2, above. Please see the response to that comment. As discussed in the response to Comment BT17-2, the PMPU does not authorize larger cargo vessels or increased vessel activity that would result in an increase in wave wake or would exacerbate the effects of sea level rise. No revisions to the Draft PEIR are required in response to this comment.

## 2.6.18 Comment Letter BT 18: Inn at the Cays Resort #1

Keith Mishkin



Letter  
BT18

January 10, 2022  
pmpu@portsandiego.org  
Planning Department  
Port of San Diego  
P.O. Box 120488  
San Diego, CA 92112-0488

**Subject: Comments to Draft Program EIR and Revised Draft PMPU:** As it relates to the policies related to Cays Resort/Keith Mishkin's Leasehold in the Grand Caribe and South Cays Subdistrict

Dear Planning Department:

I am the owner of Cays Resort, LLC ("Cays Resort"). Cays Resort is the current lessee of approximately 5 acres of land on Grand Caribe Isle – North.

The current land use designation for my leasehold is Commercial Recreation (CR). The latest draft of the PMPU shows a change in the land use from CR to Recreation Open Space (ROS). The ROS designation would significantly limit what can be done on the site. I urge you to maintain the CR designation and add one of my project concepts – a hotel with 40 low cost rooms – to the appealable projects list.

In the latest draft there is also an ambiguity in terms between Section PD9.25 in the newly revised PMPU (i.e., no new hotel rooms are planned or allowed) and the footnote in Figure PD9.2 (i.e., notwithstanding the ROS designation, nothing in the PMPU shall impair or infringe upon any rights or obligations existing under the lease when the PMPU took effect). I oppose the "no new hotel rooms" language and request that these ambiguous terms in the PMPU be resolved.

A hotel in this location will do more to generate revenue and create public access and amenities than an unfunded park/fenced pavement. I am flexible, open-minded, and committed to bringing a suitable project for the site to fruition.

In conclusion, please maintain the CR land use designation for the leasehold on Grande Caribe Isle – North, remove the "no new hotel rooms" language, and add one of our proposals – a hotel with 40 low cost rooms – to the appealable projects list.

We appreciate your consideration.

Sincerely,

  
Keith Mishkin  
Cays Resort, LLC  
Cambridge Properties

CC:

Melody Lasiter, Coastal Commission  
Kanani Leslie, Coastal Commission  
Deborah Lee, Coastal Commission

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BT18-1

### Response to Comment BT18-1

The District appreciates the commenter's interest in the proposed PMPU. This comment raises the same issues concerning the PMPU that were expressed in a letter from the San Diego Port Tenants Association (Comment Letter BT1). Please see responses to Comments BT1-6 and BT1-7. In addition, the comment relates to the PMPU and does not raise an environmental issue or question the adequacy of the Draft PEIR. Pursuant to CEQA Guidelines Section 15088, therefore, no response is required. However, the comment will be included in the information provided to the Board of Port Commissioners when it considers whether or not to approve the proposed PMPU.

## 2.6.19 Comment Letter BT 19: Inn at the Cays Resort #2

Keith Mishkin



Letter  
BT19

January 10, 2022

pmpu@portsandiego.org  
Planning Department  
Port of San Diego  
P.O. Box 120488  
San Diego, CA 92112-0488

Re: Comments to Draft Program EIR and Revised Draft PMPU

Dear Planning Department:

This letter is provided by Cays Resort, LLC ("Cays Resort"). Cays Resort is the current lessee of approximately 5 acres of land on Grand Caribe Isle – North ("GCIN") which property was designated for Commercial Recreation ("CR") use for decades before the leasehold was acquired by Cays Resort approximately 8 years ago with a view toward developing a community oriented, visitor-serving hotel and related amenities.

On March 20, 2020, Cays Resort applied to the Port District to develop a 114-room hotel/marina project known as "The Inn at the Cays." The proposed project is consistent with Cays Resort's leasehold and CR land use designation, and also maximizes public benefits embodied in the Coastal Act, Port Act and the *current* Port Master Plan.

In fact, The Inn at the Cays project is also consistent with substantially all requirements of the *revised* Port Mast Plan, including the following public features, and many others:

- Low-profile, unique architecture to blend into the Coronado Cays community.
- Preservation of views and site lines throughout the project.
- Low-cost overnight visitor accommodations (35% of all rooms).
- Public access, including a continuous waterfront promenade and viewing areas.
- Restrooms/showers for Shoreline Park and water sports available to the public.
- A public dock-and-dine facility, and additional public boat slips.
- Enhanced mobility (water transfer point, public parking, bike/bus transportation hub).
- Meeting rooms and conference facilities.
- Coastal access, continuous waterside open space and wayfinding signage.

However, the revised Port Master Plan (draft November 2021) proposes to: (i) change the land use designation on the Cays Resort leasehold from CR to Recreation Open Space ("ROS"), and (ii) add PD9.25 which will prohibit new hotel rooms on Grand Caribe Isle. Either of these changes will, as a practical matter, likely prevent Cays Resort from obtaining a lease extension to operate The Inn at the Cays beyond May 2034 (expiration of Cays Resort's lease).

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### Response to Comment BT19-1

Please see responses to Comments BT1-6 and BT1-7. This comment does not raise an environmental issue and does not identify any deficiency in the PEIR; therefore, no further response is required. However, this comment will be included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU. As a note, on February 14, 2023, Cays Resort, LLC appeared before the Board to present an amendment to the 114-room hotel referenced in this comment letter. The updated Cay Resort's proposal includes 41 RV park cottages, including an office, retail, and restaurant space. The ancillary uses proposed could include parking spaces, a public bathroom, public plaza, and beach access. After the Board's discussion, the Board voted to allow District staff and the project proponent to begin processing an application for the 41RV park cottages, which would require site-specific environmental review under CEQA. However, this new project revision does not alter the District's approach and rationale to designate this property as future Recreation Open Space Land Use.

BT19-1



Comments to Revised Port Master Plan (November 2021)

Cays Resort previously provided to the Planning Department comments to the Discussion Draft of the Port Master Plan (April 2019) in a letter from Procopio dated July 31, 2019, and thereafter comments to the Revised Draft Port Master Plan (October 2020) in a letter from Procopio dated November 17, 2020. Cays Resort also provided to Ms. Manaois (Director, Development Services) comments to the Discussion Draft of the Port Master Plan in a letter from Nossaman dated July 17, 2020 and from Procopio dated July 22, 2020. The foregoing comments from Cays Resort are referred to as the "Cays Resort's 2019-2020 PMPU Comments". Cays Resort's 2019-2020 PMPU Comments are expressly incorporated herein by reference.

BT19-2

In addition to the Cays Resort's 2019-2020 PMPU Comments, set forth below are Cays Resort's comments to the revised Port Master Plan (draft November 2021). The page and section numbers below correspond to the page and section numbers of the revised PMPU. [NOTE: Page numbers are from the redline PMPU; update pages to correspond to the PMPU.]

Page 41, WLU Objective 6.2 – As drafted, Objective 6.2 fails to promote the development of new lower cost visitor overnight accommodations (rooms). Objective 6.2 should be revised as follows (new text in red font): "Protect the Tidelands' portfolio of existing lower cost visitor overnight accommodations and recreational facilities, and in appropriate subdistricts identified in Section 5 promote the development of new lower cost visitor overnight accommodations and recreational facilities."

BT19-3

Page 41, WLU Policy 6.2.1 - The first sentence of Policy 6.2.1 should be revised as follows (new text in red font): "Existing lower cost visitor overnight accommodations and recreational facilities shall be protected in the aggregate on Tidelands."

BT19-4

Page 41, WLU Policy 6.2.2 - The first sentence of Policy 6.2.2 should be revised as follows (new text in red font): "Replacement of existing lower cost visitor overnight accommodations and recreational facilities shall be provided (in order of priority) based upon feasibility...."

BT19-5

Page 41, WLU Policy 6.2.3 (new) – Policy 6.2.3 should be added as follows: "In appropriate subdistricts identified in Section 5, promote the development of new lower cost visitor overnight accommodations and recreational facilities."

BT19-6

Page 46, WLU Policy 8.1.4 - Policy 8.1.4 should be revised as follows (new text in red font): "The District may coordinate with adjacent jurisdictions to align development standards for consistency between a subdistrict's development standards and those of the adjacent

BT19-7

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Page | 2

**Response to Comment BT19-2**

This comment incorporates by reference four prior letters from lawyers for Cays Resort, LLC to the District, dated July 31, 2019, July 17, 2020, July 22, 2020, and November 17, 2020, which are collectively referred to as "Cays Resort's 2019-2020 PMPU Comments." Cays Resort's 2019-2020 PMPU Comments contain comments on the Discussion Draft PMPU and the Revised Draft PMPU, as well as descriptions of a development proposed by Cays Resort, Cays Resort's arguments in favor of its development proposal, and Cays Resort's opposition to changes in the land use designation of the project site which may occur if the PMPU is adopted. However, Cays Resort's 2019-2020 PMPU Comments do not raise any significant environmental issues and do not comment on the adequacy or completeness of the Draft PEIR or the District's compliance with CEQA. Pursuant to State CEQA Guidelines section 15088, therefore, no further response is required. In the interest of providing a complete record and for informational purposes only, the District has included copies of the District's response letters, dated June 5, 2020 and October 28, 2021, to Cays Resort's attorneys, which address the legal arguments made in Cays Resorts' letters supporting the Cays Resort's development proposal, each dated July 17, 2020 and July 22, 2020. Please see Attachment 3 to the Final PEIR for those responses. No changes to the PEIR are required in response to this comment.

**Response to Comment BT19-3**

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, please see the response to Comment BT19-4. In addition, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

**Response to Comment BT19-4**

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for

consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

For clarification of the Policy's language, this Policy has been revised as follows:

**WLU Objective 6.2:** Protect the Tidelands' portfolio of lower cost visitor and recreational facilities

**WLU Policy 6.2.1:** Lower cost visitor and recreational facilities, including lower cost overnight accommodations, shall be protected in the aggregate on Tidelands. The number of existing overnight accommodations should be maintained and any future loss of lower cost overnight accommodations should be mitigated. Protection of existing facilities allows for preventive maintenance, major maintenance, or facility upgrades even if temporary closure or limited public access to the facility occurs during these activities and times.

### **Response to Comment BT19-5**

This comment requests specific revisions to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

### **Response to Comment BT19-6**

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU. Please note that a new text box was added to the PMPU, after WLU Policy 6.3.1, that refers the reader to the individual PMPU planning districts for locations of lower-cost overnight accommodations.

area, where feasible, provided that the District is not required to adopt development standards of, or restrictions applicable to, any adjacent area."

BT19-7  
cont.

Page 103, ECO Policy 1.1.5 – The first sentence of Section 1.1.5 should be revised as follows (new text in red font): "Landside development shall establish and maintain ecological buffers of 100 feet between primary buildings comprising the landside development and a saltmarsh wetland to preserve and protect the wetland habitat for the anticipated life of the development."

BT19-8

Page 183, 4.4.3(2) Standards for View Protection - Section 4.4.3(2)(a) should be revised as follows (new text in red font): "No building, associated architectural features, design component, structure, roof projection (e.g., eave, cornice, and eyebrow projections), openly supported architectural projections (e.g., trellis and awnings), bay windows, projecting signs, structural cantilevers, or any other associated architectural encroachments or projections shall obstruct pedestrian views, circulation and/or pathways within view corridor extensions or walkways, unless the same are reasonably mitigated by public waterside promenades, public scenic viewpoints or other public serving amenities."

BT19-9

Page 183, 4.4.3(A)(2) Standards for Walkways - Section 4.4.3(A)(2) should be revised as follows (new text in red font): "Required walkways are identified in each planning district's Coastal Access Views and Pathways Map." The first sentence of Section 4.4.3(A)(3) should be revised as follows: "Walkways shall be spaced in a manner that maximizes the frequency of connections from the first public roadway landward of the waterfront (including walkways on either end of any new development project), while balancing the privacy, integrity and design of any new development project." Section 4.4.3(A)(3)(c) should be revised as follows: "The development site has a frontage that is greater than one-quarter mile between the first public roadway and the waterfront or the portion of a public promenade closest to the first public highway in the event a waterfront promenade is incorporated into the design of the development."

BT19-10

Page 334, 5.9.1 Existing Setting - The fourth sentence of the fourth paragraph should be revised as follows (new text in red font): "The northern portion of Grand Caribe Isle includes commercial recreation, marinas, and an approximately 4 acre boat storage."

BT19-11

Page 337, Figure PD9.2 – Figure PD9.2 should be revised to show all of Grand Caribe Isle - North with a CR land use designation.

BT19-12

Page 339, Figure PD9.3 - Figure PD9.3 should be revised to show Shoreline Park on Grand Caribe Isle – South only with a ROS land use designation, and all of Grand Caribe Isle – North with a CR land use designation.

BT19-13

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Page | 3

## Response to Comment BT19-7

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

## Response to Comment BT19-8

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

## Response to Comment BT19-9

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

## Response to Comment BT19-10

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

**Response to Comment BT19-11**

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for Board consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

**Response to Comment BT19-12**

his comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for Board consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

**Response to Comment BT19-13**

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. In addition, no changes to the PMPU have been made in response to this comment. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

Page 341, Figure PD9.4 - Figure PD9.4 should be revised to show Shoreline Park on Grand Caribe Isle – South only with a ROS land use designation, and all of Grand Caribe Isle – North with a CR land use designation.

BT19-14

Page 347, 5.9.4(A) Vision – The first two paragraphs of Section 5.9.4(A) should be deleted in their entirety and replaced with the following:

Continue to honor Grand Caribe Isle and South Cays' connection to the water with water-oriented development opportunities and access improvements on Grand Caribe Isle - North, and environmental restoration and habitat creation on Grand Caribe Isle - South.

Planned improvements in the Grand Caribe Isle and South Cays Subdistrict are intended to add visitor-serving amenities such as a new hotel/marina project on Grand Caribe Isle – North, and enhance visitor-serving amenities that support the area's ties to the recreational boating community, such as public docking and marina areas and the addition of a water-based transfer point. A new hotel/marina project will enhance physical and visual access through new public pathways and recreational areas that provide visitor-serving opportunities to enjoy views of the Bay and to enjoy other public benefits, and planned public access improvements will preserve natural open space on Grand Caribe Isle – South, as well as enhance the area's connection to the region through the Bayshore Bikeway. Environmental restoration and habitat creation on Grand Caribe Isle – South will continue to protect the subdistrict's natural resources. See the Water and Land Use Element, as well as the Ecology Element, for specific policies related to conservation, preservation, and mitigation.

BT19-15

Page 348, 5.9.4(B) Special Allowances – After PD9.17, Section 5.9.4(B) should be revised by adding PD9.18, PD9.19 and Table PD9.2 as follows:

*Development of Hotel and Recreational Facilities*

PD9.18 Allow for development of a hotel, including associated dock-and-dine restaurant and bar, and meeting spaces (conference and convention rooms) on the east side of Grand Caribe Isle – North; provided the hotel satisfies the following general parameters:

- a. Maximum of 114 rooms, 35% of which will qualify as low cost visitor overnight accommodations with the balance of the rooms at moderate and high cost.

30 N. Caribe Cay Blvd, Coronado, CA 92118  
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BT19-16

Page | 4

## Response to Comment BT19-14

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

## Response to Comment BT19-15

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

## Response to Comment BT19-16

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. The District has not revised the PMPU because of this comment. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

## Response to Comment BT19-17

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. The District has not revised the PMPU because of this comment. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

- b. Lower profile architectural scale and design, consistent with existing development in the Coronado Cays community.
- c. Landscape and parking which satisfy all development standards.
- d. A mobility hub with connection to the bayfront bicycle path, and zero or near-zero emission bus (or shuttle) service to the San Diego international airport, downtown Coronado and visitor destinations around the Bay.
- e. Recreation facilities, including water sports equipment rental (paddle boards and kayaks), improved beach access, foot showers and public restrooms.
- f. Wayfinding signage to Shoreline Park, beach access, public viewing areas, public restrooms, public promenades and public parking.

*Leasehold Rights, Grand Caribe Isle – North*

PD9.19 A parcel consisting of approximately 2.83 acres on the waterfront portion of Grand Caribe Isle - North in the Grand Caribe Isle and South Cays Subdistrict of Planning District 9 is subject to an existing lease which expires in 2034 (District Document No. 17678). Nothing in the Port Master Plan Update shall impair or infringe upon any rights or obligations existing under the lease during the remaining term of the lease and any mutually agreed-upon extension thereof.

Table PD9.2 Appealable Projects Table

Overnight Accommodations	Up to 114 new hotel rooms and associated restaurant, bar and meeting spaces
Recreational Marina Facilities	Up to 4 transient vessel slips for dock and dine and passenger pick-up and loading

Page 348, 5.9.4(C)-I Landside Access, Recreation Open Space – PD9.18 should be deleted in its entirety, and replaced with the following: “Grand Caribe Shoreline Park will remain on Grand Caribe Isle – South as Recreation Open Space, and will be linked to Commercial Recreation uses on Grand Caribe Isle – North including a new hotel/marina development, public promenades, landscape areas, public viewing areas (with seating) and public recreational facilities on the eastern waterfront portion of Grand Caribe Isle – North.

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BT19-16  
cont.

BT19-17

BT19-18

## Response to Comment BT19-18

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. The District has revised the PMPU, at PD9.25 to delete the term “...or allowed,” as shown below. However, no further revisions to the PMPU result from this comment. This comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

Subsequent Revision to PMPU:

“Overnight Accommodations

PD9.25 No new hotel rooms are planned ~~or allowed.~~”

## Response to Comment BT19-19

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. No changes have been made to the PMPU in response to this comment. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

## Response to Comment BT19-20

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. No changes have been made to the PMPU in response to this comment. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

thereby completing the District's vision of a Green Necklace along the entire eastern waterfront of Grand Caribe Isle."

BT19-18  
cont.

Page 348, 5.9.4(C)-II Coastal Access, Recreational Marina Facilities – The second sentence of PD9.23 should be deleted in its entirety, and replaced with the following: "Landside facilities shall include new or enhanced visitor-serving development and water-oriented or marina-related development that is in character with the scale and size of the surrounding development."

BT19-19

Page 349, 5.9.4(C)-III, Visitor-Serving Commercial Uses – Section 5.9.4(D)-IV should be moved into its correct numerical order, and replaced with the following:

5.9.4(C)-III Visitor Serving Commercial Uses

Overnight Accommodations

PD9.25 A maximum of 114 new hotel rooms are allowed provided that 35% of rooms are available as low cost accommodations.

BT19-20

Page 350, 5.9.4(D)-II Building Standards – PD9.29 should be modified as follows: "Structures shall not exceed 35 feet in height, except that chimneys and ornamental architectural features may extend 10 feet above the roof's highest point." See PMPU Section 4.5.1(4), Standards for Structure Height.

BT19-21

Page 350, 5.9.4(D)-II Building Standards – PD9.30(a) should be modified as follows: "Building design shall be water-oriented, sensitive to the community character, and consistent with surrounding Commercial Recreation development on Grand Caribe Isle – North, and views of the Bay; and".

BT19-22

Comments to Draft Program Environmental Impact Report

Page 3.97, Vision – The "Vision" section should be deleted in its entirety and replaced with the following:

The vision for this subdistrict is to continue to honor Grand Caribe Isle and South Cays' connection to the water with water-oriented development opportunities and access improvements on Grand Caribe Isle - North, and environmental restoration and habitat creation on Grand Caribe Isle - South. Planned improvements in the Grand Caribe Isle and South Cays Subdistrict are intended to add visitor-serving amenities such as a new hotel/marina project on Grand Caribe Isle – North, and enhance visitor-serving amenities that support the area's ties to the recreational boating community, such as public docking and marina areas and the addition of a water-based transfer point. A

BT19-23

30 N. Caribe Cay Blvd, Coronado, CA 92118  
14602 N Tatum Blvd, Phoenix, AZ 85032 | 602-788-1700

## Response to Comment BT19-21

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

## Response to Comment BT19-22

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board when it makes a decision whether to adopt the PMPU.

## Response to Comment BT19-23

This comment requests a specific revision to Chapter 3, *Project Description*, of the PEIR to accommodate the commenter's "project concept" referenced in Comment BT19-1, but does not provide any other justification or explanation of the need for the requested revision. The comment also does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

new hotel/marina project will enhance physical and visual access through new public pathways and recreational areas that provide visitor-serving opportunities to enjoy views of the Bay and to enjoy other public benefits, and planned public access improvements will preserve natural open space on Grand Caribe Isle – South, as well as enhance the area's connection to the region through the Bayshore Bikeway. Environmental restoration and habitat creation on Grand Caribe Isle – South will continue to protect the subdistrict's natural resources.	BT19-23 cont.
Page 3.97, Planned Improvements - The first paragraph of the "Planned Improvements" section should be deleted in its entirety. In the second paragraph of the "Planned Improvements" section, "northern" should be replaced with "northwestern". The last sentence of the "Planned Improvements" section should be deleted in its entirety.	BT19-24
Page 3.98, Appealable Projects - The following should be added as new third and fourth paragraphs in the "Appealable Projects" section:  Up to 114 new hotel rooms and associated restaurant, bar and meeting spaces  Up to 4 transient vessel slips for dock and dine and passenger pick-up and loading	BT19-25
Page 3.98, Development Standards - The last paragraph of the "Development Standards" section should be deleted in its entirety and replaced with the following:  In addition, the PMPU proposes that structures shall not exceed 35 feet in height, except that chimneys and ornamental architectural features may extend 10 feet above the roof's highest point, and building design shall be water-oriented, sensitive to the community character, and consistent with surrounding Commercial Recreation development on Grand Caribe Isle – North, and views of the Bay, with a minimum of 15 percent of the development site landscaped, and required parking spaces shall not be considered as a portion of the required landscaping.	BT19-26
Page 4.9-4, Planning District 9: Silver Strand - In the seventh sentence of the "Planning District 9" section, add "an approximately 4 acre" before "boat storage."	BT19-27
Figure 4.14-6, Proposed Transportation Facilities - The proposed transfer point and public docking locations should be moved from the NE to NW corner of Grand Caribe Isle to provide for a scenic viewpoint at the NE corner of Grand Caribe Isle.  30 N. Caribe Cay Blvd, Coronado, CA 92118 14602 N Tatum Blvd, Phoenix, AZ 85032   602-788-1700	BT19-28

## Response to Comment BT19-24

This comment requests a specific revision to Chapter 3, *Project Description*, of the PEIR, but does not provide any justification or explanation of the need for the requested revision. The comment also does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. Moreover, no changes have been made to the PEIR in response to this comment. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

## Response to Comment BT19-25

This comment requests a specific revision to Chapter 3, *Project Description*, of the PEIR, but does not provide any justification or explanation of the need for the requested revision. The comment also does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. The District has not revised the PEIR because of this comment. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

## Response to Comment BT19-26

This comment requests a specific revision to Chapter 3, *Project Description*, of the PEIR, however, the commenter does not provide any justification or explanation of the need for the requested revision to the project (PMPU). Further, this comment does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. The District has not revised the PEIR because of this comment. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.



**Response to Comment BT19-27**

This comment requests a specific revision to Section 4.9, *Land Use and Planning*, of the PEIR, but does not provide any justification or explanation of the need for the requested revision. The comment also does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. No changes to the PEIR were made in response to this comment. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

**Response to Comment BT19-28**

While the comment refers to text from the Draft PEIR, the information used to populate Table 4.14-16 is directly from the PMPU and is simply repeated in the PEIR for purposes of the environmental analysis. This comment requests a specific revision to the content of the PEIR, but does not provide any justification or explanation of the need for the requested revision. The comment also does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. No changes to the PEIR were made in response to this comment. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

**Response to Comment BT19-29**

This comment requests a specific revision to the content of the PEIR concerning allowable development and the criteria for evaluating and determining the significance of impacts related to vehicle miles traveled (VMT). This comment is related to Comment BT19-1, which proposes revisions to the PMPU and the PEIR to accommodate the additional hotel rooms in the commenter's development proposal. No such projects are proposed in the PMPU and the reference to 114 new hotel rooms with associated restaurant, bar, and meeting spaces and four vessel slips are the commenter's "project concept," as referenced in Comment BT19-1 of this letter. (See also response to Comment BT19-23.) The District has not revised the PMPU or the PEIR because of this comment. In addition, the comment does not provide any justification or explanation of the need for the requested revision and does not raise any issue with the content or adequacy of the PEIR. More specifically, the comment does not identify any deficiency in the analysis or mitigation of significant potential impacts

relating to VMT provided in Section 4.14, *Transportation, Circulation, and Mobility*, of the PEIR. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

**Response to Comment BT19-30**

This comment requests a specific revision to the content of the PEIR concerning allowable development and the criteria for evaluating and determining the significance of impacts related to vehicle miles traveled (VMT). This comment is related to Comment BT19-1, which proposes revisions to the PMPU and the PEIR to accommodate the additional hotel rooms in the commenter’s development proposal. No such projects are proposed in the PMPU and the reference to 114 new hotel rooms with associated restaurant, bar, and meeting spaces and four vessel slips are the commenter’s “project concept,” as referenced in Comment BT19-1 of this letter. (See also response to Comment BT19-23.) The District has not revised the PMPU or the PEIR because of this comment. In addition, the comment does not provide any justification or explanation of the need for the requested revision and does not raise any issue with the content or adequacy of the PEIR. More specifically, the comment does not identify any deficiency in the analysis or mitigation of significant potential impacts relating to VMT provided in Section 4.14, *Transportation, Circulation, and Mobility*, of the PEIR. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

**Response to Comment BT19-31**

The District appreciates the commenter’s interest in the PMPU. This comment does not raise any environmental issues requiring a response pursuant to CEQA.

Table 4.14-16, Projected Future Development – Table 4.14-16 should be updated to provide as follows:

Land Use	Existing Quantity	Planned Growth Under PMPU	Total Quantity
Hotel/Restaurant	440	114	554

Page 4.14-70, Retail, Restaurant and Recreational VMT – The following should be added as a new second paragraph in the “Retail, Restaurant and Recreational VMT” section:

As shown on Table 4.14-16, the proposed PMPU would allow for development of a 114-room hotel with restaurant and bar. The evaluation criterion for VMT impacts is the net change in the Total VMT (with and without the proposed hotel, with restaurant and bar uses). Potential impacts would be significant if future development of a hotel with restaurant and bar uses allowed under the proposed PMPU in PD9 resulted in an increase in the total VMT for the planning district.

Your careful consideration of these comments and inclusion of proposed modifications to the revised PMPU and draft Program EIR, is greatly appreciated.

Sincerely yours,



Keith Mishkin  
Cays Resort, LLC  
Manager

BT19-29

BT19-30

BT19-31

## 2.7 Individual Letters and Responses

### 2.7.1 Comment Letter I1: Leon Benham

		Letter I1
<b>From:</b>	Leon Benham <leonbenham@cox.net>	
<b>Sent:</b>	Tuesday, December 7, 2021 6:40 PM	
<b>To:</b>	Port Master Plan Update	
<b>Subject:</b>	Master Plan should be rejected and revised	
<b>Attachments:</b>	Pond 20 Cira 1963.JPG; South Bay Beach now.MOV; Car Engine in south Bay.jpg; South Bay Beach.jpg	

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

San Diego Port District

I ask the Unified Port District of San Diego to withdraw the 50-year Master Plan and revised it to include public access to the entire South Bay shoreline and to install recreational facilities for public use. Instead of the current (0) comments from the public of over 1 million citizens who make the South San Diego Bay their home, instead there should be a robust public outreach, public comment, and planning of Southeast portion of San Diego Bay. This revised plan should incorporate a balance between protection of the environment and the modern recreational uses. These uses include of hiking, biking, kayaking, paddle boarding, swimming and horseback riding that have no impact on the environment. These recreational uses are what we have historically had in the south San Diego Bay, and these should remain and be fully restored in any plan submitted by the San Diego Port District. This is especially important where public lands and state money are spent. Providing public access to our tidelands is the law and this should be part of any Master Plan which effects these public tidelands.

**Port District Master Plan incorporates bad environmental Planning-** The only concept drawing of Pond 20 made available to the public via a public newspaper is designed as a sediment trap instead of an estuary. This method has been tried and failed in the Tijuana River Valley. As the picture from the 1970's shows the historic normal for this ecology is a large body of water that flushes 12,196,800 gallons of water day into San Diego Bay twice each day. That is part of the reason that Pond 20 teemed with wildlife and fish until the tidal flow was blocked in the late 1960's. Also, the drawing does not incorporate the Otay River Drainage, Taco drainage or the Nestor Creek drainage. In addition, the Port Districts Pond 20 plan incorporates bad management and planning for Public Safety and Stormwater control in the following ways.

The Otay River, Taco Drainage and Nestor Creek provide critical stormwater drainage that prevents flooding and the evacuation of floodwaters. If Pond 20 is built as proposed it would flood all the low-income mobile trailer parks located in the low-lying adjacent property. The best solution to restore Pond 20 to a 7-foot-deep back bay with sand beaches as this would represent the historic ecology of Pond Twenty (See attached pictures). Additionally, when the masterplan was conceptualized in 2012' the public made clear the traffic safety issues of Saturn Blvd. At the time the public commented that the Saturn Blvd/Palm Ave intersection was the deadliest intersections in San Diego County and any plan should provide for the

1

#### Response to Comment I1-1

The comment provides an introduction and summary of the comments that are provided in the rest of the letter, namely more public outreach and involvement in planning South San Diego Bay and the need for additional recreational uses. The commenter discusses their comment regarding environmental planning and public outreach in Comment #I1-2 and public access, recreation, and public participation in Comment #I1-3 in more detail below. The District's responses to these two comments are provided below. Please also see Draft PEIR Chapter 4.9, for discussion of the Public Trust Doctrine and the Port Act, which allow numerous uses beyond just the recreational uses identified in the comment letter.

#### Response to Comment I1-2

The commenter refers to pictures as attachments in the email and the District acknowledges them. As noted in several places throughout the PMPU, the Pond 20 portion of Planning District 7 (South Bay) is not part of the PMPU. Pond 20 underwent a separate environmental review process, which commenced in 2016 and involved the preparation of a Draft Environmental Impact Report (EIR). The environmental review process for the Wetland Mitigation Bank at Pond 20 and Port Master Plan Amendment (PMPA) project (Pond 20 project) began with a Notice of Preparation (NOP), which was published on June 19, 2019, to solicit public comment on the scope of the environmental topics to be analyzed in the EIR. The Draft EIR for the Pond 20 project contained a project description, including preliminary design plans, of the project, which proposed the creation of a wetland mitigation bank and incorporation of the property and three adjacent parcels into the current PMP. As required by the California Environmental Quality Act (CEQA), the Draft EIR was distributed to the State Clearinghouse, responsible agencies, interested agencies, stakeholder organizations, and individuals for a minimum 45-day public review period, beginning on August 20, 2020 and ending on October 5, 2020. The Draft EIR was made available for review at the District's office during normal business hours and was also published on the District's website. The Draft EIR public review period provided agencies, organizations, and members of

the public the opportunity to provide comments on the environmental analysis contained within the Draft EIR. All comments on the Draft EIR were addressed with written responses in the “Response to Comments” chapter of the Final EIR. These comments, as well as the Final EIR, were presented to the Board of Port Commissioners for consideration on whether to approve the Pond 20 project. On April 13, 2021, after a public hearing, the Board certified the Final EIR and approved the associated PMPA, thereby approving the project. The Pond 20 project is currently being reviewed by the CCC, which is responsible for certification of the PMPA.

In response to the commenter’s concerns regarding the safety of the Saturn Boulevard/Palm Avenue intersection, the PMPU does not propose any changes to this intersection. This intersection is within the City of San Diego’s jurisdiction. As such, any improvements to this intersection would be the responsibility of the City of San Diego. Similarly, the extension of Saturn Boulevard to Main Street is within the San Diego Bay National Wildlife Refuge, which is within the jurisdiction of the United States Fish and Wildlife Service and is not under the District’s water and land use authority.

For these reasons, these areas were not included in the PMPU, and no improvements were proposed to them as part of the PMPU planning effort. In addition, an EIR for a project is not required to remedy deficiencies in existing conditions, such as those described by the comment. Therefore, no changes to the Draft PEIR are required in response to this comment.

extension Saturn Blvd to Main Street as a practical way to improve public safety and reduce traffic congestion. This would allow traffic to use existing road and restore the road which was in use for decades. Again, by removing these public comments the San Diego Port District is not practicing good governance of public lands and these omissions are putting the public at risk. The California Coastal Commission should reject the SD Port District 50-year plan and have the San Diego Port District revised the plan incorporating public comments with full disclosure including consideration of better alternate plans.

11-2  
cont.

**Public access lost forever-** The South San Diego Bay has been used by the public for fishing, boating, horseback riding, float planes and recreational uses since the California became a state. The modern recreational access modes of hiking, biking, kayaking, paddle boarding, swimming and horseback riding have no impact on the environment and these recreational uses should remain and be fully restored in the south bay of San Diego. This is especially important where public lands and state money are spent. Providing public access to our tidelands is the law and this should be part of any master plan developed by the Port of San Diego.

As currently proposed by the SD Port District 50-year Master plan much southeast bay which includes the **Old SDGE Power Generating Site, Western Salt and Pond 20** would be off limits to the public and only special interest groups would be given access. The South Bay community of over one million people deserve to have the entire south bay plan revealed as part of the SD Port Master Plan. The San Diego Port District holds this land in public trust, and it is unthinkable that this steward and manager of our public lands should preclude public discussion and only provide a limited plan of Pond 20. To not make public outreach of the future and the removal of **Western Salt** and the future public use of public tidelands is irresponsible and not in the public interest. Special interest groups and mitigation banks should not be given rights to public land or be given private exparte meetings to discuss the use of public lands. The public should be in first position and have a seat at the table in use of our public Tidelands and not sidelined as has happened over the last 10 years during the Ports Master Plan Process.

11-3

Attached to this email are two photos. One shows the Coronado Shoreline which is clean sand the other is the South Bay Shoreline which has asphalt, concrete and old car engines. Why has the Port District ignored this condition and not restored the shoreline to the walkable beach which is currently enjoyed by north bay residents. **This is the essence of environmental injustice** where the rich area of town enjoys generous public spending on their tidelands and the other gets nothing but inaction and fences which close off access. The cleanup of the entire bay should be part of any Port District Master Plan.

11-4

Again, I ask that the San Diego Port Districts 50-year master plan be withdrawn from consideration until changes are incorporated that include public comment, public access, roadway safety improvement and proper environmental practices.

11-5

Thank you,

Leon Benham,

leonbenham@cox.net  
619-964-9153

## Response to Comment I1-3

The commenter makes several claims in this comment regarding Pond 20; however, Pond 20 is not a part of the PMPU or the PEIR project description. Please refer to the response to Comment I1-2, above for more details. The PMPU does not propose any use restrictions of existing public areas in south San Diego Bay. As described in Section 5.7.1(A) of the PMPU, the Vision for Planning District 7 (South Bay) is to “Preserve the existing coastal and intertidal habitats and natural resources in the South Bay, through complementary restoration and enhancement activities, while improving public access and view opportunities.” As further detailed in this section of the PMPU, maintaining the connection between the Bayshore Bikeway and Tidelands, along with improving coastal access opportunities through views and linkages for the enjoyment of the Bay’s natural beauty, are part of this vision. It should be noted that the National City Bayfront (Planning District 5) and the Chula Vista Bayfront (Planning District 6), which is adjacent to Planning District 7 to the east, are not part of the PMPU. The Chula Vista Bayfront was subject to an extensive master planning effort that was completed in 2012, when the Chula Vista Bayfront Master Plan and associated Final EIR and PMPA were approved by the CCC. As described in the current PMP (Appendix B of the PMPU), the Chula Vista Bayfront Master Plan increases public access opportunities while restoring and protecting natural resources, serving to attract visitors from outside the region as well as local residents to use the marine related recreational facilities and public areas. Because the PMPU does not propose any changes to the approved land use plan for the Chula Vista Bayfront, this area and its associated water and land use designations were not included in the PMPU. Additionally, public access exists along the northern boundary of the Pond 20 site via the Bayshore Bikeway, which is a Class I bike path around San Diego Bay. The Final EIR for the Pond 20 project determined that the project would not impair use of, or interfere with, the public’s use of the Bayshore Bikeway. Moreover, while public trust uses (as generally defined in the Public Trust Doctrine) are typically associated with public access and recreational uses, they also include preservation of lands in their natural state in order to protect scenic and wildlife habitat values. Accordingly, the Pond 20 project, which would allow for the creation of a wetland mitigation bank that could be used to create, restore, and enhance wetland habitat, would be considered a public trust use for the benefit of the public, consistent with the Public Trust Doctrine.

Lastly, in response to the commenter’s claim that the public has been sidelined during the PMPU process, the District has engaged in an extensive public outreach effort throughout the entirety of the PMPU planning

process. Please see response to Comment 015-36(Save Our Access Comment Letter) for a list of the PMPU public participation opportunities. These public outreach efforts resulted in over 6,300 respondents to two online surveys, approximately 3,000 comment letters on the PMPU Discussion Draft released in 2019, and over 400 comment letters on the Revised Draft PMPU released in 2020.

Therefore, and as analyzed in the PEIR, the PMPU is consistent with the Public Trust Doctrine, the planning effort has consisted of years of public engagement and input, and the majority of the South Bay projects raised by the commenter are planned under separate existing or proposed water and land use plans such as the Chula Vista Bayfront Master Plan, National City Bayfront Projects and PMPA, and Pond 20 Mitigation Bank. Based on the above, no changes to the PMPU or PEIR are required in response to this comment.

#### **Response to Comment I1-4**

The photo attachments referenced in the comment are acknowledged by the District. In addition, the photos are not authenticated and depict historical and existing conditions. The PEIR is not required to mitigate or rectify existing environmental conditions. The PMPU is a long-range water and land use policy document and includes several goals, objectives, and policies for improving the Bay ecosystem (e.g., improved habitat and water quality) and addressing environmental justice issues. The District directs the commenter to the Ecology Element specifically for a range of policies related to water quality and habitat improvement and the Environmental Justice Element for policies that have been proposed to improve areas of the PMPU that have resulted in disproportionate impacts over time, such as along the working waterfront.

#### **Response to Comment I1-5**

This comment is a general comment that summarizes the issues in the letter, but does not raise any new issues or identify any specific environmental concerns with respect to the PEIR. Accordingly, no further response is required pursuant to CEQA.

2.7.2 Comment Letter I2: Mitchell McKay

Letter  
I2

**From:** Skiddy~ <skidmark068@yahoo.com>  
**Sent:** Wednesday, December 8, 2021 5:04 PM  
**To:** Port Master Plan Update  
**Subject:** Rejection of the 50 Year Plan due to inordinate Environmental and Social Injustices

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

San Diego Port District and Imperial Beach Port Commissioner Dan Malcolm,

I am specifically requesting that the Unified Port District of San Diego to withdraw the 50-year Master Plan and revised it to include public access to the entire South Bay shoreline and to install recreational facilities for public use. Over 1 million residents make the South San Diego Bay their home, and they have conveniently been overlooked and marginalized - instead of robust public outreach, public comment, and planning of Southeast portion of San Diego Bay - We are, in effect, get nothing but the "dirty end of the stick".

This revised plan should incorporate a balance between protection of the environment and the modern recreational uses. These uses include of hiking, biking, kayaking, paddle boarding, swimming and horseback riding that have no impact on the environment. These recreational uses are what we have historically had in the south San Diego Bay, and these should remain and be fully restored in any plan submitted by the San Diego Port District. This is especially important were public lands and state money are spent. Providing public access to our tidelands is the law and this should be part of any Master Plan which effects these public tidelands.

**Port District Master Plan incorporates regressive and poor Environmental Planning** - The only concept drawing of Pond 20 made available to the public via a public newspaper (Eagle & Times) is designed as a sediment trap instead of a living estuary. This impotent method has been tried and failed in the Tijuana River Valley for decades. As photos from the 1970's shows the historic norm for this ecology is a large body of water that flushes over 12M gallons into San Diego Bay twice each day. That is part of the fundamental reason that Pond 20 teamed with wildlife and fish until the tidal flow was blocked in the late 1960's. Also, the concept drawing also does not incorporate the Otay River drainage, Taco drainage or the Nestor Creek drainage. Furthermore, the Port Districts Pond 20 plan incorporates bad management and poor planning for Public Safety and Stormwater control in the following ways:

The Otay River, Taco Drainage and Nestor Creek drainage provide critical stormwater drainage that prevents flooding and the evacuation of floodwaters. If Pond 20 is built as proposed it would flood all the low-income mobile trailer parks located in the adjacent, low-lying property. The best solution to restore Pond 20 to a 7-foot-deep back bay with sand beaches as this would represent the historic ecology of Pond 20.

**Response to Comment I2-1**  
This comment expresses the same concerns raised in Comment Letter I1. Therefore, please see the response to Comment I1-1.

Additionally, when the Port's masterplan was conceptualized in 2012, the public made clear the traffic safety issues of Saturn Blvd (92154). At the time the public commented that the Saturn Blvd/Palm Ave intersection was the deadliest intersections in San Diego County and any plan should provide for the extension Saturn Blvd to Main Street as a practical way to improve public safety and reduce traffic congestion. This would allow traffic to use existing road and restore the road which was in use for decades. Again, by removing these public comments the San Diego Port District is not practicing good governance of public lands and these omissions are putting the public at risk. The California Coastal Commission should reject the SD Port District 50-year plan and have the San Diego Port District revised the plan incorporating public comments with full disclosure including consideration of better alternate plans.

**Public access lost forever** - The South San Diego Bay has been used by the public for fishing, boating, horseback riding, float planes and recreational uses since the California became a state. The modern recreational access modes of hiking, biking, kayaking, paddle boarding, swimming and horseback riding have little to no impact on the environment and these recreational uses should remain and be fully restored in the South Bay of San Diego. This is especially important where public lands and state money are spent. **Providing public access to our tidelands is the law and this should be part of any master plan developed by the Port of San Diego.**

As currently proposed by the SD Port District 50-year Master plan much southeast bay which includes the **Old SDGE Power Generating Site, Western Salt and Pond 20** would be off limits to the public and only special interest groups (NGOs) would be given access. The South Bay community of over one million people deserve to have the entire south bay plan revealed as part of the SD Port Master Plan. The San Diego Port District holds this land in public trust, and it is unthinkable that this steward and manager of our public lands should preclude public discussion and only provide a very limited plan of Pond 20.

Lack of sincere public outreach of the future and the removal of **Western Salt** and the future public use of public tidelands is irresponsible and not in the public's best interest. Again, special interest groups and mitigation banks should not be given rights to public land or be afforded private exparte meetings to discuss the use of these same public lands. The public should be in first position and have a seat at the table in use of our public Tidelands and not sidelined as has happened over the last 10 years during the Ports Master Plan Process.

One stark example of the blatant display of this indifference and injustice can be seen in the contrast of the Coronado Shoreline which is clean sand the other is the South Bay Shoreline which has asphalt, concrete and old car engines scattered about. Why has the Port District ignored this unacceptable condition and not restored the shoreline to the walkable beach as is currently enjoyed by north bay residents.

**This is the essence of environmental injustice** - where the rich area of town enjoys generous public spending on their pristine tidelands and beaches AND the other area gets nothing but inaction and fences which close off access. The cleanup of the entire bay should be part of any Port District Master Plan moving forward.

Again, I ask that the San Diego Port District's 50-year Master Plan be withdrawn from current consideration until necessary changes are incorporated that include additional public comment, planned public access, roadway safety improvements and proper environmental management practices.

Respectfully,

Mitchell D. McKay,  
mitch4ibcitycouncil@yahoo.com  
(619) 395-6395 cellphone

I2-1  
cont.



2.7.3 Comment Letter I3: Chris McMahon

Letter  
I3

**From:** Elizabeth McMahon <elymcmahon@yahoo.com>  
**Sent:** Thursday, December 9, 2021 4:12 PM  
**To:** Port Master Plan Update  
**Subject:** Revise South Bay Master Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To The Port of San Diego,

My family and I would like to see major changes made to the South Bay 50 year Master Plan to enable recreational access to the entire South Bay area. At this time we do not have enough access to the South Bay shorelines nor does the current plan provide enough access to this area. In our minds this area could be designed with many more options for recreational activities such as kayaking , stand up paddle boarding ,canoeing, hiking, biking ect. in the south bay. This area has vast potential that needs to be opened up to the public. A broader vision for this area needs to be considered and constructed. Please consider many more possibilities and options for recreational access to this beautiful area near our home.

Chris McMahon  
Imperial Beach resident

Response to Comment I3-1

This comment does not raise an issue with the adequacy of the PEIR, does not raise an environmental issue, and does not address the PEIR’s impact analysis or mitigation measures. This comment raises similar issues as Comment I8-1 related to providing recreational access and uses in south San Diego Bay. Please see the detailed response to that comment. This comment will be provided to the Board of Port Commissioners for review during its deliberations about whether or not to adopt the PMPU.

## 2.7.4 Comment Letter I4: Tim Keaton

Letter  
I4

**From:** Tim Keaton <assetshelter@yahoo.com>  
**Sent:** Thursday, December 9, 2021 12:03 PM  
**To:** Port Master Plan Update  
**Subject:** Port District Master Plan (Comment by member of public)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir or Madam:

I ask the Unified Port District of San Diego to withdraw the 50-year Master Plan and revised it to include public access to the entire South Bay shoreline and to install recreational facilities for public use. Instead of the current (0) comments from the public of over 1 million citizens who make the South San Diego Bay there home there should be a robust public outreach, public comment, and planning of Southeast portion of San Diego Bay. This revised plan should incorporate a balance between protection of the environment and the modern recreational uses. These uses include of hiking, biking, kayaking, paddle boarding, swimming and horseback riding have no impact on the environment. These recreational uses are what we have historically had in the south San Diego Bay, and these should remain and be fully restored in any plan submitted by the San Diego Port District. This is especially important were public lands and state money are spent. Providing public access to our tidelands is the law and this should be part of any Master Plan which effects these public tidelands.

**Port District Master Plan incorporates bad environmental Planning-** The only concept drawing of Pond 20 made available to the public is designed as a sediment trap instead of an estuary. This method has been tried and failed in the Tijuana River Valley. As the picture from the 1970's shows the historic normal for this ecology is a large body of water that flushes 12,196,800 gallons of water day into San Diego Bay twice each day. That is part of the reason that Pond 20 teamed with wildlife and fish until the tidal flow was blocked in the late 1960's. Also, the drawing does not incorporate the Otay River Drainage, Taco drainage or the Nestor Creek drainage. In addition, the Port Districts Pond 20 plan incorporates bad management and planning for Public Safety and Stormwater control in the following ways.

The Otay River, Taco Drainage and Nestor Creek provide critical stormwater drainage that prevents flooding and the evacuation of floodwaters. If Pond 20 is built as proposed it would flood all the low-income mobile trailer parks located in the low-lying adjacent property. The best solution to restore Pond 20 to a 7-foot-deep back bay with sand beaches as this would represent the historic ecology of Pond Twenty (See attached pictures). Additionally, when the masterplan was conceptualized in 2012' the public made clear the traffic safety issues of Saturn Blvd. At the time the public commented that the Saturn Blvd/Palm Ave intersection was the deadliest intersections in San Diego County and any plan should provide for the extension Saturn Blvd to Main Street as a practical way to improve public safety and reduce traffic congestion. This would allow traffic to use existing road and restore the road which was in use for decades. *Again, by removing these public comments the San Diego Port District is not practicing good governance of public lands and these omissions are putting the public at risk. The California Coastal Commission should reject the SD Port District 50-year plan and have the San Diego Port District revised the plan incorporating public comments with full disclosure including consideration of better alternate plans.*

**Public access lost forever-** The South San Diego Bay has been used by the public for fishing, boating, horseback riding, float planes and recreational uses since the California became a state. The modern recreational access modes of hiking, biking, kayaking, paddle boarding, swimming and horseback riding have no impact on the environment and these

1

I4-1

### Response to Comment I4-1

The comments in this letter are similar to those raised in Comment I1-1, which also raises concerns of public access, recreational uses, and environmental justice in the southern San Diego Bay area. Please see the District's response to that comment. However, this comment has been noted for the record and for Board consideration.

recreational uses should remain and be fully restored in the south bay of San Diego. This is especially important were public lands and state money are spent. Providing public access to our tidelands is the law and this should be part of any master plan developed by the Port of San Diego.

As currently proposed by the SD Port District 50-year Master plan much southeast bay which includes the *Old SDGE Power Generating Site, Western Salt and Pond 20* would be off limits to the public and only special interest groups would be given access. The South Bay community of over one million people deserve to have the entire south bay plan revealed as part of the SD Port Master Plan. The San Diego Port District holds this land in public trust, and it is unthinkable that this steward and manager of our land should preclude public discussion and only provide a limited plan of Pond 20. To not make public outreach of the future removal of Western Salt and the future public use of public tidelands is irresponsible and not in the public interest. Special interest groups and mitigation banks should not be given rights to public land or be given private exparte meetings to discuss the use of public lands. The public should be in first position and have a seat at the table in use of our public Tidelands and not sidelined as has happened over the last 10 years.

Again, I ask that the San Diego Port Districts 50 year master plan be withdrawn from consideration until changes are incorporated that include public access, safety and proper environmental practices can be incorporated.

Thank you,

Timothy F. Keeton  
619-838-4300

I4-1  
cont.

2.7.5 Comment Letter I5: Dane Crosby

Letter  
I5

**From:** Dane Crosby <dane4ib@gmail.com>  
**Sent:** Friday, December 10, 2021 7:40 AM  
**To:** Port Master Plan Update  
**Subject:** Master Plan and Environmental Justice

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

San Diego Port District and Imperial Beach Port Commissioner,

I am requesting that the Unified Port District of San Diego to withdraw the 50-year Master Plan and revise it to include public access for the entire South Bay shoreline and to install recreational facilities for public use.

The Master plan should incorporate a balance between environmental protection and recreational uses for the SouthBay. These uses should include hiking trails, biking trails, access for kayaking, paddle boarding, swimming and horseback riding all which have no impact on the environment. These recreational uses are what we have historically had in the south San Diego Bay, and these should remain and be fully restored in any plan submitted by the San Diego Port District. Providing public access to our tidelands is in the California law and anything less would be a disservice in your Master Plan which effects these historic public tidelands and the residents of the SouthBay.

Port District Master Plan incorporates regressive and poor Environmental Planning- The only concept drawing of Pond 20 made available to the public via a public newspaper (Eagle & Times) is designed as a sediment trap instead of a living estuary. This impotent method has been tried and failed in the Tijuana River Valley for decades. As photos from the 1970's shows the historic norm for this ecology is a large body of water that flushes over 12M gallons into San Diego Bay twice each day. That is part of the fundamental reason that Pond 20 teamed with wildlife and fish until the tidal flow was blocked in the late 1960's. Also, the concept drawing does not incorporate the Otay River drainage, Taco drainage or the Nestor Creek drainage. Furthermore, the Port Districts Pond 20 plan incorporates bad management and poor planning for Public Safety and Stormwater control in the following ways:

The Otay River, Taco Drainage and Nestor Creek drainage provide critical stormwater drainage that prevents flooding and the evacuation of floodwaters. If Pond 20 is built as proposed it would flood all the low-income mobile trailer parks located in the adjacent, low-lying property. The best solution to restore Pond 20 to a 7-foot-deep back bay with sand beaches as this would represent the historic ecology of Pond 20.

Additionally, when the Port's masterplan was conceptualized in 2012, the public made clear the traffic safety issues of Saturn Blvd (92154). At the time the public commented that the Saturn Blvd/Palm Ave intersection was the deadliest intersections in San Diego County and any plan should provide for the extension Saturn Blvd to Main Street as a practical way to improve public safety and reduce traffic congestion. This would allow traffic to use existing road and restore the road which was in use for decades. Again, by removing these public comments the San Diego Port District is not practicing good governance of public lands and these omissions are putting the public at risk. The California Coastal Commission should reject the SD Port District 50-year plan and have the San Diego Port District revised the plan incorporating public comments with full disclosure including consideration of better alternate plans.

Public access lost forever - The South San Diego Bay has been used by the public for fishing, boating, horseback riding, float planes and recreational uses since the California became a state. The modern recreational access modes of hiking, biking, kayaking, paddle boarding, swimming and horseback riding have little to no impact on the environment and these recreational uses should remain and be fully restored in the South Bay of San Diego.

Response to Comment I5-1

This comment expresses the same concerns raised in Comment Letter I1. Therefore, please see the response to Comment I1.

I5-1

This is especially important where public lands and state money are spent. Providing public access to our tidelands is the law and this should be part of any master plan developed by the Port of San Diego.

As currently proposed by the SD Port District 50-year Master plan much southeast bay which includes the Old SDGE Power Generating Site, Western Salt and Pond 20 would be off limits to the public and only special interest groups (NGOs) would be given access. The South Bay community of over one million people deserve to have the entire south bay plan revealed as part of the SD Port Master Plan. The San Diego Port District holds this land in public trust, and it is unthinkable that this steward and manager of our public lands should preclude public discussion and only provide a very limited plan of Pond 20.

Lack of sincere public outreach of the future and the removal of Western Salt and the future public use of public tidelands is irresponsible and not in the public's best interest. Again, special interest groups and mitigation banks should not be given rights to public land or be afforded private exparte meetings to discuss the use of these same public lands. The public should be in first position and have a seat at the table in use of our public Tidelands and not sidelined as has happened over the last 10 years during the Ports Master Plan Process.

One stark example of the blatant display of this indifference and injustice can be seen in the contrast of the Coronado Shoreline which is clean sand the other is the South Bay Shoreline which has asphalt, concrete and old car engines scattered about. Why has the Port District ignored this unacceptable condition and not restored the shoreline to the walkable beach as is currently enjoyed by north bay residents.

This is the essence of environmental injustice - where the rich area of town enjoys generous public spending on their pristine tidelands and beaches AND the other area gets nothing but inaction and fences which close off access. The cleanup of the entire bay should be part of any Port District Master Plan moving forward.

Again, I ask that the San Diego Port District's 50-year Master Plan be withdrawn from current consideration until necessary changes are incorporated that include additional public comment, planned public access, roadway safety improvements and proper environmental management practices. Use access models which are successful in other areas of the country that blend public use with protecting habitat.

Sincerely, lifelong resident

Dane Crosby

6195951757San Diego Port District and Imperial Beach Port Commissioner,

I am requesting that the Unified Port District of San Diego to withdraw the 50-year Master Plan and revise it to include public access for the entire South Bay shoreline and to install recreational facilities for public use.

The Master plan should incorporate a balance between environmental protection and recreational uses for the SouthBay. These uses should include hiking trails, biking trails, access for kayaking, paddle boarding, swimming and horseback riding all which have no impact on the environment. These recreational uses are what we have historically had in the south San Diego Bay, and these should remain and be fully restored in any plan submitted by the San Diego Port District. Providing public access to our tidelands is in the California law and anything less would be a disservice in your Master Plan which effects these historic public tidelands and the residents of the SouthBay.

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I5-1  
cont.

The Otay River, Taco Drainage and Nestor Creek drainage provide critical stormwater drainage that prevents flooding and the evacuation of floodwaters. If Pond 20 is built as proposed it would flood all the low-income mobile trailer parks located in the adjacent, low-lying property. The best solution to restore Pond 20 to a 7-foot-deep back bay with sand beaches as this would represent the historic ecology of Pond 20.

Additionally, when the Port's masterplan was conceptualized in 2012, the public made clear the traffic safety issues of Saturn Blvd (92154). At the time the public commented that the Saturn Blvd/Palm Ave intersection was the deadliest intersections in San Diego County and any plan should provide for the extension Saturn Blvd to Main Street as a practical way to improve public safety and reduce traffic congestion. This would allow traffic to use existing road and restore the road which was in use for decades. Again, by removing these public comments the San Diego Port District is not practicing good governance of public lands and these omissions are putting the public at risk. The California Coastal Commission should reject the SD Port District 50-year plan and have the San Diego Port District revised the plan incorporating public comments with full disclosure including consideration of better alternate plans.

Public access lost forever - The South San Diego Bay has been used by the public for fishing, boating, horseback riding, float planes and recreational uses since the California became a state. The modern recreational access modes of hiking, biking, kayaking, paddle boarding, swimming and horseback riding have little to no impact on the environment and these recreational uses should remain and be fully restored in the South Bay of San Diego. This is especially important where public lands and state money are spent. Providing public access to our tidelands is the law and this should be part of any master plan developed by the Port of San Diego.

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One stark example of the blatant display of this indifference and injustice can be seen in the contrast of the Coronado Shoreline which is clean sand the other is the South Bay Shoreline which has asphalt, concrete and old car engines scattered about. Why has the Port District ignored this unacceptable condition and not restored the shoreline to the walkable beach as is currently enjoyed by north bay residents.

This is the essence of environmental injustice - where the rich area of town enjoys generous public spending on their pristine tidelands and beaches AND the other area gets nothing but inaction and fences which close off access. The cleanup of the entire bay should be part of any Port District Master Plan moving forward.

Again, I ask that the San Diego Port District's 50-year Master Plan be withdrawn from current consideration until necessary changes are incorporated that include additional public comment, planned public access, roadway safety improvements and proper environmental management practices. Use access models which are successful in other areas of the country that blend public use with protecting habitat.

Sincerely, lifelong resident  
Dane Crosby  
6195951757 San Diego Port District and Imperial Beach Port Commissioner,

I am requesting that the Unified Port District of San Diego to withdraw the 50-year Master Plan and revise it to include public access for the entire South Bay shoreline and to install recreational facilities for public use.

The Master plan should incorporate a balance between environmental protection and recreational uses for the South Bay. These uses should include hiking trails, biking trails, access for kayaking, paddle boarding, swimming and horseback riding all which have no impact on the environment. These recreational uses are what we have historically had in the south San Diego Bay, and these should remain and be fully restored in any plan submitted by the San Diego Port District. Providing public access to our tidelands is in the California law and anything less would be a disservice in your Master Plan which effects these historic public tidelands and the residents of the South Bay.

Port District Master Plan incorporates regressive and poor Environmental Planning- The only concept drawing of Pond 20 made available to the public via a public newspaper (Eagle & Times) is designed as a sediment trap instead of a living estuary. This impotent method has been tried and failed in the Tijuana River Valley for decades. As photos from the 1970's shows the historic norm for this ecology is a large body of water that flushes over 12M gallons into San Diego Bay twice each day. That is part of the fundamental reason that Pond 20 teamed with wildlife and fish until the tidal flow was blocked in the late 1960's. Also, the concept drawing does not incorporate the Otay River drainage, Taco drainage or the Nestor Creek drainage. Furthermore, the Port Districts Pond 20 plan incorporates bad management and poor planning for Public Safety and Stormwater control in the following ways:

The Otay River, Taco Drainage and Nestor Creek drainage provide critical stormwater drainage that prevents flooding and the evacuation of floodwaters. If Pond 20 is built as proposed it would flood all the low-income mobile trailer parks located in the adjacent, low-lying property. The best solution to restore Pond 20 to a 7-foot-deep back bay with sand beaches as this would represent the historic ecology of Pond 20.

Additionally, when the Port's masterplan was conceptualized in 2012, the public made clear the traffic safety issues of Saturn Blvd (92154). At the time the public commented that the Saturn Blvd/Palm Ave intersection was the deadliest intersections in San Diego County and any plan should provide for the extension Saturn Blvd to Main Street as a practical way to improve public safety and reduce traffic congestion. This would allow traffic to use existing road and restore the road which was in use for decades. Again, by removing these public comments the San Diego Port District is not practicing good governance of public lands and these omissions are putting the public at risk. The California Coastal Commission should reject the SD Port District 50-year plan and have the San Diego Port District revised the plan incorporating public comments with full disclosure including consideration of better alternate plans.

Public access lost forever - The South San Diego Bay has been used by the public for fishing, boating, horseback riding, float planes and recreational uses since the California became a state. The modern recreational access modes of hiking, biking, kayaking, paddle boarding, swimming and horseback riding have little to no impact on the environment and these recreational uses should remain and be fully restored in the South Bay of San Diego. This is especially important where public lands and state money are spent. Providing public access to our tidelands is the law and this should be part of any master plan developed by the Port of San Diego.

As currently proposed by the SD Port District 50-year Master plan much southeast bay which includes the Old SDGE Power Generating Site, Western Salt and Pond 20 would be off limits to the public and only special interest groups (NGOs) would be given access. The South Bay community of over one million people deserve to have the entire south bay plan revealed as part of the SD Port Master Plan. The San Diego Port District holds this land in public trust, and it is unthinkable that this steward and manager of our public lands should preclude public discussion and only provide a very limited plan of Pond 20.

Lack of sincere public outreach of the future and the removal of Western Salt and the future public use of public tidelands is irresponsible and not in the public's best interest. Again, special interest groups and mitigation banks should not be given rights to public land or be afforded private exparte meetings to discuss the use of these same public lands.

The public should be in first position and have a seat at the table in use of our public Tidelands and not sidelined as has happened over the last 10 years during the Ports Master Plan Process.

One stark example of the blatant display of this indifference and injustice can be seen in the contrast of the Coronado Shoreline which is clean sand the other is the South Bay Shoreline which has asphalt, concrete and old car engines scattered about. Why has the Port District ignored this unacceptable condition and not restored the shoreline to the walkable beach as is currently enjoyed by north bay residents.

This is the essence of environmental injustice - where the rich area of town enjoys generous public spending on their pristine tidelands and beaches AND the other area gets nothing but inaction and fences which close off access. The cleanup of the entire bay should be part of any Port District Master Plan moving forward.

Again, I ask that the San Diego Port District's 50-year Master Plan be withdrawn from current consideration until necessary changes are incorporated that include additional public comment, planned public access, roadway safety improvements and proper environmental management practices. Use access models which are successful in other areas of the country that blend public use with protecting habitat.

Sincerely, lifelong resident  
Dane Crosby  
6195951757



2.7.6 Comment Letter I6: Michael Safradin

Letter  
I6

**From:** Michael Safradin <mike\_saf@icloud.com>  
**Sent:** Friday, December 10, 2021 10:35 PM  
**To:** Port Master Plan Update  
**Subject:** Withdraw 50 year Master Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

San Diego Port District

I ask the Unified Port District of San Diego to withdraw the 50-year Master Plan and revised it to include public access to the entire South Bay shoreline and to install recreational facilities for public use. Instead of the current (0) comments from the public of over 1 million citizens who make the South San Diego Bay their home, instead there should be a robust public outreach, public comment, and planning of Southeast portion of San Diego Bay. This revised plan should incorporate a balance between protection of the environment and the modern recreational uses. These uses include of hiking, biking, kayaking, paddle boarding, swimming and horseback riding that have no impact on the environment. These recreational uses are what we have historically had in the south San Diego Bay, and these should remain and be fully restored in any plan submitted by the San Diego Port District. This is especially important were public lands and state money are spent. Providing public access to our tidelands is the law and this should be part of any Master Plan which effects these public tidelands.

Port District Master Plan incorporates bad environmental Planning- The only concept drawing of Pond 20 made available to the public via a public newspaper is designed as a sediment trap instead of an estuary. This method has been tried and failed in the Tijuana River Valley. As the picture from the 1970's shows the historic normal for this ecology is a large body of water that flushes 12,196,800 gallons of water day into San Diego Bay twice each day. That is part of the reason that Pond 20 teamed with wildlife and fish until the tidal flow was blocked in the late 1960's. Also, the drawing does not incorporate the Otay River Drainage, Taco drainage or the Nestor Creek drainage. In addition, the Port Districts Pond 20 plan incorporates bad management and planning for Public Safety and Stormwater control in the following ways.

The Otay River, Taco Drainage and Nestor Creek provide critical stormwater drainage that prevents flooding and the evacuation of floodwaters. If Pond 20 is built as proposed it would flood all the low-income mobile trailer parks located in the low-lying adjacent property. The best solution to restore Pond 20 to a 7-foot-deep back bay with sand beaches as this would represent the historic ecology of Pond Twenty (See attached pictures). Additionally, when the masterplan was conceptualized in 2012' the public made clear the traffic safety issues of Saturn Blvd. At the time the public commented that the Saturn Blvd/Palm Ave intersection was the deadliest intersections in San Diego County and any plan should provide for the extension Saturn Blvd to Main Street as a practical way to improve public safety and reduce traffic congestion. This would allow traffic to use existing road and restore the road which was in use for decades. Again, by removing these public comments the San Diego Port District is not practicing good governance of public lands and these omissions are putting the public at risk. The California Coastal Commission should reject the SD Port District 50-year plan and have the San Diego Port District revised the plan incorporating public comments with full disclosure including consideration of better alternate plans.

Public access lost forever- The South San Diego Bay has been used by the public for fishing, boating, horseback riding, float planes and recreational uses since the California became a state. The modern recreational access modes of hiking, biking, kayaking, paddle boarding, swimming and horseback riding have no impact on the environment and these recreational uses should remain and be fully restored in the south bay of San Diego.

I6-1

Response to Comment I6-1

The comments in this letter are similar to those raised in Comment Letter I1, which also raises concerns of public access, recreational uses, and environmental justice in the southern San Diego Bay area. Please see the detailed responses to those comments. However, this comment has been noted for the record and for the Board of Port Commissioners' consideration.

This is especially important were public lands and state money are spent. Providing public access to our tidelands is the law and this should be part of any master plan developed by the Port of San Diego.

As currently proposed by the SD Port District 50-year Master plan much southeast bay which includes the Old SDGE Power Generating Site, Western Salt and Pond 20 would be off limits to the public and only special interest groups would be given access. The South Bay community of over one million people deserve to have the entire south bay plan revealed as part of the SD Port Master Plan. The San Diego Port District holds this land in public trust, and it is unthinkable that this steward and manager of our public lands should preclude public discussion and only provide a limited plan of Pond 20. To not make public outreach of the future and the removal of Western Salt and the future public use of public tidelands is irresponsible and not in the public interest. Special interest groups and mitigation banks should not be given rights to public land or be given private exparte meetings to discuss the use of public lands. The public should be in first position and have a seat at the table in use of our public Tidelands and not sidelined as has happened over the last 10 years during the Ports Master Plan Process.

Why has the Port District ignored the condition of South Bay Shoreline, which has asphalt and concrete, instead of clean sand, which should be restored a walkable beach which is currently enjoyed by north bay residents? The cleanup of the entire bay should be part of any Port District Master Plan.

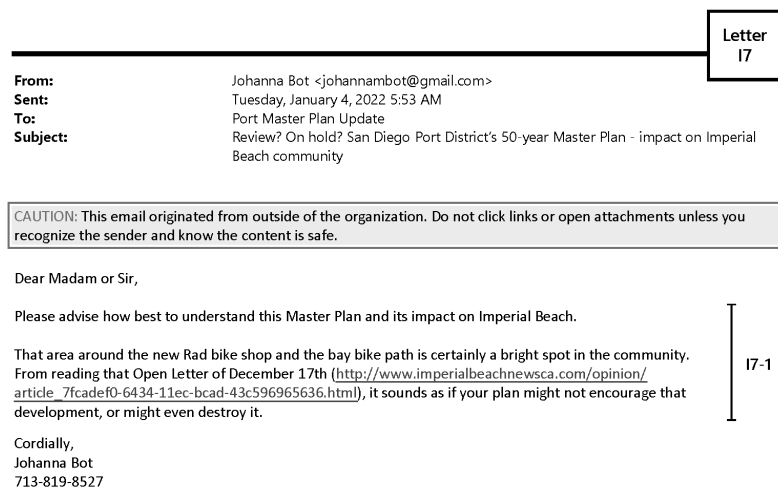
Again, I ask that the San Diego Port Districts 50-year master plan be withdrawn from consideration until changes are incorporated that include public comment, public access, roadway safety improvement and proper environmental practices.

Thank you,

Sent from my iPhone

16-1  
cont.

## 2.7.7 Comment Letter I7: Johanna Bot

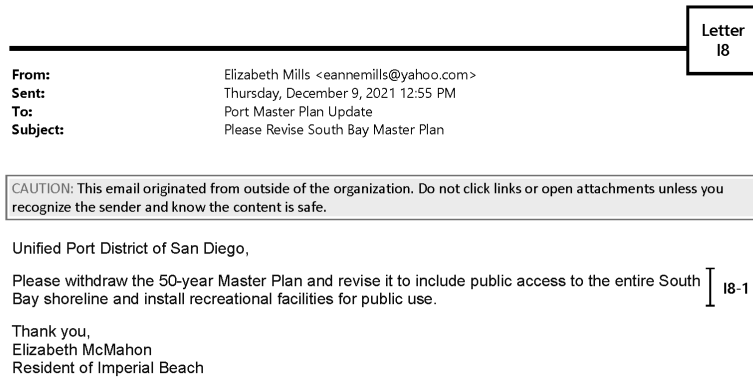


### Response to Comment I7-1

The link provided in the comment is to an open letter from Leon Benham, dated December 17, 2021, regarding his opinion of the PMPU's effects on south San Diego Bay. That letter is Comment Letter I1. Please see the responses to those comments.

Contrary to the claims made in Mr. Benham's letter, the PMPU does not propose any restrictions to use of existing public areas in south San Diego Bay. In the south bay, the District's jurisdiction includes the National City Bayfront (PMPU Planning District 5), Chula Vista Bayfront (PMPU Planning District 6), and a portion of water and land areas at the southern end of the bay, adjacent to the San Diego Bay National Wildlife Refuge (PMPU Planning District 7). These areas are generally depicted on Figure 3.1.1 of the PMPU. Note that Planning District 7 also includes Pond 20 (formerly part of the Western Salt Company). However, the land use designations for Pond 20 as well as Planning Districts 5 and 6 are not included in the PMPU because no changes to those planning districts, or portions thereof, are proposed by the PMPU. Additionally, the District's jurisdiction also includes a portion of Imperial Beach (PMPU Planning District 8), as generally depicted on Figure PD8.1 of the PMPU. As shown on this figure, the District's jurisdiction in Imperial Beach primarily consists of open ocean (including the Imperial Beach Pier), as well as small portions of the adjacent shoreline and a handful of landside parcels within an area extending roughly from Carnation Avenue on the north to just beyond the terminus of Seacoast Drive on the south. Potential future development in Planning District 8 associated with the PMPU would primarily involve development of a Connector Mobility Hub in the vicinity of Seacoast Drive and Elkwood Avenue (see Figure PD8.3 of the PMPU); installation of wayfinding signage, pedestrian lighting, and bicycle parking; and development of beach visitor-serving uses on Imperial Beach Pier and Pier Plaza, such as seasonal activating features and recreational equipment rentals, as well as additional restaurant and/or retail space. The area noted by the commenter (i.e., the Rad bike shop) is within the jurisdiction of the City of Imperial Beach, and not the District. As such, it is outside of the PMPU area. Additionally, the existing segment of the Bayshore Bikeway that traverses along the northern border of Pond 20 would not be affected by either the Pond 20 project or the PMPU. Rather, the PMPU aims to enhance public access on District Tidelands by including improvements to pedestrian and bicycle pathways and facilities, as identified in the PMPU's Mobility Element. No changes to the Draft EIR are required in response to this comment.

## 2.7.8 Comment Letter I8: Elizabeth McMahon



### Response to Comment I8-1

The District's jurisdiction is divided into 10 planning districts. As explained in the PMPU and the PEIR, Planning District (PD) 5 (National City Bayfront), PD 6 (Chula Vista Bayfront), and a portion of PD 7 (South Bay) are not a part of the plan at this time because existing water and land use plans are in place or underway and no changes to those planning districts, or portions thereof, are proposed by the PMPU.

The National City Bayfront is planned under the National City Bayfront Projects & Port Master Plan Amendment program, which extends into the City of National City jurisdiction. As currently approved, this project includes several public access and recreational components, including an expansion of the existing Pepper Park by approximately 2.5 acres; provision of public access trails and paths for pedestrians and bicyclists; elimination of operational restrictions at the National City Aquatic Center that currently limit existing operations and utilization of the facility; construction of a proposed RV resort; construction of an additional segment of the Bayshore Bikeway; and expansion of the existing Pier 32 marina that would include publicly accessible areas.

The Chula Vista Bayfront has an approved master plan for the entire planning district that is currently under implementation, and no changes are proposed to that water and land use plan. As approved, the project includes several public access and recreational uses, including 70 acres of new parks, 120 acres of open space, a shoreline promenade, walking trails, bicycle path network, and RV camping. On May 4, 2021, the Sweetwater Bicycle Path and Promenade as well as the Sun Outdoors San Diego Bay RV resort were completed and open to the public. In 2020, the District also issued Coastal Development Permits for the development of the Sweetwater Park and Harbor Park portions of the Chula Vista Bayfront Master Plan.

Finally, the District-owned property in the southern portion of Pond 20 was evaluated under the Wetland Mitigation Bank at Pond 20 Project EIR and Port Master Plan Amendment for the creation of a wetland mitigation bank and to incorporate the property (to be designated as commercial recreation) into the current PMP, which was certified by the District's Board of Port Commissioners on April 13, 2021. Although the mitigation bank would not be accessible to the public for conservation reasons, the EIR programmatically evaluated commercial recreation for public use and

would not affect the Bayshore Bikeway that currently borders the northern property boundary of Pond 20.

Therefore, no changes to the Draft PEIR are required in response to this comment. However, this comment has been noted for the record and for The Board of Port Commissioners' consideration.

## 2.7.9 Comment Letter I9: Hugh Cree

Letter  
I9

**From:** Hugh Cree <Hugh@CreeFamily.com>  
**Sent:** Friday, January 7, 2022 1:47 PM  
**To:** Port Master Plan Update  
**Cc:** pio@sandag.org; PVvila@sandiego.gov; MayorToddGloria@sandiego.gov;  
 JoeLaCava@sandiego.gov; Nathan.Fletcher@sd.ca.gov  
**Subject:** Comments on: San Diego Port Master Plan

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Comments on: Port Master Plan

There is a huge amount of information for a person to consume, but clearly the plan is built perfectly for developers who are the only ones heard in San Diego, certainly not for the residents of San Diego and local areas outside of City boundaries, where day on day, the quality of life is being reduced by over development, increasing population density and plans like this.

I9-1

San Diego and neighboring cities are under similar attack from SANDAG, quality of life of residents is being ignored, only population and density expansion is embraced.

The Port Master plan is 100% about commercialization of the current open spaces along the water front; particularly the areas abutting Harbor drive.

I9-2

- Every single area is primarily focused upon commercialization! Every building means less resident open space and more building blocking access and views of the Bay and beyond.

- Almost 6000 Hotels rooms are envisioned, equivalent to adding 4 more huge Grand Hyatt buildings. Each area means a further walling off the water fronts with tall buildings, increased traffic, increased over population density of users of the Bay side lands, elimination of space that currently exists.

I9-3

- Reduction in parking space all along the immediacy of Harbor Dr Embarcadero Districts, Harbor Is., Spanish Landing, Shelter Is. You would no longer be able to spontaneously drive by find a spot, and wander around for an hour or less, that sort of spontaneous important quality of life use that make San Diego livable, would be gone with this plan

- Residents would now be forced to use some transit/mobility hub and parking structures to reach these areas. Spontaneity of use of the Bay space, now destroyed.

I9-4

- San Diego and SANDAG should be #1 focused upon limiting population and commercial density and really preserving the Quality-of-Life here! It is not being done, only the developers are heard!

It is my view that this plan should be blocked, likely only resident lawsuits will end this plan protect these areas from the developers, who are the real and obvious main voices, beneficiaries of this misguided Port Master Plan.

Thank you,  
 Hugh Cree

1

### Response to Comment I9-1

The commenter provides an opinion related to the quality of life of residents decreasing. Although it has endeavored to balance a variety of competing interests in preparing the PMPU, the District is required by the Public Trust Doctrine and the California Coastal Act to consider the interests of all citizens of the State of California, not only the quality of life of local residents. The fact that the commenter believes in a different balance of trust uses does not mean that the current proposal violates any requirement of the public trust doctrine. In administering the public trust, the District is not burdened with favoring one mode of utilization over another. (*Marks v. Whitney* (1971) 6 Cal.3d 251, 259.) The comment does not provide any specific examples of how the PMPU would adversely affect quality of life and how the quality of life referred to may be related to an environmental impact. Because no environmental issues concerning the adequacy or completeness of the PEIR are raised, no additional response is necessary. This comment has been noted for the record and for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

### Response to Comment I9-2

The PMPU includes numerous water and land use designations; however, not all of these designations would allow for commercial development. For example, the PMPU includes a Recreation Open Space land use designation, which only allows for a handful of complementary commercial secondary uses such as commercial activating features, fishing tackle rental and sales, and limited-service restaurants. All other commercial uses are not permitted within the Recreation Open Space land use designation. See PMPU Figure 3.1.1 for a map of the water and land use designations within the PMPU area, and PMPU Tables 3.1.2 and 3.1.3 for the allowable use types for water and land use designations, respectively. Note that Table 3-3 in the PEIR (pages 3-16 to 3-17) identifies the acreage devoted to Park/Plaza in the existing PMP (259.6 acres) and the proposed acreage for Recreation Open Space in the PMPU (273.6 acres), which indicates the total acreage for such uses would increase by 14.03 acres in the PMPU.

The comment also raises the issue of potential impacts on public access and scenic views. For an analysis of the potential impacts on scenic vistas and visual quality, please see Section 4.1, *Aesthetics and Visual Resources*, of the Draft PEIR. As stated in this section, implementation of

the PMPU would result in less-than-significant scenic vista impacts and visual character impacts from operational activities. However, the analysis identifies a significant and unavoidable impact after mitigation on scenic vistas during the construction phase of future projects and from the potential negative site aesthetic associated with active construction sites.

Potential impacts on public access to the waterfront are discussed in Section 4.9, *Land Use and Planning*. As indicated, the PMPU would not adversely affect public access and would result in no significant impacts related to land use and planning.

The comment also raises the issue of increased traffic. Potential impacts related to transportation are analyzed and disclosed in Section 4.14, *Transportation, Circulation, and Mobility*. As explained in the section, with the passage of SB 743, the District is required to focus on the reduction of GHG emissions associated with vehicle miles traveled and traffic congestion is no longer considered a significant environmental impact under CEQA. Consistent with CEQA Guidelines Section 15064.3, traffic congestion is not analyzed in the Draft PEIR.

The comment is a general opinion that the analysis or conclusions of the PEIR are inaccurate. However, the comment does not identify any specific environmental issue or any specific aspect of the PEIR which is inaccurate or incomplete. Therefore, no further response is possible and no changes to the Draft PEIR are required in response to this comment.

### **Response to Comment I9-3**

This comment is directed at the content of the PMPU and potential issues associated with the loss of parking. Parking was removed from the CEQA Guidelines as a potential significant impact in 2009. (See *Save Our Access-San Gabriel Mountains v. Watershed Conservation Authority* (2021) 68 Cal.App.5th 8, 27.) Although CEQA does not explicitly require an analysis of parking impacts, the California Coastal Act (CCA) does mandate providing adequate public access to the waterfront and Section 30252(4) of the CCA states that “The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development with public transportation.”

As discussed on Draft EIR page 4.14-7, numerous areas of the Port District are considered Transit Priority Areas, including Harbor Drive. (See Pub. Res. Code Section 21099([d]) and San Diego Map of Transit Priority Areas.). To maintain and enhance public access to the waterfront, reduce VMT, and provide for a range of mobility options, the

PMPU proposes to develop mobility hubs. Mobility Hubs, as defined and proposed by the PMPU, are connection points in which visitors and workers are provided the opportunity to change from one mode of travel to another, as necessary, to reach their destination. A mobility hub includes, but is not limited to, landside modes such as personal auto; transit; rideshare; biking; walking; micro-mobility options; as well as waterside modes such as transient docking and water-based transfer points that support a water-based transit network, such as water taxis and/or ferries. They are designed to provide multiple modes of travel from their locations, providing the user with multiple options of how to moving around the bayfront and downtown and access the various amenities and attractions. Please also see the District's response to Comment BT5-1.

Further, as noted under the response to Comment I9-1, above, issues raised by the commenter related to decreased quality of life, which in this context is psychological in nature, are not considered issues subject to CEQA unless tied to a physical impact on the environment. In this case, the loss of parking would have a beneficial effect on the environment by helping to reduce VMT and associated GHG emissions. No changes to the Draft PEIR are required in response to this comment. The City of San Diego's Map of Transit Priority Areas is located here: <https://www.sandiego.gov/sites/default/files/transit-priority-map.pdf>

#### **Response to Comment I9-4**

The comment expresses an opinion that San Diego should focus on limiting population and commercial density and implies that it is tied to quality of life. However, the comment does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Section 15088, no response is necessary. This comment has been noted for the record and for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.



2.7.10      **Comment Letter I10: Matt O’Brien**

Letter  
I10

**From:** Matt OBrien <mattobsd@gmail.com>  
**Sent:** Saturday, January 8, 2022 9:44 AM  
**To:** Port Master Plan Update  
**Subject:** New Boat Slips

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New boat slips should prioritize small crafts that actually promote public access to the bay - with priority for rentals and boat clubs. Walk by the Marriott Marquis marina and you will see a TINY alcove for small crafts that the public can rent. The rest of the Marina is floating eye candy for the rich, and you'll hardly ever see an empty slip because the owners never use them. Companies like Freedom Boat Club make boating available to the middle class, and if you visit one of their marinas, you will notice high usage that actually promoted public access to getting out on the water.

I10-1

**Response to Comment I10-1**

The comment provides an opinion that new boat slips should prioritize small craft to promote public access to the bay. The comment appears to be policy-related comment concerning the PMPU. The PMPU includes a number of policies which support making boating available to all income ranges and to promoting public access to the water. Please see, for example, WLU Policies 4.1.3, 4.2.1, 6.1.1 and 6.1.2. In addition, the PMPU proposes the development of up to 485 new recreational boating slips. The comment does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no further response is necessary. However, this comment is included in the information that will be presented to the Board of Commissioners for consideration when they make their decision whether to adopt the PMPU.

## 2.7.11 Comment Letter I11: Vince Ghio

**Dennis Campbell**

Letter  
I11

**From:** Vince Ghio <vinceghio@gmail.com>  
**Sent:** Monday, November 8, 2021 11:17 PM  
**To:** Port Master Plan Update

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Gray Category, Orange Category, Green Category

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I'm writing to ask if you are doing anything to shelter island and to keep the Marlin club.  
 Also will there be space for new fuel docks down south as I know the current and only ones are in shelter and harbor island

I11-1

Sent from my iPhone

### Response to Comment I11-1

The PMPU provides guidelines for future improvements within specified PMPU planning district, including Shelter Island (Planning District 1). Each PMPU planning district section includes the following:

- An overview of the planning district's setting and subdistricts, if applicable. Each subdistrict section includes the District's vision for that area. The profile and vision are included for the overall planning district when that planning district does not have any subdistricts;
- Special allowances for unique topical or site-specific situations;
- Possible Planned Improvements to enhance mobility, land-based public access, and coastal access, including the identification of projects falling under the appealable project category pursuant to Coastal Act Section 30715;
- Standards that provide subdistrict-specific requirements for uses, activation, management, and development to supplement the Baywide element policies and standards;
- A table summarizing water and land use designation acreages;
- A water and land use map, or maps, that delineate the water and land use designations for the planning district;
- Mobility and coastal access maps identifying the general location of mobility hubs and water access points; and
- Views and walkways maps identifying the general location of Scenic Vista Areas, View Corridor Extensions, and walkways.

Potential improvements in the Shelter Island Planning District are provided in Chapter 5.1 of the PMPU. No changes to the Marlin Club or any other specific businesses on Shelter Island are proposed in the PMPU. The PMPU does not propose new fuel docks in south San Diego Bay. The PMPU does not include, and therefore, does not provide for, any changes to the National City Bayfront or Chula Vista Bayfront Planning Districts. The National City Bayfront is planned under the National City Bayfront Projects & Port Master Plan Amendment program, which extends into the City of National City jurisdiction and was approved in November 2022. The Chula Vista Bayfront has an approved waterfront master plan for the entire Planning District, with an authorized CDP and certified FEIR, and is currently being implemented. Since the PMPU does not include the Chula Vista Bayfront, no changes are proposed to that waterfront master plan. No changes to the PMPU or PEIR are required based on this comment.

## 2.7.12 Comment Letter I12: Cleve Hardaker

Letter  
I12

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**From:** Cleve Hardaker <chardaker@cox.net>  
**Sent:** Thursday, January 6, 2022 5:00 PM  
**To:** Port Master Plan Update  
**Subject:** Shelter Island West

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### Item PD1

#### PD 1.6

The expansion of green space and promenades on the bay side of Shelter Island from the boat launch to the Yokohama bell will come at the cost of significantly reduced parking and significantly more traffic congestion. That is to say, reduced access.  
 So what is to be gained here? More public recreational area and less ability to reach it.

I12-1

#### PD 1.8

**Waterside Promenade** It will be completely unfeasible to construct a walkway that is 12' wide on the yacht basin side of Shelter Island.  
 The existing Promenade from Kona Kai to Island Palms is about 6' and there is no possibility to widen it without impacting buildings or rip-rap.  
 From Silver Gate Yacht Club to The Half Moon Marina there is no space to construct any promenade.  
 As it is, the water between the rip-rap and the docks is utilized now as a recreational route for paddle boarders and kayakers.

I12-2

Why not construct a culvert from Shelter Island Yacht Basin to the Bay?

That would provide welcome tidal flow in Shelter Island Yacht Basin and provide an interesting passage for recreational paddle boarders and kayakers.

I12-3

Cleve Hardaker  
 4602 Valencia Drive, San Diego 92115  
 Member  
 Silver Gate Yacht Club

### Response to Comment I12-1

This comment is directed at the content of the PMPU regarding the loss of parking spaces due to the PMPU's future, possible Planned Improvements at the current Shelter Island parking lots. The commenter believes that the proposed expansion of green space area and promenade widths would reduce parking spaces and lead to a loss of access to the green space. Further, the comment claims that Planned Improvements would result in a "significantly" reduced number of parking spaces and increased congestion. Please see the response to Comments I14-1 and BT5-2, regarding the future preservation of the current number of total parking spaces within Shelter Island. Additionally, with the passage and implementation of SB743 (see CEQA Guidelines Section 15064.3), the impacts of potential congestion and loss of existing and future parking spaces are generally no longer considered adverse transportation-related impacts under CEQA. Rather, CEQA identifies vehicle miles traveled (VMT) as the most appropriate measure for determining the significance of a project's transportation impacts, and removing or limiting parking is considered a potential mitigation strategy to reduce VMT. Additionally, parking was removed from the CEQA Guidelines in 2009. (See *Save Our Access-San Gabriel Mountains v. Watershed Conservation Authority* (2021) 68 Cal.App.5th 8, 876.)

To maintain and enhance public access to the waterfront, reduce VMT, and provide for a range of mobility options, the PMPU proposes to develop mobility hubs, throughout the PMPU area. As discussed on page 4.9-47 of the PEIR, "in accordance with Mobility Objective 1.2 in the Mobility Element and subsequent policies, the District would implement a series of interconnecting mobility hubs throughout the Tidelands. Regional Mobility Hubs would provide a direct connection to a regional transit stop, such as a trolley or bus stop, and a bayfront circulator stop. Additionally, these mobility hubs would connect to water-based access points throughout the Bay, where feasible. Parking areas may be included in mobility hubs or as standalone facilities. The District would encourage the development of mobility hubs rather than surface parking to provide proximate connections to the water and Tidelands, where feasible. The development of the mobility hub network and extension of the baywide circulator, combined with existing public transportation options, would provide substitute means of serving the development with public transportation. In addition, in accordance with Mobility Element Objective 1.3 and subsequent policies, the District would require permittees of future development to identify and secure vehicular parking sufficient to serve

the development's use. Parking could be provided through on-site parking, shared agreements with adjoining development, agreements with off-site parking facilities, and participation in the establishment of planned mobility improvements, including mobility hubs, etc. Additionally, in accordance with Mobility Objective 1.3 and subsequent policies, the District would provide public parking to meet evolving demands. The District will seek to balance the competing demands of the CCA for adequate parking with those of SB 743 and related laws and regulations to reduce GHG emissions."

Within the Shelter Island Planning District, the PMPU identifies a Connector Mobility Hub on the western portion of Shelter Island Drive, near the Shelter Island Pier; a Connector Mobility Hub south of North Harbor Drive; and a Local Gateway Mobility Hub at the Shelter Island Yacht Basin, near the intersection of Anchorage Lane and Shelter Island Drive (Entry Segment). The general locations of these mobility hubs are identified on Figure PD1.3 of the PMPU.

A Local Gateway Mobility Hub connects visitors to a group of attractions and other uses in a small and specific area. Local Gateway Mobility Hubs are generally sited within 500 feet of off-street public parking, and may consolidate parking for public destinations (e.g., open space, recreation, public art) within the catchment area. Additionally, off-site parking for leasehold destinations (e.g., retail, restaurants, hotels) may also be consolidated in the mobility hub. Local Gateway Mobility Hubs provide access to a local transit stop and a bayfront circulator stop (Planning Districts 1-3).

Connector Mobility Hubs connect visitors to a specific attraction or use, are generally smaller than the other types of hubs, and do not typically include vehicular parking or need to be linked to any parking facilities. Rather, Connector Mobility Hubs are intended to link various transportation connections through wayfinding signage, bicycle, and pedestrian improvements and the provision of transportation amenities. These types of mobility hubs also provide access to a local transit stop and a bayfront circulator stop (Planning Districts 1-3). In Shelter Island, this would provide a connection to the Local Gateway Mobility Hub proposed at the Shelter Island Yacht Basin, where parking would be provided.

Given the broad scope of the PMPU and the PMPU PEIR, the District is required under CEQA to provide project-level environmental review of individual projects once a specific project is proposed and the details of the project and its surroundings can be sufficiently considered and analyzed. No specific park expansion or promenade/walkway widening project is proposed as part of the PMPU. If and when such a project is proposed, site-specific analysis would be conducted to identify any potential site-specific impacts, including whether the

loss of parking would be consistent with the CCA and alternative means of maintaining and enhancing public access, as discussed above, would be feasible. At the time of project review, the District would also consider its waterside promenade exceptions, consistent with PMPU Section 4.3.1. This comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

### Response to Comment I12-2

This comment is specific to the content of the PMPU and suggests that it would be infeasible to construct a 12-foot walkway on the Shelter Island Yacht Basin side, due to lack of space and would impact existing buildings, rip-rap, and in-water recreational routes. The PMPU is intended to provide a framework for future development within the District's jurisdiction, but does not include any proposals for site-specific project implementation. Issues regarding the feasibility of implementing the PMPU's requirements in connection with site-specific development would be addressed when the District considers a site-specific development proposal.

Additionally, where a "Waterside Promenade" is shown in the PMPU coastal access views and pathways maps, PMPU Section 4.3.1(5) (page 178) includes exceptions to the waterside promenade requirements. That section states:

"Waterside promenades are required for all uses considering the need to protect public rights to access Tidelands. Exceptions to this requirement may be allowed except where alternatives to a waterside width and/or alignment may be allowed if BPC makes one of the following findings: ...(c)

Development of the waterside promenade width and/or alignment would require demolition and setback of an existing building that is currently occupied or fit for occupancy and the applicant is not proposing demolition of any part of said structure."

The comment does not raise any other environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no further response is necessary. However, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

### Response to Comment I12-3

This comment is related to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. However, this comment has been included within the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

## 2.7.13 Comment Letter I13: Art Engel

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January 7, 2022



Sent Via Email to: pmpu@portofsandiego.org

San Diego Unified Port Commission  
Attn: Dennis Campbell, Planning Department  
P.O. Box 120488  
San Diego, CA 92112-0488

Re: Comments on Draft PEIR for the Port Master Plan Update

Dear Mr. Campbell:

Varco & Rosenbaum Environmental Law Group LLP represents Arthur Engel, a current resident of the La Playa community on Shelter Island. On behalf of Mr. Engel, our firm has submitted several prior comments letters (attached for your reference as Exhibits A, B and C) and attended workshops and public meetings relative to the proposed Port Master Plan Update (PMPU). We have received and reviewed a copy of the Draft Program Environmental Impact Report (Draft PEIR) prepared for the proposed Port Master Plan Update, and provide the below comments.

As noted in the Draft PEIR at page 3-31, four piers presently exist in the La Playa beach area of the West Shelter Island subdistrict. These four of these piers were originally constructed as privately-owned piers, allowing no public access. The docks at the end of the piers were occupied by private boats owned by the pier users. In 1982, the Board of Port Commissioners adopted Master Plan modifications which required that these privately-owned piers either be removed or made available for public use. (*See Attachment 1 to Exhibit A.*) Each of these piers has now been made available for public use for the length of the pier, with gate access to a private dock at the end of each pier. The current use of these quasi-private/quasi-public piers is governed by Tideland Use and Occupancy Permits (TUOPs).

The Draft PEIR and proposed PMPU provide that these four piers will be required to continue to provide public access, with the limited exception of the private docks at the end of each pier. (See Draft PEIR, page 3-31.) However, the PMPU proposes to prohibit the construction of any new similarly situated piers: "No new quasi-private/quasi-public piers or docks associated with residential properties, or residential use, are proposed and **will be explicitly disallowed**." (Emphasis added; Draft PEIR, page 3-31; PMPU PD1.3.) This prohibition is inconsistent with Port District policies and the California Coastal Act.

I13-1

I13-2

### Response to Comment I13-1

This comment is an introductory comment and does not raise any environmental issues requiring a response pursuant to CEQA. The specific comments raised following this introduction are listed separately, along with the District's individual responses. The District further notes that the previous comment attached to the letter pre-dates the release of the PMPU Draft EIR. (See *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 538 [Comments submitted before the release of the Draft EIR did not constitute comments on the adequacy of that document].)

### Response to Comment I13-2

Although the comment makes a general objection regarding inconsistency with District policies and the Coastal Act, the comment does not identify any specific District policy or provision of the Coastal Act that the PMPU policy regarding private piers would conflict with. Therefore, pursuant to CEQA Guidelines Section 15088, no response is possible except to state that PMPU does not conflict with or obstruct Port District Policies or the Coastal Act. (See PEIR, Section 4.9, *Land Use and Planning*, Threshold of Significance 2 and Table 4.9-1.). No changes to the PEIR are required in response to this comment.

However, at PMPU, Planning District 1, Section 5.1.2(B), Special Allowances, PD1.3 states that "No new quasi-private/quasi-public piers or docks associated with residential properties, or for residential use, shall be allowed. This policy is consistent with the Public Trust Doctrine and the California Coastal Act (CCA). As stated in the Public Trust Doctrine, "lands under the ocean and under navigable streams are owned by the public and held in trust for the people by the government. Public trust lands cannot be bought or sold like other state-owned lands." "Because public trust lands are held in trust for all citizens of California, they must be used to serve statewide, as opposed to purely local, public purposes." The Coastal Act indicates in Section 30001.5 that the basic goals of the state for the coastal zone include "maximiz[ing] public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources, conservation principles, and constitutionally protected rights of private property owners." By prohibiting new private piers on public tidelands, even if there is a quasi-public recreational use potential, the District is meeting the intent and direction of the Public Trust Doctrine and CCA.

Board of Port Commissioners  
Mr. Dennis Campbell  
January 7, 2022  
Page 2

Public access to the Bay is a priority for both the Port District and the California Coastal Commission. The proposed PMPU, includes policies and goals to provide accessibility to the Bay, provide vistas, allow for safe interaction with the water, promote shoreline walkways, provide direct shoreline access and provide recreation activities that attract visitors. Many of these proclaimed policies specifically recognize the importance of piers for coastal access, fishing and scenic vistas. For example, the PMPU includes the following listed policies:

WLU Policy 3.1.3: The District and its permittees shall maintain, protect, and enhance existing public coastal-dependent recreational facilities, such as boat ramps and *piers* that provide coastal access.

WLU Policy 3.2.1: Visual access locations (*scenic vista areas*, view corridor extensions, Window to the Bay, and walkways) shall be maintained and protected, as shown on the *Chapter 5, Planning Districts: Coastal Access Views and Pathways Maps*.

WLU Policy 4.2.2: The District shall encourage establishment of activating features that support existing amenities and introduce new activities in recreation areas.

WLU Policy 4.3.1: The District shall encourage boating and *pier access* for recreational and subsistence fishing throughout Tidelands, where feasible, by requiring permittees of applicable development *to provide public fishing or viewing piers and boating access*. Maintenance may be provided by third parties.

WLU Policy 5.1.1: The District shall continue to maintain, expand, and enhance District facilities consistent with the Port Act and in support of the District's mission.

WLU Goal 6: *Expand the collection of lower cost visitor and recreational facilities*. Lower cost visitor and recreational facilities offer valuable opportunities for coastal access to the public. These recreational places are located throughout Tidelands and include facilities such as parks and waterside amenities such as *public fishing piers*, launch areas for motorized and nonmotorized watercraft, and overnight accommodations.

M Policy 1.1.2: Permittees of development with waterside access shall create new, or improve access to, *publicly accessible piers*, docks, slips, moorings, anchorages, floats, and platforms.

M Policy 1.1.3: Through CDPs issued by the District, permittees shall increase the number of boat slips and berthing opportunities in the Bay, where feasible, in accordance with Chapter 5, Planning Districts, including any planned improvements within the applicable planning district or subdistrict.

113-3

## Response to Comment I13-3

This comment expresses a general opinion that new quasi-private/quasi-public piers would not be inconsistent with the PMPU policies cited. The comment raises a policy issue regarding the PMPU. However, the comment does not raise any specific environmental issue or object to the adequacy of any portion of the PEIR. Pursuant to CEQA Guidelines Section 15088, no response is required. No changes to the PEIR are required in response to this comment. Please see the response to Comment I13-2 above, which indicates why new private piers that allow for quasi-public use would be prohibited on public tidelands by the PMPU. It should be noted, however, that the PMPU policies the commenter cites do allow for public access to the Bay. For examples, refer to: 1) adding piers and docks at marinas, not residences; 2) increasing both public coastal-dependent recreational facilities and public piers (without private docks); 3) including activating features for public recreational areas; 4) establishment of public fishing piers and public access (e.g., the Imperial Beach fishing pier); 5) expanding District facilities (not private) and public fishing piers for lower-cost visitors (e.g., the Imperial Beach fishing pier); 6) increasing boat slips and berthing opportunities; 7) Scenic vista areas, view corridor extensions, the Window to the Bay, and walkways, as specifically defined in the PMPU, and unrelated to the La Playa piers' locations; and 8) providing passive and active public recreational facilities throughout the District, which does not relate to piers. The eight types of policies referenced above, although they show the District's intention to expand public access to the Bay, do not relate to the La Playa piers, either directly or indirectly. This comment is part of the record that will be considered by the Board of Port Commissioners prior to its decision on whether to approve the PMPU.

Board of Port Commissioners  
Mr. Dennis Campbell  
January 7, 2022  
Page 3

ECON Policy 2.3.9: The District and applicable permittees shall support existing recreational boating on Tidelands through maintenance of marina-related facilities, including docks, *piers*, slips, and boat launch ramps.

ECON Policy 2.3.17: The District shall promote and support recreational fishing on Tidelands by providing informational signage about recreational fishing opportunities at public locations, such as *fishing piers* and boat launches, and *promoting recreational fishing* through joint public-private marketing, fishing-related festivals, and other fishing events and activities.

ECON Policy 2.4.1: The District encourages the provision of a variety of active and passive recreational opportunities to attract a diverse mix of visitors to Tidelands.

ECON Policy 2.4.3: The District shall promote and support implementation of visitor-serving development and amenities that celebrate the San Diego region's binational setting, natural resources, history, culture, and arts.

(Emphasis added throughout.)

All of these goals and policies demonstrate that public access to the Bay is a priority. New quasi-private/quasi-public piers would not be inconsistent with these goals and policies, but would, in fact, help to promote these goals and policies by providing additional opportunities for the public to access piers for fishing, recreation and scenic vistas, and promoting visitor-serving amenities.

The Draft PEIR notably acknowledges the difference between the La Playa piers in the West Shelter Island subdistrict and the piers located in the Silver Strand Planning District. Unlike the piers in the West Shelter Island subdistrict which are made available for public access, piers in the Silver Strand Planning District include "piers and docks with no associated public access" and "extend into the planning district from off-Tidelands residences." (See Draft PEIR, p. 3-91, p. 4-9-38.) It is understandable that private piers that provide no public access do not contribute to the policies set forth by the Port District and the Coastal Act. However, this is not the case with the West Shelter Island piers.

The Draft PEIR acknowledges that the West Shelter Island piers "will be accessible to the public daily from sunrise to sunset, ... Signs are proposed that indicate availability for public use and such signs will be clearly posted on the landward portion of the pier for all piers retained." (Draft PEIR, p. 3-31.) The Draft PEIR further acknowledges that piers can be a focal point in certain areas, providing "expansive views of the Bay and unique waterfront space." (Draft PEIR, p. 3-51 to 3-52.) The Draft PEIR reports that "West Shelter Island includes panoramic views of the San Diego Bay, which are available along the entire length of the publicly accessible southern waterfront. From the northern portion of West Shelter Island, views are available from the public walkways that border the shoreline, including La Playa Trail, which runs along the northern shore of the Shelter Island Yacht

I13-3  
cont.

I13-4

## Response to Comment I13-4

This comment expresses a general opinion that new quasi-private/quasi-public piers would provide opportunities for public access and recreational boating. The comment raises a policy issue regarding the PMPU. Please see the responses to I13-2 and I13-3 above, which indicate why new private piers that allow for quasi-public use would be prohibited on public tidelands under the PMPU if approved. The comment does not raise an environmental issue or objection regarding the adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no response is required. No changes to the PEIR are required in response to this comment. This comment is part of the record that will be considered by the Board of Port Commissioners prior to its decision on whether or not to approve the PMPU.



Board of Port Commissioners  
Mr. Dennis Campbell  
January 7, 2022  
Page 4

Basin.” (Draft PEIR, p. 4.1-7.) Moreover, “because the subdistrict draws a high number of visitors, provides ample public access space, and is located on the Bay, and contains the La Playa Trail, viewer sensitivity in this area would be considered high.” (Id.) The addition of new piers in this area would provide additional public access to the available scenic resources and opportunities for public fishing. The Draft PEIR and PMPU contemplate the addition of 10 anchorage moorings within this viewshed presumably to allow for more opportunities for recreational boating on the Bay. (See Draft PEIR, p. 4.1-45.) New piers, in addition to providing public access points along the Bay, would also provide opportunities for additional recreational boating.

I13-4  
cont.

Notably, the Draft PEIR states that “the proposed PMPU contains several policies that promote connections within Tidelands,” including WLU Policy 4.1.8 prohibiting “any new private or quasi-private piers connected to residential uses.” (Draft PEIR, p. 4.9-29.) It is unclear how policies which proclaim the value of coastal access, scenic vistas, public fishing, increased physical accessibility to water, and enjoyment of the waterfront can be consistent with prohibitions which limit such coastal interaction. Prohibiting the establishment of new public piers is not promoting connections within the Tidelands, but acts to sever those connections.

I13-5

It is noteworthy that in 1988, the Port attempted to amend its Master Plan specifically to address the La Playa area piers, attempting to remove the 1982 requirement that the piers be opened to the public. The Port-prepared EIR at that time characterized the piers as a “visual amenity,” and stated that the piers provide:

“points of visual reference along the shoreline that are in character with the surrounding views of boating activity. The shoreline, with the piers, is scenic enough to have been used in postcards and other photographic souvenirs of the area.”

I13-6

(See Attachment 2 to Exhibit A.) The Port’s 1998 EIR further recognized the scenic-visual quality of the shoreline offered by the piers, and the recreational opportunities provided by the piers. (See Attachment 2 to Exhibit A.) While the Coastal Commission disallowed the continued private ownership of the piers, requiring that the piers be open to public access, the Coastal Commission determined that opening the piers to public use would be consistent with section 30211 of the Coastal Act, “in that public access in the area would be increased.” (See Attachment 2 to Exhibit A.)

The Draft EIR erroneously claims that the PMPU is consistent with the California Coastal Act. (See Draft EIR, p. 4.9-41.) Section 30210 of the Coastal Act requires that maximum public access and recreational opportunities be provided. The prohibition of additional piers providing public access is inconsistent with this Coastal Act requirement. Moreover, the Coastal Act also specifically contemplates the construction of new “structural pilings for public recreational piers that provide public access and recreational opportunities.” Specifically, Section 30233 states:

I13-7

## Response to Comment I13-5

This comment disagrees with PMPU PD1.3 and WLU Policy 4.1.8 which prohibit any new private or quasi-private piers connected to residential uses. The comment’s disagreement presents a policy issue concerning the PMPU. The comment indicates that the PMPU would prohibit public piers, which is not accurate. As mentioned in previous responses, notably the responses to Comment I13-2 and I13-3, PD1.3 of the PMPU would prohibit only new quasi-private/quasi-public piers that are associated directly with a private residential home. Please see the response to Comment I13-2 above, which indicates why new private piers that allow for quasi-public use would be prohibited on public tidelands under the PMPU if approved. In contrast, see the response to Comment I13-3 that shows the PMPU encourages the maintenance and expansion of public piers throughout the PMPU area, as the commenter cites verbatim, in comment number 3. The comment does not raise an environmental issue or objection regarding the adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no response is required. No changes to the PEIR are required in response to this comment. This comment is part of the record that will be considered by the Board of Port Commissioners prior to its decision on whether to approve the PMPU.

## Response to Comment I13-6

For a response to the comment relating to the history of the District’s decisions on the La Playa Piers, please see the response to Comment I13-2, which explains the circumstances surrounding both the 1982 and 1988 Board decisions related to the piers. The commenter does not raise an environmental issue. Pursuant to CEQA Guidelines Section 15088, no response is required. No changes to the PEIR are required in response to this comment. This comment is part of the record that will be considered by the Board of Port Commissioners prior to its decision on whether to approve the PMPU.

## Response to Comment I13-7

The comment regarding the PEIR’s Coastal Act consistency determination is based on the incorrect belief that the nature, extent and quality of public access at a quasi-private/quasi-public pier is the same as that provided by a public recreational pier. Further, the PMPU’s prohibition against new (additional) quasi-private/quasi-public piers

preserves and does not change existing conditions and thus does not conflict with the Coastal Act or require analysis under CEQA.

The comment letter is requesting that new quasi-private/quasi-public piers associated with private residential homes be allowed under the PMPU and that PD1.3 be removed, since it would prohibit such uses.

The sections of the Coastal Act cited by the comment do not support the development and uses of new quasi-private/quasi-public piers that are associated with private residences. As the comment itself states, Section 30210 requires the provision of maximum public access and recreational opportunities and Section 30233 permits the placement of public recreational piers. In both sections, the term “public” is specifically identified, not “quasi-private/quasi-public.” Moreover, the suggested new La Playa piers would not include public docking, but would potentially include only private docking, which would not promote either section of the CCA cited by the commenter. As such, prohibiting quasi-private/quasi-public piers on public tidelands that are associated with private residences would not conflict with the CCA. This comment is part of the record that will be considered by the Board of Port Commissioners prior to its decision on whether to approve the PMPU.

Board of Port Commissioners  
Mr. Dennis Campbell  
January 7, 2022  
Page 5

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

...

*(3) In open coastal waters, other than wetlands, including streams, estuaries, lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that would provide public access and recreational opportunities.*

...

(Emphasis added.) Contrary to the statement in the Draft EIR, the proposed PMPU prohibition of new piers is not consistent with these Coastal Act provisions which encourage expanded opportunities to access recreational piers.

Only in San Diego is the construction of new piers controversial. Along the coastline of California, the Coastal Commission has approved new public and private piers. Since 2009, the Coastal Commission has approved the construction of more than 25 **new** piers along the California coastline, including in San Diego, Coronado, Newport Beach, Huntington Beach, Long Beach, Morro Bay, Oxnard, Redondo Beach, Humboldt and other locations. Since 2017, the Coastal Commission has approved the replacement of more than 27 piers along the California coast. These Coastal Commission project approvals demonstrate that the Coastal Commission is not averse to the construction of new piers, so long as public access is made a priority.

A particularly relevant example includes a 2019 Coastal Commission approval of the construction of a twenty-nine-foot pier with a private dock float, gangway landing and staircase in Long Beach. The approved pier and dock are associated with the adjacent single-family residence and would be used for recreational boating purposes. (See *Attachment 1 to Exhibit B.*) Similarly, a private pier, gangway and dock float in Corona del Mar was approved by the Coastal Commission in 2017. The proposed dock and pier system was associated with the adjacent residence and was intended for recreational purposes. The Coastal Commission permit specifically notes that “the project is being constructed on public tidelands and/or within an area subject to the public trust doctrine.” (See *Attachment 3 to Exhibit A.*) The Coastal Commission found that, despite the fact that the pier was associated with the adjacent residence, the proposed pier and dock did not impair public access and was not a violation of the public trust doctrine or the Coastal Act.

I13-7  
cont.

I13-8

## Response to Comment I13-8


Thank you for this comment; however, this comment presents a policy issue with respect to the PMPU, but does not raise an environmental issue or objection regarding the adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no response is required. No changes to the PEIR are required in response to this comment. Please see the responses to Comments I13-2 and I13-7 above, which indicates why new private piers that allow for quasi-public use, would be prohibited on public tidelands under the PMPU if approved.

This comment is part of the record that will be considered by the Board of Port Commissioners prior to its decision on whether to approve the PMPU.

Board of Port Commissioners  
Mr. Dennis Campbell  
January 7, 2022  
Page 6

The Port District has no reasonable basis to ignore the express actions of the Coastal Commission in allowing for the construction of new piers while ensuring continued public access to the ocean, shoreline, and scenic vistas. PD1.3 in the proposed Port Master Plan Update, which prohibits the construction of new piers in the La Playa area of the West Shelter Island subdistrict, should be removed. We appreciate the Board's consideration of these comments.

I13-9

Yours very truly,  
VARCO & ROSENBAUM  
ENVIRONMENTAL LAW GROUP LLP  
  
Suzanne R. Varco

SRV/ssr

Attachments:

- A. January 25, 2018 Letter to Board of Port Commissioners with attachments;
- B. April 29, 2019 Letter to Board of Port Commissioners with attachments;
- C. November 6, 2020 Letter to Board of Port Commissioners.

cc: Mr. Stephen Padilla, California Coastal Commission (via email to [stephen.Padilla@coastal.ca.gov](mailto:stephen.Padilla@coastal.ca.gov))  
Mr. Arthur Engel (via email)  
Ms. Rebecca Harrington, Port Counsel (via email to [rharrington@portofsandiego.org](mailto:rharrington@portofsandiego.org))  
Mr. Joe Stuyvesant, President/CEO ([jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org))  
Board of Port Commissioners:  
Michael Zucchet, Chair ([mzucchet@portofsandiego.org](mailto:mzucchet@portofsandiego.org))  
Dan Malcolm, Vice Chair ([dmalcolm@portofsandiego.org](mailto:dmalcolm@portofsandiego.org))  
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Jennifer Lesar ([jlesar@portofsandiego.org](mailto:jlesar@portofsandiego.org))  
Sandy Naranjo ([snaranjo@portofsandiego.org](mailto:snaranjo@portofsandiego.org))

## Response to Comment I13-9

The commenter does not raise an environmental issue. Pursuant to CEQA Guidelines Section 15088, no response is required and no changes to the PEIR are required in response to this comment. Please see the response to I13-2 above, which indicates why new private piers that allow for quasi-public use would be prohibited on public tidelands under the PMPU if approved. This comment raises a policy issue regarding the content of the PMPU and is part of the record that will be considered by the Board of Port Commissioners prior to its decision on whether to approve the PMPU.

## 2.7.14 Comment Letter I14: Mike Seneca

Letter  
I14

**From:** mike.seneca@gmail.com  
**Sent:** Monday, January 10, 2022 4:57 PM  
**To:** Port Master Plan Update  
**Subject:** PMP Stake Holder Questions/Comments

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

1/10/2022

Dear Commissioners:

I've appreciated the meeting and participation opportunities in the Port's Master Plan development process. During this process I noted significant revisions that were made as a result of public input and stake holder concerns. Thank you. I continue to have a couple of unanswered questions that I would greatly appreciate my government responding to.

My concern continues to be Planning District 1's "reconfiguring" of the parking and recreation open space along Shelter Island Drive.

The ambiguous reference to what "may" be reconfigured along Shelter Island Drive is displayed in Figure PD1.6. This "illustrative diagram" shows a quadrupling of the "open space" and a reduction of available on and off street parking by more than half (+/- 53 existing parking stalls into 24 narrower on street only diagonal parking stalls).

I would appreciate straightforward answers to the following questions:

- With parking opportunity reduced by more than half, which stake holders does your research show will be the ones deprived of their current accessibility in parking their cars on Shelter Island Drive to bring their families, coolers, shade, barbecues, chairs, fishing gear, etc? (the Mobility Hubs will not facilitate this type of stake holder).
- With respect to the PMP's Environmental Justice agenda, does your research show which of these same stake holders are being disenfranchised by limiting their vehicle access to Shelter Island?
- To facilitate the aforementioned concern and balance the stake holder burden, are other stake holders being required to use the Mobility Hubs to accommodate the reduced parking? If so, will it be the hotel workers and their guests? The marina tenants? The marine service businesses? What in your research shows that hotel staff and guests will not be using the reconfigured limited parking like they do now?
- Currently, on street parking is limited and not allowed overnight. Once there is only on street parking where will the overnight guests to the Marina facilities be able to park?

I look forward to your responses to these questions.

Thank you for your time with this.

Mike Seneca

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### Response to Comment I14-1

The District appreciates the commenter's interest in the proposed PMPU and participation in the PMPU process. The reconfiguration of Shelter Island Drive may require the relocation and redesign of existing parking spaces on Shelter Island. The PMPU contains policies that require no net loss of existing parking spaces at Shelter Island. Parking spaces may be relocated to the proposed mobility hubs delineated generally within the PMPU Mobility Element and in PD1, specifically (see PD1, Planned Improvements, 5.1.2(C)-I, PDs1.4 and 1.5 and PD1 Policies-1.3.4 – 1.3.8). The PMPU delineates two mobility hubs at Shelter Island: 1) Local Gateway Mobility Hub; and 2) a Connector Mobility Hub. Such hubs allow for, among others, concentrated parking spaces, transit connections, and water transportation connections. See the Mobility Element, Fig. M3.2.6, for further information.

Specifically, PD1, 5.1.2(D)-II, Building Standards, PD1.37 includes several parking requirements to preserve the total number of existing parking spaces in the Shelter Island Planning District, which states:

"Provide parking for the general public as follows:

- a. The location and configuration of existing parking areas may be modified if an equivalent amount of public parking is provided through a mobility hub, on-street parking, or a combination, subject to the requirements of the Mobility Element.
- b. There will be no net loss of parking spaces in the parking lot directly adjacent to the Shelter Island Boat Launch, which provides convenient parking for boat trailers and others using the launch as an access point into the Bay.
- c. Diagonal on-street parking is not allowed where its location creates a conflict with ingress to/egress from the Shelter Island Boat Launch."

In response to the comment's calculations of lost parking spaces, the PMPU does not provide specific, future designs of parking spaces or lots, buildings, or other physical improvements on Tidelands. Similarly, the PMPU does not include specific total numbers of current or future parking spaces, recreational area, or specific development square footages. Rather, the PMPU is program-level planning document to guide potential, future District activities and physical improvements. Figure PD1.6 is a conceptual illustration to provide the reader with possible examples of how recreational space could be increased and parking lots redesigned or reconfigured, at Shelter Island. This Figure is

not a design plan or a site plan for a specific location and configuration of Shelter Island Drive within the Planning District. At this time, no such plans have been prepared nor are they under development. In the future, should the District undertake a physical redesign of Shelter Island Drive or its parking and accessways as authorized by those Planned Improvements, the District would both request public input and would prepare the appropriate site and construction plans, and would conduct the required environmental impacts analysis, in accordance with CEQA.

More detailed comments follow, below. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

### **Response to Comment I14-2**

Please refer to the response to Comment I14-1 above. Additionally, please see the District's response to Comment BT6-2 (Outboard Boating), O17-7, and O17-14 (Embarcadero Coalition Letter #2). The precise meaning of the comment is not entirely clear. However, the District's planned improvements related to Shelter Island's future, potential access and parking spaces would be designed to allow continued access to PD1, for those of all income levels and seeking varied recreational opportunities. Please see the Environmental Justice Element for more details and the Mobility Element's description of the Bayfront Circulator, a low-cost public transit conveyance to move visitors between the Embarcadero and PD1 (see also Mobility Element, Fig. 3.2.4). The Environmental Justice Element would guide future District actions and includes goals, objectives, and policies to ensure visitors are afforded equitable opportunity to access and utilize all Tidelands amenities and recreational areas, both on water and land.

### **Response to Comment I14-3**

Please refer to responses in Comments I14-1 and I14-2 above. Further, mobility hubs would provide multiple modes of access to the District Tidelands. Please see responses to comments O17-7 and O17-14 (Embarcadero Coalition Letter #2).

### **Response to Comment I14-4**

As noted in response to Comment I14-1 above, the District anticipates preserving the total number of existing parking spaces on Shelter Island. Further, the PMPU does not identify specific users of future parking areas, including possible future mobility hubs; however, currently and in the future, the District provides parking spaces for use

by all members of the public. Additionally, please see responses to comments 017-7 and 017-14 (Embarcadero Coalition Letter #2).

**Response to Comment I14-5**

The PMPU does not limit parking to just on-street parking, nor does it change how overnight parking is handled from current conditions. Parking would still remain in many areas throughout the planning districts, including in PD1. However, additional parking may be consolidated within mobility hubs when and where appropriate.

## 2.7.15 Comment Letter I15: Ernie Simon

Letter  
I15

**From:** Ernie Simon <eajsrca@gmail.com>  
**Sent:** Friday, January 7, 2022 5:22 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Subject:** Comments regarding the PMPU

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

January 7, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

1

I15-1

I15-2

I15-3

I15-4

I15-5

### Response to Comment I15-1

The District appreciates the comments and interest in the PMPU. This comment is an introductory comment and offers an opinion about the PMPU and PEIR. The commenter does raise the general issue of public views and access being potentially blocked by future development, but does not offer specific examples. As indicated in PEIR Section 4.1, *Aesthetics and Visual Resources*, there would be no permanent blocking of designated views and no permanent impacts to visual character. As indicated in Table 4.9-1 in Section 4.9, *Land Use and Planning*, there would be no significant public access impacts to the waterfront.

Additionally, nearly every single coastal commercial development in California is alleged to be improperly "walled-off by excessive development." For example, in a challenge to the Redondo Beach Waterfront project, Petitioners asserted "new buildings massed along Harbor Drive will wall off an estimated linear 80% of the existing views..." (Building a Better Redondo v. City of Redondo Beach (2018 Case No. BS166124) Decision pp. 74-76.) The Court rejected this argument, noting that "the distances of Harbor Drive from the ocean, the flat topography, and the presence of intervening features make views of the water fleeting at best and of limited quality." Furthermore, the Court noted in that case that the project created view corridors "to comply with LUP recreation Sub-area 2 Policy, which requires new development in this area to include view corridors of the water from North Harbor Drive." Like the Redondo Beach project, the PMPU creates policies requiring view corridors, however unlike that case, no specific development is proposed as this time, and additionally scenic vista details, beyond those disclosed in the EIR, are speculative.

### Response to Comment I15-2

This comment is similar to Comment 017-2 included within Comment Letter 017 in that it requests the PMPU process to be suspended until certain development standards are developed. Please see the detailed response to Comment 017-2 in Comment Letter 017. Please also see Master Response M-1 in this chapter for a discussion of planning in other areas of the District outside of the PMPU boundaries. No changes to the PEIR are required in response to this comment.

### Response to Comment I15-3

This comment is similar to Comment 017-5 included within Comment Letter 017 in that it requests that Central Embarcadero be added to the



PMPU with development standards. Please see the detailed response to Comment O17-5 in Comment Letter O17. Please also see Master Response M-1 in this chapter for discussion that includes the Seaport San Diego project in relation to the PMPU. No changes to the PEIR are required in response to this comment.

#### **Response to Comment I15-4**

This comment is similar to Comment I66-1 included within Comment Letter I66, below, in that it requests that the RLJ lease be renewed. Please see the response to Comment I66-1. Additionally, the purpose of the PMPU is to provide broad planning direction, not to make decisions on individual projects. (See *Al Larson, Inc v. Board of Harbor Commissioners of the City of Long Beach* (1993) 18 Cal.App.4th 729 [this approach is consistent with allowing the Port to consider “a broad range of policy alternatives for the overall development of the port to permit the Board to consider alternative directions for the Port independent of particular projects.”].) No changes to either the PMPU or PEIR are required in response to this comment.

#### **Response to Comment I15-5**

This comment is similar to Comment O17-11 included within Comment Letter O17 in that it requests revisions to the PMPU to include additional language from the current PMP as well as additional goals. Please see the detailed response to Comment O17-11 in Comment Letter O17.

- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
- B. Add these goals into the Draft PMPU:
1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
  2. Preserve and maximize views of and to the Bay.
  3. Provide public access and open space amenities, particularly along the Bayfront.
  4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
- A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

I15-5  
cont.

I15-6

I15-7

## Response to Comment I15-6

This comment is similar to Comments 017-13, 017-14, 017-16, 017-17, 017-18, 017-21, 017-22, 017-23, 017-25, 017-32, and 017-35 included within Comment Letter 017 in that it requests several changes to the PMPU regarding certain limitations and restrictions for future development in the North Embarcadero, adding scenic vistas, and providing additional ROS. Please see the detailed responses to those comments in Comment Letter 017. Pursuant to CEQA Guidelines Section 15088, no environmental issue is raised; therefore, no additional response is required.

The comment also suggests "limiting the number of hotel rooms" and limiting the intensity of development (i.e., Floor Area Ratios or FAR). The Draft PEIR analyzed a reasonable range of alternatives, including Alternatives 1 (No Project), 2 (One-Third Reduced Growth), and 3 (One-Half Reduced Growth), that have reduced density and reduced hotel rooms compared to the proposed PMPU. (See Draft PEIR, Table 6-2.) The comment also suggests "making all hotel parking fully underground." However, the suggestion may not be feasible. Although future development will be subject to site-specific environmental review pursuant to State CEQA Guidelines Section 15168, as discussed on Draft PEIR page 4.8-30 in Section 4.8, *Hydrology and Water Quality*, groundwater levels in portions of the Port are as shallow as 4.78 feet below ground surface, and underground parking would quickly become inundated with groundwater, in such locations. Similar ideas have been proposed for waterfront projects in other locations. One example is at the existing SDCC, where continuous dewatering is required to maintain the parking structure. Further, in that location, the water table is brackish and must be sent through City of San Diego sewer system, as opposed to recirculating the water into the San Diego Bay.. From the Convention Center Expansion FEIR, "There is approximately 400,000 gallons of groundwater being pumped each day from underneath the existing SDCC to a 15-inch Harbor Drive trunk sewer line. The flow rate is metered and the Convention Center must pay sewer fees based on the volume of ground water discharged to the sewer." (p. 4.8-4 - *Final EIR for San Diego Convention Center Phase III Expansion and Expansion Hotel Project & Port Master Plan Amendment*, dated September 2012. Certified by District Board on September 19, 2012. Clerk Doc No. 59378) A second example is the Redondo Beach Shade Hotel that required subsequent modifications necessitating the developer to abandon such proposals because of "a high water table and unpredictable conditions across the site." See City of Redondo Beach

October 8, 2012 Harbor Commission Administrative Report, Item 9 (Case No. 2012-10-HC-002) available at: <http://laserweb.redondo.org/weblink/0/doc/228712/Page1.aspx>. Furthermore, the suggestion would not reduce or avoid a significant impact of the PMPU. No changes to the PEIR are required in response to this comment.

### **Response to Comment I15-7**

This comment is similar to Comment O17-30 included within Comment Letter O17 in that it raises issues with diverting traffic onto Pacific Highway as a result of reducing the number of lanes on Harbor Drive and the significant and unavoidable VMT impact determination, and suggests that Central Embarcadero should be considered in the PMPU. Please see the detailed response to Comment O17-30 in Comment Letter O17. Please also see Master Response M-1 in this chapter, for discussion of “redevelopment of Seaport.” The commenter’s opinion regarding VMT is noted, however CEQA allows the approval of projects with significant and unavoidable impacts. (CEQA Guidelines Section 15093.) For a discussion of the District’s climate action plan, please see PEIR Section 4.6, Greenhouse Gas Emissions and Energy. In addition, the cumulative traffic analysis in the PEIR does include the estimated traffic associated with the Seaport San Diego proposal. Also, the PEIR considers the “no project” and two reduced density alternatives that would reduce the increase in VMT associated with future development under the PMPU. Because the comment does not suggest any feasible mitigation measures for consideration, no further response is warranted and no changes to the PEIR are required in response to this comment.

## 7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

I15-8

## 8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

I15-9

## 9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

I15-10

## 10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

I15-11

## 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

## 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

I15-12

## 13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

I15-13

Sincerely,

Ernie Simon  
San Diego

## Response to Comment I15-8

This comment is similar to Comments 017-14, 017-30, and 017-32 included within Comment Letter 017 related to requiring all new parking to be underground, methods for determining parking demand, use of TDM, and public transit. Please see the detailed responses to those comments in Comment Letter 017. Please also see comment I15-6 above for details on underground parking structures. Furthermore, the PMPU policies consider demand when determining how much vehicular parking is needed for individual projects. For example, M Policy 1.2.4 states that "The District shall encourage the development of mobility hubs rather than surface parking..." In addition, PMPU M Objective 1.3 states "Provide public parking to meet evolving demands." PMPU M Policy 1.3.4 includes a number of parking options for individual projects, including shared parking agreements and mobility hubs. For discussion of Transportation Demand Management (TDM), transit, and shuttle service, please see Draft PEIR Section 4.15, *Transportation, Circulation, and Mobility*. Furthermore, the PMPU already contains policies to promote mass transit use. For example, PMPU Section 3.2.1 expressly states "Encourage the implementation of...transit..." and includes M Policies 1.1.9, 1.1.10, 1.1.11, and 1.3.7 related to transit. The comment does not raise an environmental issue or object to the adequacy of the PEIR. Therefore, no further response is required and no changes to the PEIR are required in response to this comment.

## Response to Comment I15-9

This comment is similar to Comment 017-25 included in Comment Letter 017 related to service access requirements for future development. Please see the detailed response to Comment 017-25 in Comment Letter 017. As indicated in Section 4.1, *Aesthetics and Visual Resources*, of the PEIR, there would be no permanent blocking of designated views and no permanent impacts to visual character from the PMPU. For discussion of transportation related issues please see Draft PEIR Section 4.15, *Transportation, Circulation, and Mobility*. Furthermore, vehicular access to buildings is site specific, and it would be inappropriate to prohibit such access points in a programmatic document. Such considerations will be considered on a project-by-project basis, where the merits of each proposal can be considered. (See also *City of Hayward v. Board of Trustees of the California State University* (2015) 242 Cal.App.4th 833, 850 ["Site specific impacts to the smaller residential streets...were properly deferred until the project is planned...there are many variables to be considered...such as the

location of entrances and placement of parking spaces...these specifics cannot meaningfully be evaluated at this point.”] No changes to the PEIR are required in response to this comment.

### **Response to Comment I15-10**

This comment is similar to Comments 017-9 and 017-34 included within Comment Letter 017 in that it requests reconciliation of green space acreage in the current PMP and the Draft PMPU for the Embarcadero as well as making 1220 Pacific Highway activated ROS when the Navy’s lease expires. Please see the detailed responses to those comments in Comment Letter 017. Please also see Comment 015-10 for more information regarding park acreages. No changes to the PEIR are required in response to this comment.

### **Response to Comment I15-11**

This comment is similar to Comment Letter 017, including responses 017-11, 017-18, 017-27, 017-28, and 017-35, in that it requests that additional scenic vistas be added to the PMPU for the Embarcadero. Comment 017-19 also raises the issue of a view corridor along Pacific Hwy toward the County Administration building and building heights. Please see the detailed responses to those comments in Comment Letter 017.

As indicated in Section 4.1, *Aesthetics and Visual Resources*, of the PEIR there would be no permanent blocking of designated views and no permanent impacts to visual character from the PMPU. Furthermore, scenic vistas are defined as “publicly accessible viewpoints that provide an expansive/panoramic view of a large geographic area. Furthermore, panoramic views provide visual access to a large geographic area for which the field of view can extend into the distance and are normally identified by an elevated viewing position in comparison to their surroundings.” (Draft PEIR page 4.1-4.) The commenter’s suggestion to limit the height of structures “by keeping buildings low” to maintain the Pacific Highway view corridor for the County Administration Building would not improve scenic vistas, as many of the locations in the District are not on “an elevated viewing position.” A building which is one story tall will limit the views of the San Diego Bay in a similar manner as a structure which is ten stories tall from adjacent pedestrian locations. (See also *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572 [“The site and surrounding areas is generally flat, and therefore the project will not have an adverse impact on scenic vistas—specifically the Berkeley Hills or the San Francisco Bay.”].) The comment does not raise an environmental issue or object to the adequacy of the PEIR.

Therefore, no further response is required and no changes to the PEIR are required in response to this comment.

### **Response to Comment I15-12**

This comment is similar to Comment O17-36 included within Comment Letter O17 related to coordination with surrounding agencies to combat sea level rise. Please see the detailed response to Comment O17-36 in Comment Letter O17.

Draft PEIR Section 4.13.4.3 includes a detailed overview of the proposed PMPU objectives and policies that address sea level rise, including SR Objective 3.4, which states, “Collaborate with partner agencies and adjacent disadvantaged communities to effectively monitor, assess, plan, and adapt for future hazards, including climate-related impacts in and around San Diego Bay,” and SR Policy 3.3.1, which requires a site specific hazard report that “shall address anticipated coastal hazards over the anticipated life of the development, including, but not limited to inundation; flooding associated with storms of various return periods, including a 100-year storm; wave runup and overtopping; historic and projected future shoreline erosion; groundwater rise; saltwater intrusion; tsunamis; and changes to these hazards over time due to projected sea level rise at the site.” This includes consideration of “multiple sea level rise scenarios and projections associated with the anticipated life of the development.” The comment does not raise an environmental issue or any specific objection to the adequacy of the PEIR. Therefore, no further response is required and no changes to the PEIR are required in response to this comment.

### **Response to Comment I15-13**

This comment is similar to Comment O17-37 included within Comment Letter O17 in that it requests the adoption of Alternative 3 from the PEIR. Please see the detailed response to Comment O17-37 in Comment Letter O17. The comment does not raise an environmental issue or object to the adequacy of the PEIR. Therefore, no further response is required and no changes to the PEIR are required in response to this comment. However, this comment will be included in the information presented to the Board of Port Commissioners for their consideration when they decide whether or not to adopt the PMPU.

2.7.16 Comment Letter I16: Adrian Fremont

Letter I16

**From:** Adrian Fremont <ajfremont19@gmail.com>  
**Sent:** Sunday, January 9, 2022 7:55 AM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and EIR for the Embarcadero

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

January 7, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

I16-1

Response to Comment I16-1

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)

B. Add these goals into the Draft PMPU:

1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
2. Preserve and maximize views of and to the Bay.
3. Provide public access and open space amenities, particularly along the Bayfront.
4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

- A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
- B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
- C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.



- D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
- E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
- F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
- G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
- H. Convert B Street to a pedestrian only promenade when it becomes available.
- I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
- J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
- K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
- L. Make all hotel parking fully underground.
- M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).

#### 6. Traffic

- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

#### 7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.

I16-1  
cont.

- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

#### 8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

#### 9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

#### 10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

#### 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

#### 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

- 13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the

I16-1  
cont.

proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities.”

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Adrian Fremont

Downtown San Diego resident

I16-1  
cont.

2.7.17      **Comment Letter I17: Ann Pfau**

Letter  
I17

**From:** Ann Pfau <atpfau3@icloud.com>  
**Sent:** Sunday, January 9, 2022 12:32 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

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January 9, 2022

Lesley Nishihira, Director, Planning, Port of San Diego,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development. Further, this is a residential area, and increased congestion is very troubling for those of us who live here.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment.

I17-1

**Response to Comment I17-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
- B. Add these goals into the Draft PMPU:
  1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
  2. Preserve and maximize views of and to the Bay.
  3. Provide public access and open space amenities, particularly along the Bayfront.
  4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
  - A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
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  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.

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cont.

- L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
  - B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
  - C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access
- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.
9. Park/Plaza/ Recreation Open Space Reconciliation
- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
  - B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
10. Additional Scenic Vistas
- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
  - B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.
11. South Embarcadero
- a. Preserve the existing scenic vistas
  - b. Set building guidelines and parameters for developers to follow.
12. Sea Level Rise Analysis
- Coordinate with surrounding agencies to do more to combat sea level rise.

I17-1  
cont.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. “This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities.”

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Ann Pfau  
1325 Pacific Hwy., Unit 1702, San Diego

I17-1  
cont.



2.7.18      **Comment Letter I18: Bob Piskule**

Letter I18

**From:** Bob Piskule <rpj527@yahoo.com>  
**Sent:** Monday, January 10, 2022, 10:47 AM  
**To:** Port Master Plan Update  
**Subject:** Fw: Failure Notice

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded Message -----  
**From:** MAILER-DAEMON@yahoo.com <mailer-daemon@yahoo.com>  
**To:** "rpj527@yahoo.com" <rpj527@yahoo.com>  
**Sent:** Sunday, January 9, 2022, 06:27:35 PM PST  
**Subject:** Failure Notice

Sorry, we were unable to deliver your message to the following address.  
<pmpu@porofsandiego.org>:  
No mx record found for domain=porofsandiego.org

----- Forwarded message -----

January 9, 2022

Lesley Nishihira, Director, Planning, Port of San Diego,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and

1

**Response to Comment I18-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.



San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU:

- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
- B. Add these goals into the Draft PMPU:
  - 1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
  - 2. Preserve and maximize views of and to the Bay.
  - 3. Provide public access and open space amenities, particularly along the Bayfront.
  - 4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

- A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
- B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
- C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
- D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
- E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
- F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
- G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
- H. Convert B Street to a pedestrian only promenade when it becomes available.
- I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
- J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
- K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
- L. Make all hotel parking fully underground.
- M. Any section of the block that is not dedicated to a h [remainder of message body omitted; too large]

I18-1  
cont.

2.7.19      **Comment Letter I19: Carol del Tufo Harmon**

Letter  
I19

**From:** Carol Harmon <c\_deltufo@hotmail.com>  
**Sent:** Sunday, January 9, 2022 9:38 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

January 9, 2022

Lesley Nishihira, Director, Planning, Port of San Diego,

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Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

- I19-1
1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
  2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.
  3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
  4. Please make these changes to the NE section of the Draft PMPU.

**Response to Comment I19-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
- B. Add these goals into the Draft PMPU:
1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
  2. Preserve and maximize views of and to the Bay.
  3. Provide public access and open space amenities, particularly along the Bayfront.
  4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
- A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

I19-1  
cont.

## 7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

## 8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

## 9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

## 10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

## 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

## 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

- 13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Carol del Tufo Harmon  
1205 Pacific Highway #1105  
San Diego, Ca. 92101  
973.432.4911

I19-1  
cont.

2.7.20      **Comment Letter I20: CG Wagner**

Lily Tsukayama

Letter I20

From:

Greg Wagner <cgwagner1230@gmail.com>

Sent:

Monday, January 10, 2022 9:39 AM

To:

Port Master Plan Update; lnishihi@portofsandiego.com

Cc:

Michael Zucchet; Rafael Castellanos; Jennifer LeSar

Subject:

Draft PMPU and Draft EIR Comments

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January, 10, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

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Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive , unneeded development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

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2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open

**Response to Comment I20-1**

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Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

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  - 3. Provide public access and open space amenities, particularly along the Bayfront.
  - 4. **Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.**
- 5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
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  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
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  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.

I20-1  
cont.

- M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
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  - Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
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11. South Embarcadero
- Preserve the existing scenic vistas
  - Set building guidelines and parameters for developers to follow.
12. Sea Level Rise Analysis
- Coordinate with surrounding agencies to do more to combat sea level rise.

I20-1  
cont.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. “This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities.”

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

C. G.Wagner  
1240 India Street #1900  
San Diego, CA

I20-1  
cont.



2.7.21 Comment Letter I21: C.T. Guidoboni, Jr.

Letter  
I21

**From:** Max Guidoboni <guido6448@yahoo.com>  
**Sent:** Sunday, January 9, 2022 2:51 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet  
**Subject:** Draft PMPU and Draft E/R comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

January 7, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.
3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.

Response to Comment I21-1

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

I21-1

A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)

B. Add these goals into the Draft PMPU:

1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
2. Preserve and maximize views of and to the Bay.
3. Provide public access and open space amenities, particularly along the Bayfront.
4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

- A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
- B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not Microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms are an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
- C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
- D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650-room hotel with underground parking.
- E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
- F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
- G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
- H. Convert B Street to a pedestrian only promenade when it becomes available.
- I. Eliminate using B Street to stage trucks and buses servicing cruise ships.

I21-1  
cont.

J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.

K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.

L. Make all hotel parking fully underground.

M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).

#### 6. Traffic

A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.

B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

#### 7. Parking

A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.

B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.

C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

#### 8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

#### 9. Park/Plaza/ Recreation Open Space Reconciliation

A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.

B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

I21-1  
cont.

10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

12. Sea Level Rise Analysis  
Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

I21-1  
cont.

Sincerely,

*C. T. Guidoboni, Jr.*

C. T. Guidoboni, Jr.

700 Front Street, Unit 2605

San Diego, CA 92101

[Guido6448@yahoo.com](mailto:Guido6448@yahoo.com)

2.7.22      **Comment Letter I22: Dr. Catherine Smith**

Letter  
I22

**From:** Catherine Smith <kaydees333@gmail.com>  
**Sent:** Sunday, January 9, 2022 6:05 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** San Diego Port Draft PMPU

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January 9, 2022

Lesley Nishihira, Director, Planning, Port of San Diego,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

I22-1

**Response to Comment I22-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.
- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
  - B. Add these goals into the Draft PMPU:
    1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
    2. Preserve and maximize views of and to the Bay.
    3. Provide public access and open space amenities, particularly along the Bayfront.
    4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
  - 5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
    - A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
    - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
    - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
    - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
    - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
    - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
    - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
    - H. Convert B Street to a pedestrian only promenade when it becomes available.
    - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
    - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
    - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
    - L. Make all hotel parking fully underground.
    - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic

I22-1  
cont.

- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
  - B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
  - C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access  
Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.
9. Park/Plaza/ Recreation Open Space Reconciliation
- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
  - B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
10. Additional Scenic Vistas
- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
  - B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.
11. South Embarcadero
- a. Preserve the existing scenic vistas
  - b. Set building guidelines and parameters for developers to follow.
12. Sea Level Rise Analysis  
Coordinate with invested agencies, to do more to combat sea level rise.
13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

I22-1  
cont.

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Dr. Catherine M. Smith

[kaydees333@gmail.com](mailto:kaydees333@gmail.com)

I 122-1  
cont.



2.7.23      **Comment Letter I23: Elaine Regan**

Letter  
I23

**From:** Elaine Regan <13ereg@gmail.com>  
**Sent:** Sunday, January 9, 2022 12:13 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Jennifer LeSar; Michael Zucchet; Rafael Castellanos  
**Subject:** Draft PMPU and Draft EIR Comment

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January 9, 2022

TO: Lesley Nishihira, Director, Planning San Diego Unified Port District

RE: Draft PMPU and Draft EIR Comment

In my opinion, San Diego Bay is San Diego's greatest asset and I appreciate the Port of San Diego working to maintain and improve it for the good of all.

I realize sufficient revenue by the Port is required to keep the lands in the Port's care accessible and available to all Californians. However, I think the development set out in the Draft PMPU is unbalanced, leaning strongly toward revenue generating hotels and retail. Even though the Port has not articulated the need, the Port's plans call for more, bigger and towering development on these limited public lands which would create the densest section of developed coastline in all of California. The Plan should lean less toward commercialization and significantly more toward low-cost/free activities to pull the public - residents as well as visitors - to the Bay.

While I approve of/accept many of the significant changes the Port has made in the PMP since the Discussion Draft three years ago I, as a resident of San Diego, want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

Primarily, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

I23-1

1

**Response to Comment I23-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port-selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Additionally, without development guidelines in so many districts, and for so many big projects, the Draft PMPU can't really be called a Master Plan.

The redevelopment of the CE is too big, too important and too essential to the overall plan, and to San Diego on the whole, to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without the inclusion of this major section of the Embarcadero. It must also be included in calculations of green space acreage.

Therefore, I agree with the California Coastal Commission (CCC) that the CE should be added back into the Plan with development standards to guide the redevelopment efforts. Accordingly, the CE needs to be included in the Draft PMPU before finalizing the Plan for submission to the CCC.

2. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel. One benefit of doing so would be the retention of hotel room balconies (which are rare in the downtown area).

3. Please make the following changes to the NE section of the Draft PMPU:

- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: **"The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses."** (Emphasis added)
- B. Add these goals to the Draft PMPU:
  - Provide uses and amenities that serve all Californians including local and regional communities as well as tourists.
  - Preserve and maximize views of, and to, the Bay.
  - Provide public access and open space amenities, particularly along the Bayfront.
  - Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

4. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. However, should the RLJ lease not be renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

- A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE residential neighborhood from the Bay.
- B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms. The two Lane Field hotels have a total of 800 rooms.

I23-1  
cont.

Therefore, the 650 hotel room limit is adequate; allows for decreased density as set out in the North Embarcadero Visionary Plan (NEVP), and; is appropriately scaled for this mostly residential neighborhood.

- C. Make podiums on blocks A, B, C, D, and E, if they exist, a maximum of 30 ft high to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
- D. Limit podiums (which are not required for hotels) to a maximum step back width of 25 ft measured from the base of the tower. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
- E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
- F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values. As NEVP provides for inclusion of adjacent residential properties within the “Catellus” properties as Third Party Beneficiaries, these properties are to be considered when determining how to meet the view and property value condition.
- G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
- H. Convert B Street to a pedestrian only promenade when it becomes available.
- I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
- J. When the Navy’s lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
- K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
- L. Make all hotel parking fully underground.
- M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).

#### 5. Traffic

- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway has been reduced to 4 lanes from 6 lanes and, therefore, a change to the previously planned traffic diversion is required.
- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is “significant and unavoidable”. This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

#### 6. Parking

- A. Make all parking spaces underground, as with every development along the North Embarcadero, with the exception of the Marriott Spring-Hill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port’s shuttle and FRED. Upgrade the Port shuttle.

#### 7. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

#### 8. Park/Plaza/ Recreation Open Space Reconciliation

- A. In order to verify that the Port is meeting its commitments to green space acreage, the Port must conduct a full (North, Central and South) Embarcadero reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU. Said reconciliation is to include all adjustments, completions and mitigations.

I23-1  
cont.

NOTE: The NE and CE are combined as one in the PMP, therefore the green space in the CE, as well as the SE, is required to do this reconciliation. Please consider, as the downtown population grows, the need for green space will dramatically increase.

- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

#### 9. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

#### 10. South Embarcadero

- A. Preserve the existing scenic vistas
- B. Set building guidelines and parameters for developers to follow.

#### 11. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

- 12. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

While planning improvements to our beautiful Embarcadero, rather than considering them primarily a tourist revenue stream, please keep the local residents and visitors, who use the Embarcadero on a regular basis, in mind!

Thank you for your time.

Elaine Regan

Downtown Resident

[13eregan@gmail.com](mailto:13eregan@gmail.com)

I23-1  
cont.

2.7.24      **Comment Letter I24: Ellen Coppola**

Letter  
I24

**From:** Ellen Coppola <ecoppola49@gmail.com>  
**Sent:** Friday, January 14, 2022 5:45 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comments

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Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

I24-1

**Response to Comment I24-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.
- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: **The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.** (emphasis added)
- B. Add these goals into the Draft PMPU:
1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
  2. Preserve and maximize views of and to the Bay.
  3. Provide public access and open space amenities, particularly along the Bayfront.
  4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
- A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
- B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
- C. Make podiums on blocks A, B, C, D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
- D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
- E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
- F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
- G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
- H. Convert B Street to a pedestrian only promenade when it becomes available.
- I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
- J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
- K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
- L. Make all hotel parking fully underground.

I24-1  
cont.

- M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access
- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.
9. Park/Plaza/ Recreation Open Space Reconciliation
- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
10. Additional Scenic Vistas
- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.
11. South Embarcadero
- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.
12. Sea Level Rise Analysis

I24-1  
cont.

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Ellen Silver Coppola

I24-1  
cont.



2.7.25      **Comment Letter I25: Eric Fremont**

Letter  
I25

**From:** Eric FREMONT <e.fremont@icloud.com>  
**Sent:** Sunday, January 9, 2022 7:39 AM  
**To:** Port Master Plan Update; nishihi@portofsandiego.org  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

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January 7, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the

I25-1

**Response to Comment I25-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
- B. Add these goals into the Draft PMPU:
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  3. Provide public access and open space amenities, particularly along the Bayfront.
  4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

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- B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
- C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
- D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
- E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.

I25-1  
cont.

- F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
- G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
- H. Convert B Street to a pedestrian only promenade when it becomes available.
- I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
- J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
- K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
- L. Make all hotel parking fully underground.
- M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).

#### 6. Traffic

- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

#### 7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

#### 8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

I25-1  
cont.

9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the EVF should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Consistent with the mandate from the State of California, please improve the Embarcadero for all the people who use it regularly and not just as a tourist revenue stream for the Port.

Regards,  
Eric Fremont  
Resident of Downtown San Diego

I25-1  
cont.

2.7.26

Comment Letter I26: Eric Rothberger

Lily Tsukayama

Letter I26

From: ericthorberger@gmail.com

Sent: Monday, January 10, 2022 3:10 PM

To: Port Master Plan Update; Lesley Nishihira

Cc: Michael Zucchet; Rafael Castellanos; Jennifer LeSar

Subject: Draft PMPU and Draft EIR Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lesley Nishihira, Director, Planning, Port of San Diego,

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I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)

B. Add these goals into the Draft PMPU:

1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.

2. Preserve and maximize views of and to the Bay.

I26-1

1

Response to Comment I26-1

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

Port Master Plan Update  
Final Environmental Impact Report

2-607

December 2023

3. Provide public access and open space amenities, particularly along the Bayfront.
4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
  - A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
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  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
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  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
  - A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
  - A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
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  - C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access
 

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

I26-1  
cont.

## 9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

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- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
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## 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

## 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Eric Rothberger

I26-1  
cont.

2.7.27      **Comment Letter I27: Gail Donahue**

Lily Tsukayama

Letter I27

From:

Gail Donahue <sunnydaygd@outlook.com>

Sent:

Sunday, January 9, 2022 2:56 PM

To:

Lesley Nishihira

Cc:

Port Master Plan Update; Michael Zucchet; Rafael Castellanos; Jennifer LeSar

Subject:

Draft PMPU and Draft EIR Comment

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January 9, 2022

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I27-1

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4. Please make these changes to the NE section of the Draft PMPU.

1

**Response to Comment I27-1**

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  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

I27-1  
cont.

## 7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

## 8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

## 9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

## 10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

## 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

## 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

## 13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Gail Donahue  
Resident  
700 Front Street San Diego Ca 92101

I27-1  
cont.

2.7.28      **Comment Letter I28: Judith and Jan Radke**

Letter  
I28

**From:** Judy Radke <0717judy@gmail.com>  
**Sent:** Monday, January 10, 2022 5:31 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar; Ann Moore; Sandy Naranjo; Dan Malcolm; Joe Stuyvesant; Garry Bonelli; Dan Malcolm; rvalderrama@portsandiego.org; Sandy Naranjo; Jennifer LeSar; Jason Giffen; Shaun Sumner  
**Subject:** Draft PMPU and Draft EIR Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

January 9, 2022  
Lesley Nishihira, Director, Planning, Port of San Diego,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development. *The details of the entire Embarcadero development are critical for quality of life for downtown residents. The potential for complete disruption and negative outcomes to the lives of residents are very real. The full evaluation of the Port Master Plan must be taken in total.*

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

I28-1

**Response to Comment I28-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)

B. Add these goals into the Draft PMPU:

1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
2. Preserve and maximize views of and to the Bay.
3. Provide public access and open space amenities, particularly along the Bayfront.
4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

- A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
- B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
- C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
- D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
- E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
- F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
- G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
- H. Convert B Street to a pedestrian only promenade when it becomes available.
- I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
- J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
- K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
- L. Make all hotel parking fully underground.
- M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).

6. Traffic

- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include

128-1  
cont.

the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."
- Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

I28-1  
cont.

Sincerely,  
Judith and Jan Radke  
1325 Pacific Hwy #1501  
San Diego, CA 92101

2.7.29 Comment Letter I29: Julia Connell

Letter  
I29

**From:** Julia Connell <julia.connell09@gmail.com>  
**Sent:** Saturday, January 15, 2022 12:03 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

January 7, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

I29-1

Response to Comment I29-1

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.
- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
  - B. Add these goals into the Draft PMPU:
    1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
    2. Preserve and maximize views of and to the Bay.
    3. Provide public access and open space amenities, particularly along the Bayfront.
    4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
- A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).

I29-1  
cont.

## 6. Traffic

- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

## 7. Parking

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- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

## 8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

I29-1  
cont.

## 9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

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- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

## 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

## 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts



on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities.”

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Julia Connell  
San Diego County Resident  
760.390.9889  
[julia.connell09@gmail.com](mailto:julia.connell09@gmail.com)

I29-1  
cont.

2.7.30      **Comment Letter I30: James and Kathryn Robertson**

Letter I30

**From:** James Robertson <jimnrlaplaya03@gmail.com>  
**Sent:** Saturday, January 8, 2022 2:34 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; jlesar@portofsandiego  
**Subject:** Draft PMPU & Draft EIR Comment

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Sent from my iPhone

Begin forwarded message:

**From:** Embarcadero Coalition <embarcaderocoalition@gmail.com>  
**Date:** January 7, 2022 at 5:09:43 PM PST  
**To:** Embarcadero Coalition <embarcaderocoalition@gmail.com>  
**Subject:** Draft PMPU and Draft EIR Comment

\*\*\*\*\*  
January 7, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this

I30-1

**Response to Comment I30-1**

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information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

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- B. Add these goals into the Draft PMPU:
  1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
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  3. Provide public access and open space amenities, particularly along the Bayfront.
  4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

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- E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
- F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
- G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.

I30-1  
cont.

- H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
  - B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
  - C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access
- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.
9. Park/Plaza/ Recreation Open Space Reconciliation
- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
  - B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
10. Additional Scenic Vistas
- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
  - B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific

130-1  
cont.

Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely, James and Kathryn Robertson  
jimnaplaya03@gmail.com

kathrynrobertson32@gmail.com  
1199 Pacific Highway Unit 2904  
San Diego, CA 92101

I30-1  
cont.

2.7.31      **Comment Letter I31: Janet Rogers**

Letter  
I31

**From:** Janet Rogers <jsrogers624@gmail.com>  
**Sent:** Monday, January 10, 2022 11:23 AM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Joe Stuyvesant; Garry Bonelli; Ann Moore; Michael Zucchet; Rafael Castellanos; Dan Malcolm; rvalderrama@portofsandiego.org; Sandy Naranjo; Jennifer LeSar; Jason Giffen; Shaun Sumner  
**Subject:** Draft PMPU and Draft EIR Comment

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January 10, 2022  
Lesley Nishihira, Director, Planning, Port of San Diego,

As a resident of Downtown San Diego and next door neighbor to the Port at The Grande North on Pacific Hwy in Columbia, I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

I31-1

**Response to Comment I31-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.
  - A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
  - B. Add these goals into the Draft PMPU:
    1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
    2. Preserve and maximize views of and to the Bay.
    3. Provide public access and open space amenities, particularly along the Bayfront.
    4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
  - A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
  - A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Impact Study states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include

I31-1  
cont.

the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

9. Park/Plaza/ Recreation Open Space Reconciliation

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- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."
- Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Janet Rogers  
[JSRogers624@gmail.com](mailto:JSRogers624@gmail.com)

I31-1  
 cont.



2.7.32      **Comment Letter I32: Jeff Caldwell**

Lily Tsukayama

Letter I32

From:

jeff@drstacykimj.com

Sent:

Monday, January 10, 2022 4:51 PM

To:

Port Master Plan Update; Lesley Nishihira

Cc:

Michael Zucchet; Rafael Castellanos; Jennifer LeSar

Subject:

Draft PMPU and Draft EIR Comment

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January 10, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

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I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

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3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

I32-1

**Response to Comment I32-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
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  3. Provide public access and open space amenities, particularly along the Bayfront.
  4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
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  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
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  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
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  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
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  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

I32-1  
cont.

## 7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

## 8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

## 9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

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cont.

## 10. Additional Scenic Vistas

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- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

## 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

## 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

## 13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Jeff Caldwell  
1199 Pacific Hwy #1702  
San Diego, CA 92101  
(530)863-7765  
Jeff.caldwell@drstacykimj.com

2.7.33      **Comment Letter I33: Jim Grossman**

Letter  
I33

**From:** James Grossman <jimgrossman31@me.com>  
**Sent:** Friday, January 7, 2022 7:50 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; jlesar@portofsandieg.org  
**Subject:** Draft PMPU and Draft EIR Comment

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January 7, 2022

Lesley Nishihira, Director Planning, San Diego Unified Port District:

As a resident of downtown San Diego, I am critically concerned that the Port Commission consider with care and a sense of it's great responsibility, the needs and concerns of all residents of San Diego.

After careful review of the Draft PMPU, I wish to express my dissatisfaction with important aspects of the Plan

The proposal for more massive commercial development on these limited public lands would create what I understand would be the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more open space, view corridors and opportunities for the residents and visitors to enjoy the beauty of OUR bay.

I object to a development plan that would obstruct the public view and access to San Diego's Embarcadero coastline.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of Downtown San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this

I33-1

**Response to Comment I33-1**

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information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

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- G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.

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cont.

- H. Convert B Street to a pedestrian only promenade when it becomes available.
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8. Service Access
- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.
9. Park/Plaza/ Recreation Open Space Reconciliation
- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
  - B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
10. Additional Scenic Vistas
- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
  - B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific

I33-1  
cont.

Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

- 11. South Embarcadero
  - a. Preserve the existing scenic vistas
  - b. Set building guidelines and parameters for developers to follow.
- 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

As a public body answerable to the concerns and interests of the residents of San Diego County, I respectfully implore the Port Commissioners to carefully consider the input of San Diego's public and prioritize maintaining our Bay's natural beauty. As San Diegans, we look to our Port Commissioners to exercise care in their stewardship of our unique San Diego Bay.

Sincerely,

Jim Grossman  
500 W Harbor Dr #1608  
San Diego 92101

I33-1  
cont.

2.7.34 Comment Letter I34: Joseph Bradley

Letter  
I34

**From:** Joseph K Bradley Jr <josephkriss@me.com>  
**Sent:** Monday, January 10, 2022 12:35 PM  
**To:** Port Master Plan Update  
**Cc:** Lesley Nishihira; Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** PMPU comments from Downtown San Diego resident

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January 10, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.
3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.
  - A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
  - B. Add these goals into the Draft PMPU:
    1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists
    2. Preserve and maximize views of and to the Bay.
    3. Provide public access and open space amenities, particularly along the Bayfront.
    4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
  5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
    - A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open space. The public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
    - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 800 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
    - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
    - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.

I34-1

Response to Comment I34-1

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.



- E. Limit the N-S width of the tower to 100 ft. instead of 120 ft. to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
  - B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
  - C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access
- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.
9. Park/Plaza/ Recreation Open Space Reconciliation
- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
  - B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
10. Additional Scenic Vistas
- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
  - B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.
11. South Embarcadero
- a. Preserve the existing scenic vistas
  - b. Set building guidelines and parameters for developers to follow.
12. Sea Level Rise Analysis
- Coordinate with surrounding agencies to do more to combat sea level rise.
13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Joseph Bradley  
700 Front Street, Unit 1803  
San Diego, CA 92101

I34-1  
cont.

2.7.35      **Comment Letter I35: Joseph McKay**

Letter  
I35

**From:** Scott McKay <captainmckay@hotmail.com>  
**Sent:** Sunday, January 9, 2022 12:05 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

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January 9, 2022

Lesley Nishihira, Director, Planning, Port of San Diego,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for development on these limited public lands seem to ignore the existing residents of San Diego. In addition, the Plan needs significantly more low-cost and free activities to pull the public to the Bay.

Specifically, I do not want public access to San Diego's Embarcadero coastline walled-off.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.
3. Traffic
  - o Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - o The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". The Port should adjust the PMPU to reduce the VMT until the impact is workable for both residents and visitors. This finding is particularly noteworthy in

I35-1

**Response to Comment I35-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

4. Parking

- Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- Parking requirements should be based on demand from hotel guests, waterfront recreational access and ADA accessible parking needs.
- Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

5. Service Access

- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

6. Park/Plaza/ Recreation Open Space Reconciliation

- The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.

7. Additional Scenic Vistas

- Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.

8. South Embarcadero

- Preserve the existing scenic vistas
- Set building guidelines and parameters for developers to follow.

9. Sea Level Rise Analysis

- Coordinate with surrounding agencies to do more to address the impacts of sea level rise.

Please improve the Embarcadero for the people who use it regularly and not just to accommodate tourists.

Sincerely,

Joseph McKay  
5694 Mission Center Rd #602-893  
San Diego, CA 92108  
619-394-0932

I35-1  
cont.

2.7.36      **Comment Letter I36: Joy Rothberger**

Lily Tsukayama

Letter I36

From:

Joy Rothberger <joyroth33@gmail.com>

Sent:

Monday, January 10, 2022 3:36 PM

To:

Port Master Plan Update; Lesley Nishihira

Cc:

Michael Zucchet; Rafael Castellanos; Jennifer LeSar

Subject:

Draft PMPU and Draft EIR Comment

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January 10, 2022

TO:

Lesley Nishihira, Director, Planning, Port of San Diego,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

**Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.**

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

I36-1

**Response to Comment I36-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

4. Please make these changes to the NE section of the Draft PMPU:
- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
  - B. Add these goals into the Draft PMPU:
    1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
    2. Preserve and maximize views of and to the Bay.
    3. Provide public access and open space amenities, particularly along the Bayfront.
    4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott Spring-Hill Suites:
- A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is 'significant and unavoidable'. This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of

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cont.

Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

JOY ROTHBERGER

1601 Kettner Blvd 1601  
SD CA 92101  
858-205-8771

I36-1  
cont.

2.7.37      **Comment Letter I37: Joyce and Milton Levin**

Letter  
I37

**From:** jhenrylevin1201@aol.com  
**Sent:** Sunday, January 9, 2022 7:51 AM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** "Draft PMPU and Draft EIR Comment"

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January 7, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.
3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.
  - A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
  - B. Add these goals into the Draft PMPU:

**Response to Comment I37-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
2. Preserve and maximize views of and to the Bay.
3. Provide public access and open space amenities, particularly along the Bayfront.
4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
  - A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
  - A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
  - A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
  - B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
  - C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access
 

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

137-1  
cont.



## 9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

## 10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

## 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

## 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

## 13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Joyce and Milton Levin  
1325 Pacific Highway, Unit 1201  
San Diego, CA 92101  
Cell: 856-430-1906

137-1  
cont.

2.7.38      **Comment Letter I38: Karen Kerschmann**

Letter  
I38

**From:** Karen Kerschmann <kkerschmann@gmail.com>  
**Sent:** Monday, January 10, 2022 8:48:49 PM (UTC+00:00) Monrovia, Reykjavik  
**To:** mpu@portofsandiego.org <mpu@portofsandiego.org>; Lesley Nishihira <lnishihira@portofsandiego.org>  
**Cc:** Michael Zucchet <mzucchet@portofsandiego.org>; Rafael Castellanos <rcastellanos@portofsandiego.org>; Jennifer LeSar <jlesar@portofsandiego.org>  
**Subject:**

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January 9, 2022

Lesley Nishihira, Director, Planning, Port of San Diego,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This

I38-1

**Response to Comment I38-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

A. Include this sentence from page 59 of the current PMP into the Draft PMPU: **The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.** (emphasis added)

B. Add these goals into the Draft PMPU:

1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
2. Preserve and maximize views of and to the Bay.
3. Provide public access and open space amenities, particularly along the Bayfront.
4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

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- B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
- C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
- D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
- E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
- F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
- G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
- H. Convert B Street to a pedestrian only promenade when it becomes available.
- I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
- J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.

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- K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
  - B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
  - C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access
- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.
9. Park/Plaza/ Recreation Open Space Reconciliation
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  - B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
10. Additional Scenic Vistas
- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
  - B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.
11. South Embarcadero
- a. Preserve the existing scenic vistas
  - b. Set building guidelines and parameters for developers to follow.
12. Sea Level Rise Analysis
- Coordinate with surrounding agencies to do more to combat sea level rise.
13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the

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cont.

proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,  
Karen Kerschmann  
619-517-2824  
1240 India St 708  
San Diego, CA 92101

138-1  
cont.

2.7.39      **Comment Letter I39: Karen Nelson**

Letter  
I39

**From:** Karen Nelson <nelsonkaren353@gmail.com>  
**Sent:** Monday, January 10, 2022 10:30 AM  
**To:** Port Master Plan Update; Inishihi@portofsandiego.org; Michael Zucchet; Jennifer LeSar; Rafael Castellanos  
**Subject:** Fwd: Draft PMPU and Draft EIR Comment

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IMPORTANT

January 10, 2022

Lesley Nishihira, Director, Planning, Port of San Diego

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

- I39-1
1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
  2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.
  3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

**Response to Comment I39-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

4. Please make these changes to the NE section of the Draft PMPU.
- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
  - B. Add these goals into the Draft PMPU:
    1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
    2. Preserve and maximize views of and to the Bay.
    3. Provide public access and open space amenities, particularly along the Bayfront.
    4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
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  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors

139-1  
cont.

annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

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- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Kirk and Karen Nelson  
1199 Pacific Highway #501  
San Diego, CA 92101

I39-1  
cont.



2.7.40 Comment Letter I40: Karla and Nathan Silver

Letter  
I40

**From:** Karla Silver <karlarxcy@gmail.com>  
**Sent:** Sunday, January 9, 2022 1:59 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Port Master Plan Update; Lesley Nishihira; Silver Ned (Nathan) Michael  
**Subject:** Draft PMPU and Draft EIR Comment

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January 9, 2022

Lesley Nishihira, Director, Planning, Port of San Diego,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

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I request the following from the Port:

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Response to Comment I40-1

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

I40-1

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.
- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
  - B. Add these goals into the Draft PMPU:
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  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
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  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).

I40-1  
cont.

## 6. Traffic

- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

## 7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

## 8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

## 9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

## 10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

## 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

## 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts

140-1  
cont.

on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities.”

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Karla Silver  
Karlaxcy@gmail.com  
Nathan Silver  
Nmsrx@aol.com  
Bayside Condominiums unit 311

I40-1  
cont.

2.7.41      **Comment Letter I41: Kenneth Victor**

Lily Tsukayama

Letter I41

From:

Ken Victor <kennethvictor@me.com>

Sent:

Sunday, January 9, 2022 4:50 PM

To:

Port Master Plan Update; Lesley Nishihira

Subject:

Fwd: Draft PMPU and Draft EIR Comment

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January 9, 2022

Lesley Nishihira, Director, Planning, Port of San Diego,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development

**Response to Comment I41-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
- B. Add these goals into the Draft PMPU:
  1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
  2. Preserve and maximize views of and to the Bay.
  3. Provide public access and open space amenities, particularly along the Bayfront.
  4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
  - A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease

I41-1  
cont.

- density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
- C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking

I41-1  
cont.

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

#### 8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

#### 9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

#### 10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

#### 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

#### 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

- 13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen

I41-1  
cont.



significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Kenneth Victor  
Stakeholder of 13 years and a daily walker of the Embarcadero  
1262Kettner#1204

San Diego 92101



I41-1  
cont.

2.7.42      **Comment Letter I42: Lamees Mansur**

Letter  
I42

**From:** Lamees Mansur <maytherebepeace@yahoo.com>  
**Sent:** Sunday, January 9, 2022 1:57 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

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January 9, 2022

Lesley Nishihira, Director, Planning, Port of San Diego,

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Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

I42-1

**Response to Comment I42-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.
- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
  - B. Add these goals into the Draft PMPU:
    1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
    2. Preserve and maximize views of and to the Bay.
    3. Provide public access and open space amenities, particularly along the Bayfront.
    4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
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  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).

I42-1  
cont.

## 6. Traffic

- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

## 7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

## 8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

## 9. Park/Plaza/ Recreation Open Space Reconciliation

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- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

## 10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

## 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

## 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts

I42-1  
cont.

on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities.”

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Lamees Mansur  
[maytherebepeace@yahoo.com](mailto:maytherebepeace@yahoo.com)

606 Third Avenue, Apt. 427  
San Diego, CA 92101  
619-236-0383

I42-1  
cont.



2.7.43      **Comment Letter I43: Larry and Dr. Sharry Seal**

Letter I43

**From:** Larry Seal <Larry@engagedleadership.com>  
**Sent:** Sunday, January 9, 2022 4:08 PM  
**To:** Lesley Nishihira; Port Master Plan Update  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

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Ms. Nishihira,

My wife and I are residents of the Meridian building downtown and we thank you to the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego.

We recognize it takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, we are concerned that the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. We don't believe the Port has sufficiently articulated the need for this level of development. Additionally, we think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, **we do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.**

The Port has made significant changes from the Discussion Draft three years ago and we approve of many of those changes. However, as a resident of the Marina District, we want to express our concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

We request the following from the Port:

- 1. Please suspend the PMPU process** until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan at this point.
  - a. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.
- 2. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.**
- 3. Please make these changes to the NE section of the Draft PMPU.**

I43-1

**Response to Comment I43-1**

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- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: **The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.**

- B. Add these goals into the Draft PMPU:

1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
2. Preserve and maximize views of and to the Bay.
3. Provide public access and open space amenities, particularly along the Bayfront.
4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

**5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success.** If the RJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

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- M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).

#### 6. Traffic

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cont.

- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
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- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
  - B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
  - C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
- 8. Service Access**
- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.
- 9. Park/Plaza/ Recreation Open Space Reconciliation**
- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
  - B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
- 10. Additional Scenic Vistas**
- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
  - B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.
- 11. South Embarcadero**
- a. Preserve the existing scenic vistas
  - b. Set building guidelines and parameters for developers to follow.
- 12. Sea Level Rise Analysis**
- Coordinate with surrounding agencies to do more to combat sea level rise.
- 13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU.** "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."
- Please improve the Embarcadero for the people in our community who use it regularly.
- Sincerely,
- Larry Seal & Dr. Sharry Seal  
700 Front Street #701, 92101  
310.666.7868

I43-1  
cont.



2.7.44      **Comment Letter I44: LeAnna Zevely**

Letter  
I44

**From:** LeAnna Zevely <lzevely@gmail.com>  
**Sent:** Saturday, January 8, 2022 5:21 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Fwd: Draft PMPU and Draft EIR Comment

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Subject: Draft PMPU and Draft EIR Comment

January 8, 2022

Ms. Lesley Nishihira, Director  
Planning San Diego Unified Port District,

Subject: Draft PMPU and Draft EIR Comment

Dear Ms. Nishihira:

I want to thank the Port of San Diego Commissioners and staff for their continuing work to make San Diego Bay a beautiful and wonderful asset for San Diego's residents. It takes years to develop a new Master Plan and I support the Port's continuing efforts to maintain the Bay's tidelands, as well as guarantee they will always be accessible and available to all Californians. However, in an effort to ensure enough revenue to maintain the tidelands, I believe the Port's current plans for more of large and towering development on these limited public lands would result in creating the densest section of developed coastline in all of California. Unfortunately, the Port has not articulated the need for this level of development, which is both unbalanced and biased toward revenue generating hotels and retail. To attract the public to the Bay, the Plan needs to include significantly more free and low-cost activities and less commercialization. In short, excessive development of the Embarcadero will definitely wall off the public's view and access to the Bay's coastline.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. I also want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR) and request the following:

1. Suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista, and National City for public view, consideration and comment. Major projects are being planned by Port -selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

2. Include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important, and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Rereation Open Space

I44-1

**Response to Comment I44-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

(ROS) or Vehicle Miles Traveled (VM) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan, with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Revise the NE section of the Draft PMPU to include this sentence from page 59 of the current PMP into the Draft PMPU:

The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.

And, add these goals into the Draft PMPU:

- Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
- Preserve and maximize views of and to the Bay.
- Provide public access and open space amenities, particularly along the Bayfront.
- Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.

B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.

C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.

D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a hotel 650 room with underground parking.

E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.

F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.

G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.

H. Convert B Street to a pedestrian only promenade when it becomes available.

I. Eliminate using B Street to stage trucks and buses servicing cruise ships.

J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would population provide much needed green space as the downtown grows.

I44-1  
cont.

- K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
- L. Make all hotel parking fully underground.
- M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access
- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.
9. Park/Plaza/ Recreation Open Space Reconciliation
- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
10. Additional Scenic Vistas
- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.
11. South Embarcadero
- A. Preserve the existing scenic vistas.
- B. Set building guidelines and parameters for developers to follow.
12. Sea Level Rise Analysis
- Coordinate with surrounding agencies to do more to combat sea level rise.

144-1  
cont.

13. From the Draft Program EIR, please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

144-1  
cont.

Please improve the Embarcadero for the residents of San Diegan who use it daily. Do not reduce the Embarcadero to simply a tourist revenue stream for the Port.

Sincerely,

LeAnna Zevely  
[lzevely@gmail.com](mailto:lzevely@gmail.com)

2.7.45      **Comment Letter I45: Lisa Klein**

Letter  
I45

**From:** Lisa Klein <lisa@steffanyrubin.com>  
**Sent:** Friday, January 7, 2022 8:57 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

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January 7, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment.

I45-1

**Response to Comment I45-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
- B. Add these goals into the Draft PMPU:
  1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
  2. Preserve and maximize views of and to the Bay.
  3. Provide public access and open space amenities, particularly along the Bayfront.
  4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
  - A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.

I45-1  
cont.

- L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
  - B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
  - C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access
- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.
9. Park/Plaza/ Recreation Open Space Reconciliation
- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
  - B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
10. Additional Scenic Vistas
- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
  - B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.
11. South Embarcadero
- a. Preserve the existing scenic vistas
  - b. Set building guidelines and parameters for developers to follow.
12. Sea Level Rise Analysis
- Coordinate with surrounding agencies to do more to combat sea level rise.

I45-1  
cont.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. “This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities.”

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

I45-1  
cont.

Sincerely,

Lisa Klein  
1325 Pacific Highway Unit 2307  
San Diego,CA 92101  
619-228-9982  
917-656-9277



2.7.46      **Comment Letter I46: Lyndall Nipps**

Letter  
I46

**From:**                   Inipps@me.com on behalf of Inipps@icloud.com  
**Sent:**                    Sunday, January 9, 2022 3:08 PM  
**To:**                     Port Master Plan Update; Lesley Nishihira  
**Cc:**                     Jennifer LeSar; Rafael Castellanos  
**Subject:**               Draft PMPU and Draft EIR Comment

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January 9, 2022

Lesley Nishihira, Director, Planning, Port of San Diego,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger, and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration, and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property, and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important, and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

Renew the RJL lease with the commitment to update the Wyndham inside and out to a first-class hotel.

Please make these changes to the NE section of the Draft PMPU.

I46-1

**Response to Comment I46-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)

Add these goals into the Draft PMPU:

Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.

Preserve and maximize views of and to the Bay.

Provide public access and open space amenities, particularly along the Bayfront.

Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.

Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two-Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.

Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.

Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.

Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.

Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.

Convert B Street to a pedestrian only promenade when it becomes available.

Eliminate using B Street to stage trucks and buses servicing cruise ships.

When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested.

This space would provide much needed green space as the downtown population grows.

Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors. Make all hotel parking fully underground.

Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).

Traffic

Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

Parking

146-1  
cont.

Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.

Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.

Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

#### Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

#### Park/Plaza/ Recreation Open Space Reconciliation

The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.

Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

#### 10. Additional Scenic Vistas

Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.

The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

#### South Embarcadero

Preserve the existing scenic vistas

Set building guidelines and parameters for developers to follow.

#### Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port. As an eleven year resident that walks the embarcadero and waterfront areas almost daily, please preserve what makes San Diego bayfront living special in every way.

Sincerely,

Mr Lyndall Nipps, Bayside at the Embarcadero

I46-1  
cont.

2.7.47      **Comment Letter I47: Lynne Guidoboni**

Letter  
I47

**From:** Lynne Guidoboni <Linguita2@yahoo.com>  
**Sent:** Sunday, January 9, 2022 11:45 AM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet  
**Subject:** Draft PMPU and Draft EIR Comment

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January 7, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

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Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

**Response to Comment I47-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

I47-1

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)

B. Add these goals into the Draft PMPU:

1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
2. Preserve and maximize views of and to the Bay.
3. Provide public access and open space amenities, particularly along the Bayfront.
4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

- A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
- B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
- C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.

I47-1  
cont.

- D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
- E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
- F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
- G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
- H. Convert B Street to a pedestrian only promenade when it becomes available.
- I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
- J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
- K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
- L. Make all hotel parking fully underground.
- M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).

147-1  
cont.

#### 6. Traffic

- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

#### 7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.

- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

#### 8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

#### 9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.

- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

#### 10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

#### 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

#### 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Lynne Guidoboni

I47-1  
cont.

2.7.48      **Comment Letter I48: Maddy**

Letter  
I48

**From:** Madsss <madsss@yahoo.com>  
**Sent:** Sunday, January 9, 2022 11:21 AM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

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January 9, 2022

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3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.

I48-1

**Response to Comment I48-1**

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- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
- B. Add these goals into the Draft PMPU:
1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
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  4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
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  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
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  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

148-1  
cont.

## 7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
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## 11. South Embarcadero

- a. Preserve the existing scenic vistas
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## 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

## 13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Maddy,  
Long time downtown resident of the Pinnacle Marina Tower  
Madsss@yahoo.com

I48-1  
cont.

2.7.49 Comment Letter I49: Mary Worley

Letter  
I49

**From:** Mary Worley <worleym@cox.net>  
**Sent:** Sunday, January 9, 2022 1:33 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet  
**Subject:** Draft PMPU and Draft E/R comment

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January 7, 2022

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I request the following from the Port:

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4. Please make these changes to the NE section of the Draft PMPU.
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  - B. Add these goals into the Draft PMPU:
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  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650-room hotel with underground parking.

I49-1

Response to Comment I49-1

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- E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
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Upgrade the Port shuttle, & Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

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Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Mary F. Worley  
500 W. Harbor Drive, #1220  
San Diego, CA 92101  
[worleymf@cox.net](mailto:worleymf@cox.net)

149-1  
cont.

## 2.7.50 Comment Letter I50: Matthew Sweeney

Letter  
I50

**From:** Matt Sweeney <mfsweeney@me.com>  
**Sent:** Sunday, January 9, 2022 12:19 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** PMPU comments from Downtown San Diego resident

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1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.
3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.
  - A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
  - B. Add these goals into the Draft PMPU:
    1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
    2. Preserve and maximize views of and to the Bay.
    3. Provide public access and open space amenities, particularly along the Bayfront.
    4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
  - A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.

1

I50-1

### Response to Comment I50-1

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

- E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
  - B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
  - C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access
- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.
9. Park/Plaza/ Recreation Open Space Reconciliation
- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
  - B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
10. Additional Scenic Vistas
- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
  - B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.
11. South Embarcadero
- a. Preserve the existing scenic vistas
  - b. Set building guidelines and parameters for developers to follow.
12. Sea Level Rise Analysis
- Coordinate with surrounding agencies to do more to combat sea level rise.
13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."
- Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.
- Sincerely,
- Matthew Sweeney  
700 Front Street, Unit 1803  
San Diego, CA 92101

150-1  
cont.

2.7.51      **Comment Letter I51: Mehdi and Yadira Malekadeli**

Letter  
I51

**From:** Mehdi Malekadeli <mmalekadeli@gmail.com>  
**Sent:** Saturday, January 8, 2022 7:23 AM  
**To:** Port Master Plan Update; Lesley Nishihira; Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Embarcadero Coalition

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello All,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I51-1

**Response to Comment I51-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.  
A. Include this sentence from page 59 of the current PMP into the Draft PMPU: **The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)**

IS1-1  
cont.



B. Add these goals into the Draft PMPU:

1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
2. Preserve and maximize views of and to the Bay.
3. Provide public access and open space amenities, particularly along the Bayfront.
4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

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B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.

IS1-1  
cont.

- C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway

IS1-1  
cont.

had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.

- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is “significant and unavoidable”. This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

9. Park/Plaza/ Recreation Open Space Reconciliation

IS1-1  
cont.

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

#### 10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

IS1-1  
cont.

#### 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

#### 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

- 13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale

and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities.”

151-1  
cont.

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

*Mehdi and Yadira Malekadel*

1262 Kettner Blvd. unit 706  
San Diego, Ca.

--

-MM

2.7.52      **Comment Letter I52: Michael D Umphrey**

January 8, 2022

To: Lesley Nishihira, Director, Planning San Diego Unified Port District

The efforts of the Port of San Diego Commissioners and staff to make the bay a beautiful part of San Diego is appreciated. We understand that it takes years to develop a new Master Plan – we, along with many others who live in this area, are concerned with keeping the lands in the Port’s care accessible and available to all Californians while ensuring enough revenue to maintain them. Unfortunately, the Port’s plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not shown the need for this level of development. Additionally, the proposed development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities and a lot less commercialization to attract the public to the bay area.

One major issue is keeping the public view and access to San Diego’s Embarcadero coastline open and accessible, not walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago, many of which are acceptable. Nevertheless, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR). Along these lines, I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property, and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU simply is not a Master Plan.
2. Specifically, in agreement with the California Coastal Commission (CCC), the CE should be added back into the Plan with development standards to guide the redevelopment in the Draft PMPU before finalizing the Plan for submission to the CCC. The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero.

Letter  
I52

I52-1

**Response to Comment I52-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make the following changes to the NE section of the Draft PMPU:

A. Include the following sentence from page 59 of the current PMP into the Draft PMPU: **The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)**

B. Add the following goals into the Draft PMPU:

1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
2. Preserve and maximize views of and to the Bay.
3. Provide public access and open space amenities, particularly along the Bay front.
4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.

B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.

C. Make podiums on blocks A, B, C, D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in

I52-1  
cont.

figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.

- D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
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  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
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  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million

I52-1  
cont.



visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

7. Parking:

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

8. Service Access:

- A. Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

152-1  
cont.

9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
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- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.

B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

11. South Embarcadero:

A. Preserve the existing scenic vistas.

B. Set building guidelines and parameters for developers to follow.

12. Sea Level Rise Analysis:

A. Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. “This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities.”

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Michael D. Umphrey  
1262 Kettner Blvd., Unit 3202  
San Diego, CA 92101  
Email: [suertudo@earthlink.net](mailto:suertudo@earthlink.net)  
Telephone: (248) 330-7708

I52-1  
cont.

2.7.53      **Comment Letter I53: Nick Theios**

Letter  
I53

**From:** Nick Theios <nick@mikelsonyachts.com>  
**Sent:** Thursday, January 13, 2022 10:08 AM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

**WARNING:** The sender of this email could not be validated and may not match the person in the "From" field!

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January 13, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

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I53-1

**Response to Comment I53-1**

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Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

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  - 1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
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  - 3. Provide public access and open space amenities, particularly along the Bayfront.
  - 4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
- 5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
  - A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.

IS3-1  
cont.

- M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
- Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
  - Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
  - Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access
- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.
9. Park/Plaza/ Recreation Open Space Reconciliation
- The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
  - Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
10. Additional Scenic Vistas
- Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
  - The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.
11. South Embarcadero
- Preserve the existing scenic vistas
  - Set building guidelines and parameters for developers to follow.
12. Sea Level Rise Analysis
- Coordinate with surrounding agencies to do more to combat sea level rise.

I53-1  
cont.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

I53-1  
cont.

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Nick Theios  
619-861-2631, cell  
[Nick@MikelsonYachts.com](mailto:Nick@MikelsonYachts.com)

2.7.54      **Comment Letter I54: Nina Shor**

Letter  
I54

**From:** Nina shor <nshor28@gmail.com>  
**Sent:** Friday, January 7, 2022 8:15 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Fwd: Please sign against Port of San Diego Plsns for Development : Draft PMPU and Draft EIR Comment

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Begin forwarded message:

**From:** Nina shor <nshor28@gmail.com>  
**Date:** January 7, 2022 at 8:11:50 PM PST  
**Subject:** Draft PMPU and Draft EIR Comment

January 7, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

I54-1

**Response to Comment I54-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)

B. Add these goals into the Draft PMPU:

1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
2. Preserve and maximize views of and to the Bay.
3. Provide public access and open space amenities, particularly along the Bayfront.
4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

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- B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.

154-1  
cont.



- C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
  - B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
  - C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access
- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be

I54-1  
cont.

designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

(NAME  
contact information)

I54-1  
cont.

2.7.55      **Comment Letter I55: Pat and Phil Pressel**

Letter  
I55

**From:** Pat Pressel <pat92101@att.net>  
**Sent:** Friday, January 7, 2022 6:59 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

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January 7, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

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Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

- I55-1
1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the

redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)

B. Add these goals into the Draft PMPU:

1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
2. Preserve and maximize views of and to the Bay.
3. Provide public access and open space amenities, particularly along the Bayfront.
4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
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  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.

155-1  
cont.

- J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
- K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
- L. Make all hotel parking fully underground.
- M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).

#### 6. Traffic

- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

#### 7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle
- D. .8. Service Access  
Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

#### 9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

#### 10. Additional Scenic Vistas

155-1  
cont.

C. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.

D. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

11. South Embarcadero

1. Preserve the existing scenic vistas
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12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Pat and Phil Presse1  
1205 Pacific Highway #602  
San Diego, CA 92101  
pat92101@att.net  
858-349-6482

IS5-1  
cont.

"It Takes Courage Not To Be Discouraged"

Benjamin Ference

2.7.56      **Comment Letter I56: Pat Halliday**

Letter  
I56

**From:** Patricia Halliday <pat@stone-wear.com>  
**Sent:** Friday, January 7, 2022 8:51 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Fw: Draft PMPU and Draft EIR Comment

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**Subject:** Draft PMPU and Draft EIR Comment

\*\*\*\*\*  
January 7, 2022

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I56-1

**Response to Comment I56-1**

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3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.
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  - B. Add these goals into the Draft PMPU:
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    3. Provide public access and open space amenities, particularly along the Bayfront.
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  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
  - A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
  - A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
  - B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.

IS6-1  
cont.



- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Pat Halliday, concerned resident of the Bayside (1325 Pacific Hwy)  
pat@stone-wear.com  
818.388.7947

I56-1  
cont.

2.7.57      **Comment Letter I57: Peter Pfau**

Letter  
I57

**From:** Peter Pfau <pmpfau@mac.com>  
**Sent:** Sunday, January 9, 2022 12:38 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

January 7, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development. Further, this is a residential area and increased congestion without further recreational areas or parks is very troubling. It's been clearly demonstrated in the last couple of years that having more hotels is like putting all of your eggs in one basket — it hasn't worked too well in the last couple of years. We need more development like RADD to diversify San Diego's economy. It can be a place for residents, a commercial hub as well as a tourist location. More hotels is not necessarily better — it's worse. We have to look forward and not backwards. This wonderful city is more than a ComiCon convention (as enjoyable and as much fun as that is). Understanding that you are a self-funding organization, there are more creative ways to do this than just jamming more hotel rooms in and creating more congestion.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without

I57-1

**Response to Comment I57-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

- including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.
3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
  4. Please make these changes to the NE section of the Draft PMPU.
    - A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
    - B. Add these goals into the Draft PMPU:
      5. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
      6. Preserve and maximize views of and to the Bay.
      7. Provide public access and open space amenities, particularly along the Bayfront.
      8. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
  5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
    - A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
    - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
    - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
    - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
    - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
    - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
    - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
    - H. Convert B Street to a pedestrian only promenade when it becomes available.
    - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
    - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
    - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
    - L. Make all hotel parking fully underground.
    - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
  6. Traffic
    - A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.

157-1  
cont.

- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
7. Parking
- Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
  - Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
  - Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access
- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.
9. Park/Plaza/ Recreation Open Space Reconciliation
- The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
  - Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
10. Additional Scenic Vistas
- Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
  - The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.
11. South Embarcadero
- Preserve the existing scenic vistas
  - Set building guidelines and parameters for developers to follow.
12. Sea Level Rise Analysis
- Coordinate with surrounding agencies to do more to combat sea level rise.
13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."
- Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Peter Pfau  
 Bayside at the Embarcadero  
[pmpfau@mac.com](mailto:pmpfau@mac.com)

I57-1  
 cont.

## 2.7.58 Comment Letter I58: Richard Goldberg

Letter  
I58

**From:** Richard Goldberg <rhgold69@gmail.com>  
**Sent:** Monday, January 10, 2022 12:08 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** PMPU CE PLANS TRAFFIC IMPACT ETC

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January 7, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them.

However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

4. Please make these changes to the NE section of the Draft PMPU.

A.

B.

C. Include this sentence from page 59 of the current PMP into the Draft PMPU:

D.

E.

I58-1

### Response to Comment I58-1

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

- F.
- G. Add these goals into the Draft PMPU:
- H.
- 1.
  - 2.
  3. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
  - 4.
  - 5.
  - 6.
  - 7.
  8. Preserve and maximize views of and to the Bay.
  - 9.
  - 10.
  - 11.
  12. Provide public access and open space amenities, particularly along the Bayfront.
  - 13.
  - 14.
  - 15.
  16. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
  - 17.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
- A.
- B.
- C. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The
- D. street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing
- E. to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
- F.
- G.
- H.
- I. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel
- J. rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP)
- K. and appropriately scaled for this mostly residential neighborhood.
- L.
- M.
- N.
- O. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent
- P. with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
- Q.
- R.

I58-1  
cont.

- S.  
 T. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.  
 U.  
 V.  
 W.  
 X.  
 Y. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.  
 Z.  
 AA.  
 BB.  
 CC.  
 DD. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.  
 EE.  
 FF.  
 GG.  
 HH.  
 II. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.  
 JJ.  
 KK.  
 LL.  
 MM.  
 NN. Convert B Street to a pedestrian only promenade when it becomes available.  
 OO.  
 PP.  
 QQ.  
 RR. Eliminate using B Street to stage trucks and buses servicing cruise ships.  
 SS.  
 TT.  
 UU.  
 VV. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.  
 WW.  
 XX.  
 YY.  
 ZZ.  
 AAA. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.  
 BBB.  
 CCC.  
 DDD.  
 EEE.  
 FFF. Make all hotel parking fully underground.  
 GGG.  
 HHH.  
 III.  
 JJJ. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).  
 KKK.

I58-1  
cont.

## 6. Traffic

A.

- B.
- C. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
- E.
- F.
- G.
- H. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which
- J. the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.
- K.

#### 7. Parking

- A.
- B.
- C. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- E.
- F.
- G.
- H. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- I.
- J.
- K.
- L.
- M. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
- O.

#### 8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

#### 9. Park/Plaza/ Recreation Open Space Reconciliation

IS8-1  
cont.



- A.
- B.
- C. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between
- D. the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero
- E. is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- F.
- G.
- H.
- I. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
- J.

#### 10. Additional Scenic Vistas

- A.
- B.
- C. Inland scenic vistas toward the water should be created for open space and public access from Pacific
- 11. Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- E.
- F.
- G.
- H. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should
- I. be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.
- J.

#### 11. South Embarcadero

- a.
- b.
- c. Preserve the existing scenic vistas
- d.
- e.
- f.
- g. Set building guidelines and parameters for developers to follow.
- h.

I58-1  
cont.

12. Sea Level Rise Analysis  
Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,  
Richard H Goldberg  
700 West Harbor Drive  
Unit 2002  
619 890-4351

I58-1  
cont.

2.7.59      **Comment Letter I59: Rick Gayseki**

Letter  
I59

**From:** rgayeski@levelines.com  
**Sent:** Monday, January 10, 2022 11:52 AM  
**To:** Port Master Plan Update  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** FW: PMPU and EIR Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

January 9, 2022

Lesley Nishihira, Director, Planning, Port of San Diego,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.
3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.

I59-1

**Response to Comment I59-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
- B. Add these goals into the Draft PMPU:
1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
  2. Preserve and maximize views of and to the Bay.
  3. Provide public access and open space amenities, particularly along the Bayfront.
  4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
- A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

159-1  
cont.

## 7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

## 8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

## 9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

## 10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

## 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

## 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Rick Gayeski  
1388 Kettner Blvd. Unit 1402  
San Diego, CA 92101

159-1  
cont.

2.7.60      **Comment Letter I60: Ron Mazza**

Letter  
I60

**From:** Ron Mazza <ron.mazza@rfm-corp.com>  
**Sent:** Monday, January 10, 2022 1:54 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comments

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January 9, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago, and I approve of many of those changes. However, as a resident of Bayside San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.
3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

I60-1

**Response to Comment I60-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

4. Please make these changes to the NE section of the Draft PMPU.
- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
  - B. Add these goals into the Draft PMPU:
    1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
    2. Preserve and maximize views of and to the Bay.
    3. Provide public access and open space amenities, particularly along the Bayfront.
    4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
- A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors

160-1  
cont.

annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

8. Service Access

Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.

9. Park/Plaza/ Recreation Open Space Reconciliation

- A. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
- B. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Ron Mazza  
1325 Pacific Highway, #1002  
San Diego, CA 92101

I60-1  
cont.



2.7.61 Comment Letter I61: Ron Sataloff

Letter  
I61

**From:** ron741@yahoo.com  
**Sent:** Sunday, January 9, 2022 5:18 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Subject:** Draft PMPU and Draft EIR Comment

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January 9, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them.

However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
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3. Renew the RJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

I61-1

Response to Comment I61-1

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU

4. Please make these changes to the NE section of the Draft PMPU.

1. Include this sentence from page 59 of the current PMP into the Draft PMPU: \*The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by \*\*guiding development to optimize property values, public access opportunities\*\* and priority waterfront and water-dependent uses. (emphasis added)\*
2. Add these goals into the Draft PMPU:

1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.

2. Preserve and maximize views of and to the Bay.

3. Provide public access and open space amenities, particularly along the Bayfront.

4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.

5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RJL lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:

1. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
2. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
3. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
4. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
5. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
6. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
7. Include the Floor Area Ratio of 4.5 between B Street and Ash to

I61-1  
cont.

- comply with the NEVP and the Downtown Community Plan.
- 8. Convert B Street to a pedestrian only promenade when it becomes available.
- 9. Eliminate using B Street to stage trucks and buses servicing cruise ships.
- 10. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
- 11. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
- 12. Make all hotel parking fully underground.
- 13. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).

6. Traffic

- 1. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
- 2. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

7. Parking

- 1. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
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- 3. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

8. Service Access

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I61-1  
cont.

## 9. Park/Plaza/ Recreation Open Space Reconciliation

1. The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
2. Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.

## 10. Additional Scenic Vistas

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## 11. South Embarcadero

1. Preserve the existing scenic vistas
2. Set building guidelines and parameters for developers to follow.

## 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

13. From the Draft Program EIR please adopt Alternative 3 - One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

The bottom line: focus a little more on the residents of the city, who regularly support local business, pay taxes, vote and on and on, and a little less on tourists and transients who only use the city as a vehicle to make money for themselves.

I also appreciate that the task at hand is a difficult one...balance is hard to find anywhere in this life...but we hope those of us living here daily will be heard.

Thank you.

Sincerely,  
Ron Sataloff  
Downtown resident at The Electra

I61-1  
cont.

2.7.62      **Comment Letter I62: Sabby Jonathan**

Letter  
I62

**From:** Sabby Jonathan <sabby@jonathanandassociates.com>  
**Sent:** Monday, January 10, 2022 6:44 AM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** mzucchet@portsandiego.or; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

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Ms. Lesley Nishihira:

I want to thank the Port of San Diego Commissioners and staff for working to make our Bay a beautiful and wonderful asset for San Diego. It takes years to develop a new Master Plan and we are all concerned with keeping the lands in the Port's care accessible and available to all Californians while ensuring enough revenue to maintain them. However, the Port's plans for more, bigger and towering development on these limited public lands would create the densest section of developed coastline in all of California. The Port has not articulated the need for this level of development. Additionally, I think the development is unbalanced and biased toward revenue generating hotels and retail. The Plan needs significantly more low-cost and free activities to pull the public to the Bay and less commercialization.

Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

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I request the following from the Port:

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2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.

I62-1

**Response to Comment I62-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.
  - A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
  - B. Add these goals into the Draft PMPU:
    1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
    2. Preserve and maximize views of and to the Bay.
    3. Provide public access and open space amenities, particularly along the Bayfront.
    4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
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  - A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
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  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.

I62-1  
cont.

- M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
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  - Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.
8. Service Access
- Specify that trucks and service vehicles must use the east-west streets to serve the buildings and all such entrances will minimize the visual impacts and be designed to allow vehicles to maneuver on site without obstructing public pedestrian or vehicular circulation.
9. Park/Plaza/ Recreation Open Space Reconciliation
- The Port must conduct an Embarcadero (North, Central and South Embarcaderos) reconciliation between the green space acreage in the PMP and the green space acreage in the Draft PMPU, including all adjustments, completions and mitigations, to verify that the Port is meeting its commitments to green space acreage. The green space acreage in the Central Embarcadero is required to do this reconciliation. The need for green space will dramatically increase as the downtown population grows.
  - Make 1220 Pacific Highway Activated ROS when the Navy's lease expires.
10. Additional Scenic Vistas
- Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
  - The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.
11. South Embarcadero
- Preserve the existing scenic vistas
  - Set building guidelines and parameters for developers to follow.
12. Sea Level Rise Analysis
- Coordinate with surrounding agencies to do more to combat sea level rise.

162-1  
cont.

13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. “This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities.”

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

*Sabby Jonathan, CPA  
Resident – The Grande South*

I62-1  
cont.



2.7.63      **Comment Letter I63: Stephen Kohn**

Letter  
I63

**From:** steve kohn <stevekohn7595@gmail.com>  
**Sent:** Friday, January 7, 2022 5:28 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Steve Kohn; Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

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January 7, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

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Specifically, I do not want public view and access to San Diego's Embarcadero coastline walled-off by excessive development.

The Port has made significant changes from the Discussion Draft three years ago and I approve of many of those changes. However, as a resident of San Diego, I want to express my concerns about the Draft Port Master Plan Update (PMPU) and the Draft Environmental Impact Review (EIR).

I request the following from the Port:

1. Please suspend the PMPU process until development standards are created and included for the Central Embarcadero (CE), South Embarcadero (SE), Chula Vista and National City for public view, consideration and comment. Major projects are being planned by Port selected developers without guidance from the PMP. This is public property and the appropriate public process is being ignored. It is impossible to fully evaluate the Draft PMPU without this information. Unfortunately, without development guidelines in so many districts, for so many big projects, the Draft PMPU can't really be called a Master Plan.
2. Specifically, include the CE in the Draft PMPU before finalizing the Plan for submission to the California Coastal Commission (CCC). The redevelopment is too big, too important and too essential to the overall plan and San Diego to have its evaluation conducted as an amendment. It is not possible to evaluate the Draft PMPU and Draft EIR for hotels, retail, Recreation Open Space (ROS) or Vehicle Miles Traveled (VMT) without including this major section of the Embarcadero. I agree with the CCC that the CE should be added back into the Plan with development standards to guide the redevelopment efforts.
3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.
4. Please make these changes to the NE section of the Draft PMPU.

I63-1

**Response to Comment I63-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

- A. Include this sentence from page 59 of the current PMP into the Draft PMPU: The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)
- B. Add these goals into the Draft PMPU:
1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
  2. Preserve and maximize views of and to the Bay.
  3. Provide public access and open space amenities, particularly along the Bayfront.
  4. Enhance connections between the North Embarcadero and adjacent neighborhoods and districts.
5. A big hotel expansion adjacent to the North Embarcadero's (NE) residential neighborhood is not needed for the Port's financial success. If the RLJ lease is not renewed, please add, modify or delete PMPU language to accommodate the following for the property from B Street to Ash and the small strip south of B Street but north of the Marriott SpringHill Suites:
- A. Eliminate the street wall concept and the requirement to build within 5 ft of the setback. The street wall is incompatible with the goals of open spaces and public access. The current parameters in the PMPU are indicative of my complaint about walling off the Bay. The huge hotel towers and the 6-7 story high buildings (podiums) the Port is proposing to cover the entirety of every block will effectively wall-off a large section of the NE from the Bay.
  - B. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms, not microtel sized rooms or pods. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. 650 hotel rooms is an adequate size to decrease density in accordance with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly residential neighborhood.
  - C. Make podiums on blocks A,B,C,D, and E a maximum of 30 ft high, if they exist, to be consistent with the buildings currently on the east side of blocks B and D in figure PD3.8, and similar in height to the townhouses on the east side of Pacific Highway.
  - D. Limit podiums to a maximum step back width of 25ft measured from the base of the tower. Podiums are not required for hotels. Three story podiums with a 25 ft width are sufficient for a 650 room hotel with underground parking.
  - E. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
  - F. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
  - G. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
  - H. Convert B Street to a pedestrian only promenade when it becomes available.
  - I. Eliminate using B Street to stage trucks and buses servicing cruise ships.
  - J. When the Navy's lease expires, convert block D, 1220 Pacific Hwy, to Activated ROS as the City of San Diego requested. This space would provide much needed green space as the downtown population grows.
  - K. Add scenic water views from the inland side of the Port property at Pacific Highway, in addition to street view corridors.
  - L. Make all hotel parking fully underground.
  - M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).
6. Traffic
- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
  - B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

163-1  
cont.

## 7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
- B. Parking requirements should be based on demand from hotel guests, which is shrinking, and ADA accessible parking needs.
- C. Use Transportation Demand Management systems to better utilize existing parking spaces. Encourage visitors to use the MTS regional mobility hubs and use mass transit to come downtown and transfer to options such as the Port's shuttle and FRED. Upgrade the Port shuttle.

## 8. Service Access

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l63-1  
cont.

## 10. Additional Scenic Vistas

- A. Inland scenic vistas toward the water should be created for open space and public access from Pacific Highway between B Street and A Street, and A Street and Ash. Preserve Ruocco Park and the existing scenic view from Ruocco Park.
- B. The Pacific Highway view corridor for the County Administration Building Precinct in the NEVP should be maintained by keeping buildings low on the west side of Pacific Highway (the east side of Blocks B and D) and by moving any towers north of B Street to the west.

## 11. South Embarcadero

- a. Preserve the existing scenic vistas
- b. Set building guidelines and parameters for developers to follow.

## 12. Sea Level Rise Analysis

Coordinate with surrounding agencies to do more to combat sea level rise.

- 13. From the Draft Program EIR please adopt Alternative 3 – One-Half Reduced Growth Alternative to avoid or substantially lessen significant effects of the Draft PMPU. "This reduction in the scale and magnitude of the proposed land and water uses is intended to reduce impacts on air quality and health risk, biological resources, GHG emissions, hydrology and water quality, noise, public services, transportation, and utilities."

Please improve the Embarcadero for the people who use it regularly and not just as a tourist revenue stream for the Port.

Sincerely,

Stephen Kohn  
1325 Pacific Highway, Unit 2902  
San Diego, CA 92101  
202-494-4160

2.7.64      **Comment Letter I64: Susan Simon**

Letter  
I64

**From:** Susan Simon <rbfsandiego@gmail.com>  
**Sent:** Saturday, January 8, 2022 11:37 AM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Fwd: Draft PMPU and Draft EIR Comment

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January 8, 2022

Lesley Nishihira, Director, Planning San Diego Unified Port District,

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I request the following from the Port:

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3. Renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel.

I64-1

**Response to Comment I64-1**

The issues raised in this form letter are the same as those raised in Comment Letter I15. Please see the detailed responses to Comment Letters I15 and O17. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

4. Please make these changes to the NE section of the Draft PMPU. Include this sentence from page 59 of the current PMP into the Draft PMPU:

A. The Port Master Plan proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses. (emphasis added)

B. Add these goals into the Draft PMPU:

1. Contribute to provision of uses and amenities that serve all Californians including local and regional communities as well as tourists.
2. Preserve and maximize views of and to the Bay.
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- M. Any section of the block that is not dedicated to a hotel building should be made Activated (ROS).

6. Traffic

- A. Do not reduce the number of lanes on Harbor Drive with the intent to divert traffic onto Pacific Highway. Pacific Highway had 6 lanes but presently only has 4 lanes, which requires a change to previous plans for this street.
- B. The Draft EIR Transportation Analysis states that the VMT impact for the PMPU is "significant and unavoidable". This finding is unacceptable. The Port must adjust the PMPU to reduce the VMT until the impact is acceptable and not significant. This finding is particularly noteworthy in that it did not include

I64-1  
cont.

the impact of the redevelopment of Seaport which the developer estimates will have 10 million visitors annually. The CE must be included in the PMPU assessments and traffic analysis in order to determine an appropriate level of development consistent with the Climate Action Plan.

7. Parking

- A. Make all parking spaces underground, like every development along the North Embarcadero with the exception of the Marriott SpringHill Suites. No further exceptions should be granted.
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Coordinate with surrounding agencies to do more to combat sea level rise.

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Sincerely,

Susan Simon  
700 Front Street  
San Diego, CA 92101

I64-1  
cont.

2.7.65 Comment Letter I65: William Rogers

Letter  
I65

**From:** William Rogers <wrog523@hotmail.com>  
**Sent:** Monday, January 10, 2022 11:20 AM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment  
**Attachments:** image.jpeg

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lesley Nishihira, Director, Planning, Port of San Diego,

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I ask the following of the Port:

- I65-1
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Response to Comment I65-1

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I65-1  
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Sincerely,

Bill Rogers  
1205 Pacific Hwy unit 701  
San Diego, CA 92101

I65-1  
cont.

## 2.7.66 Comment Letter I66: Zach Dostart

		Letter I66
<b>From:</b>	Zach P. Dostart <ZDostart@sdlaw.com>	
<b>Sent:</b>	Saturday, January 8, 2022 8:26 AM	
<b>To:</b>	Port Master Plan Update; Lesley Nishihira	
<b>Cc:</b>	Michael Zucchet; Rafael Castellanos; Jennifer LeSar	
<b>Subject:</b>	Draft PMPU and Draft EIR Comments	

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Ms. Nishihira:

I am an attorney who lives and works in Sapphire Tower, at 1262 Kettner Blvd. I have lived in Sapphire Tower for 11 years and I was leading the discussions with the Port (you and I spoke in person multiple times) on behalf of the North Embarcadero District ("NE") prior to COVID hitting (Janet and/or Susan were leading before and after). I truly appreciate your efforts on behalf of the Port. However, the Port's plans that would permit massive hotel development on public lands would create the densest section of developed coastline in all of California. I do not want view to San Diego's Embarcadero coastline walled-off by excessive development and I beg the Port to consider rejecting the temptation to turn the NE into nothing but a hotel haven. Local residents matter—we actually live here. Please listen to us.

I request the following from the Port:

1. If at all possible, renew the RLJ lease with the commitment to update the Wyndham inside and out to a first-class hotel. RLJ is the largest Black-owned REIT in the United States. It is important that the Port show that it desires diversity, not just in lip service, but where it matters—money, meaning the entities with which the Port enters into leases. I have heard the Port say that RLJ has been a valuable and profitable partner for the Port for decades. Why would the Port turn their back on RLJ now? If the Port turns its back on RLJ now, it would be a sad—and it would speak volumes.
2. Please understand that the views of and to the Bay are critical to local residents, whose considerations I beg the Port to consider. Not only do they affect property values, but now that many people live and work from home, having views from a home/office is critical. Additionally, consider the fact that local resident disposable income—as a function of those who can afford expensive real estate are statistically far more likely to have substantial disposable income—will flow directly to the hotels, restaurants and other facilities provided by the Port. There are thousands of individuals who live in the NED who use the area, dine at the restaurants, and spend money at the various facilities provided through the Port. Allowing massive hotels to be built will substantially decrease property values and will lead to the NE district's disintegration, along with the local's disposable income evaporating. Please take current resident's concerns in mind.
3. A big hotel adjacent to the North Embarcadero's residential neighborhood is not needed. If the RLJ lease is not renewed, please:
  - A. Limit the number of hotel rooms on blocks A-D in Figure PD3.8 to a maximum of 650 full size hotel rooms. The current Wyndham hotel has 600 rooms and the two Lane Field hotels total 800 rooms. Approximately 650 hotel rooms is an adequate size with the North Embarcadero Alliance Visionary Plan (NEVP) and appropriately scaled for this mostly-residential neighborhood.

1

I66-1

### Response to Comment I66-1

The issues raised in this form letter are similar to those raised in Comment Letters O15 and O17. As to the commenter's requests, the following responses address each one and are numbered to correspond with the commenter's numbered requests.

Response to Request No. 1: The commenter suggests renewing the RLJ lease and to commit to improving the Wyndham "...to a first class hotel." The PMPU is a long-range planning document that covers the broad visions, policies, planned improvements, and development standards to govern future development within the PMPU area. The ability to grant new or extend existing leases is solely within the purview of the District Board and in some cases, the Executive Director, as stated in *BPC Policy 355 – Real Estate Leasing Policy*. Additionally, the purpose of the PMPU is to provide broad planning direction, not to make decisions on individual projects. (See *Al Larson, Inc v. Board of Harbor Commissioners of the City of Long Beach* (1993) 18 Cal.App.4th 729 [this approach is consistent with allowing the Port to consider "a broad range of policy alternatives for the overall development of the port to permit the Board to consider alternative directions for the Port independent of particular projects."]).

Response to Request No. 2: This comment is similar to those found in comment letter O15, at both comments O15-19 (visual and scenic impacts) and O15-20 (future development scale). Please refer to those responses for details about the PEIR's analysis of development intensity and compatibility with the surrounding downtown development pattern.

Response to Request No. 3: This comment is similar to those found in comment letter O17, at responses O17-10 (status of NEAVP), O17-17(number of hotel rooms) and O17-20 to O17-23 (development standards), inclusive. Please see these responses for the District's response to Request No. 3.

These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

- B. Limit the N-S width of the tower to 100 ft, instead of 120 ft, to be consistent with the Lane Field Hotels.
- C. Limit one high-rise tower per block aligned to preserve and maximize views to and from the Bay and optimize property values.
- D. Include the Floor Area Ratio of 4.5 between B Street and Ash to comply with the NEVP and the Downtown Community Plan.
- E. Make all hotel parking fully underground.

I66-1  
cont.

I truly appreciate all the work the Port does. I realize that there are many people with different thoughts and considerations on all the issues presented by the PMPU and EIR. That said, please do consider these thoughts. If you would like to discuss further, please do not hesitate to reach out to me. Thank you again.

Sincerely,

Zach P. Dostart  
Dostart Hannink & Coveney LLP  
4180 La Jolla Village Drive, Suite 530  
La Jolla, California 92037  
Direct Dial: (858) 623-4275  
Fax: (858) 623-4299

2.7.67      **Comment Letter I67: Amy Parrott**

January 10, 2022

Letter  
I67

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
Ms. Lesley Nishihira, Director of Planning  
Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

[jestuyvesant@portofsandiego.org](mailto:jestuyvesant@portofsandiego.org)  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place, I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California's public coastal lands currently under your stewardship. I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands, however excessive dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the terms proposed in the current draft of the PMPU, it is my opinion such balance has solidly and detrimentally shifted towards revenue generation.

To address this inequitable shift in focus, I am respectfully requesting that The Port take the following steps.

First and most importantly, we strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan ("PMP"), referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states, "[The Port Master Plan] proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses." By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

Just as is the Coastal Commission, I too am very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, i.e., the Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final

I67-1

**Response to Comment I67-1**

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter O12. Please see the detailed responses to Comment Letter O12. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

PMPU. For this important reason, I respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission's review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU's reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

Finally, I urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways and, reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, I would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Sincerely,

Amy Parrott  
Am.a.bird02@gmail.com

I67-1  
cont.

2.7.68      **Comment Letter I68: Angie Wilcox**

Letter  
I68

**From:** Angie Wilcox <angie@angiewilcox.com>  
**Sent:** Monday, January 10, 2022 12:58 PM  
**To:** Joe Stuyvesant; Port Master Plan Update  
**Subject:** Public comment for Draft PMPU and Draft EIR  
**Attachments:** GN resident comment to Port Jan 10 2022.pdf

**Categories:** Orange Category

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Please see the attached.

Best Regards,

Angie Wilcox  
1205 Pacific Highway, Unit 1906  
San Diego, California 92101  
415-290-7738

**Response to Comment I68-1**

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter O12. Please see the detailed responses to Comment Letter O12. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California public coastal lands currently under your stewardship. I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands however, excessive dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the terms proposed in the current draft of the PMPU, it is my opinion such balance has solidly and detrimentally shifted towards revenue generation.

168-1

To address this inequitable shift in focus, I respectfully request that The Port take the following steps.

First and most importantly, we strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan (“PMP”) referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states, “[The Port Master Plan] proposes to revitalize San Diego’s downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.” By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, i.e., the Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission’s review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU’s reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

I68-1  
cont.



Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

I68-1  
cont.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,

Name,  
contact information

2.7.69      **Comment Letter I69: Charles and Ayanna Griffie**

Letter  
I69

**From:** C Griffie <charles.griffie@gmail.com>  
**Sent:** Monday, January 10, 2022 2:36 PM  
**To:** Port Master Plan Update; Joe Stuyvesant  
**Cc:** Ayana Ball-Griffie; Charles Griffie  
**Subject:** Public Comment for Draft PMPU and Draft EIR

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January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California public coastal lands currently under your stewardship. I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands; however, excessive dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the terms proposed

I69-1

**Response to Comment I69-1**

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter 012. Please see the detailed responses to Comment Letter 012. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

in the current draft of the PMPU, it is my opinion such balance has solidly and detrimentally shifted towards revenue generation.

To address this inequitable shift in focus, I respectfully request that The Port take the following steps.

First and most importantly, we strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan (“PMP”) referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states, “[The Port Master Plan] proposes to revitalize San Diego’s downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.” By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

I69-1  
cont.

Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, ie., the Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission’s review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU’s reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific

Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,

Charles and Ayana Griffie

1205 Pacific Hwy #3406  
San Diego, CA 92105  
[charles.griffie@gmail.com](mailto:charles.griffie@gmail.com)

I69-1  
cont.

2.7.70      **Comment Letter I70: Charles Ryan**

Letter  
I70

**From:** CJ R <cjr950@gmail.com>  
**Sent:** Monday, January 10, 2022 2:03 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

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January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California public coastal lands currently under your stewardship. I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands; however, excessive dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the terms proposed

I70-1

**Response to Comment I70-1**

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in the current draft of the PMPU, it is my opinion such balance has solidly and detrimentally shifted towards revenue generation.

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Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific

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Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,

Charles Ryan  
[cjr950@gmail.com](mailto:cjr950@gmail.com)

I70-1  
cont.

## 2.7.71 Comment Letter I71: Elizabeth and Donald Marallo

January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California public coastal lands currently under your stewardship. I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands however, excessive dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the terms proposed in the current draft of the PMPU, it is my opinion such balance has solidly and detrimentally shifted towards revenue generation.

To address this inequitable shift in focus, I respectfully request that The Port take the following steps.

Letter  
I71

I71-1

### Response to Comment I71-1

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter O12. Please see the detailed responses to Comment Letter O12. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.



First and most importantly, we strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan (“PMP”) referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states, “[The Port Master Plan] proposes to revitalize San Diego’s downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.” By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the area’s most seriously impacted by the new Master Plan, i.e., the Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission’s review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU’s reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

I71-1  
cont.

Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

I71-1  
cont.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,

**Elizabeth and Donald Marallo**

## 2.7.72 Comment Letter I72: Ida Futch

Letter  
I72

---

**From:** ctfutch <ctfutch@aol.com>  
**Sent:** Monday, January 10, 2022 4:51 PM  
**To:** Port Master Plan Update; jstuyvesant@portofsandiego.org  
**Subject:** Public comment for Draft PMPU and Draft EIR  
**Attachments:** GN resident comment to Port Jan 10 2022.pdf  
**Categories:** Orange Category

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Attached is my public comment to the Port of San Diego for the Draft PMPU and Draft EIR.

Respectively submitted,

Ida C. Futch  
ctfutch@aol.com

### Response to Comment I72-1

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter O12. Please see the detailed responses to Comment Letter O12. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jestuyvesant@portofsandiego.org](mailto:jestuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California public coastal lands currently under your stewardship. I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands however, excessive dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the terms proposed in the current draft of the PMPU, it is my opinion such balance has solidly and detrimentally shifted towards revenue generation.

172-1

To address this inequitable shift in focus, I respectfully request that The Port take the following steps.

First and most importantly, we strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan (“PMP”) referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states, “[The Port Master Plan] proposes to revitalize San Diego’s downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.” By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, i.e., the Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission’s review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU’s reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

172-1  
cont.

Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

I72-1  
cont.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,

Name,  
contact information

2.7.73      **Comment Letter I73: James Holindrake**

Letter  
I73

**From:** jimtari@aol.com  
**Sent:** Monday, January 10, 2022 3:52 PM  
**To:** Port Master Plan Update  
**Subject:** PMPU

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January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

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I73-1

**Response to Comment I73-1**

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter 012. Please see the detailed responses to Comment Letter 012. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

To address this inequitable shift in focus, I respectfully request that The Port take the following steps.

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173-1  
cont.



whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

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173-1  
cont.

Respectfully Submitted,

James Holindrake

jimtari@aol.com

2.7.74 Comment Letter I74: Jamie Greene

Letter  
I74

**From:** Jamie Greene <Jamie.Greene@capstonelawyers.com>  
**Sent:** Monday, January 10, 2022 4:28 PM  
**To:** Joe Stuyvesant; Port Master Plan Update  
**Subject:** Public comment for Draft PMPU and Draft EIR

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...Dear Mr. Stuyvesant and Ms. Nishihira:

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Just as is the Coastal Commission, I am also very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, i.e., the Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista, and National City districts. It is my opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this reason, I respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission's review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU's reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

Finally, I urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values. all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

Response to Comment I74-1

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter O12. Please see the detailed responses to Comment Letter O12. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

I74-1

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, I would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we all can continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

174-1  
cont.

Sincerely,

Jamie Greene  
1205 Pacific Hwy Unit 803  
San Diego, CA 92101  
Email: [jamegreene@gmail.com](mailto:jamegreene@gmail.com)



**Jamie Greene**  
**310.556.4165 Direct** | [Jamie.Greene@capstonelawyers.com](mailto:Jamie.Greene@capstonelawyers.com)  
1875 Century Park East, Suite 1000  
Los Angeles, California 90067  
**310.556.4811 Main** | **310.943.0396 Fax**  
[www.capstonelawyers.com](http://www.capstonelawyers.com)

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2.7.75      **Comment Letter I75: Karen Carothers**

Letter  
I75

**From:** Karen Carothers <kcarothers8@gmail.com>  
**Sent:** Monday, January 10, 2022 7:58 PM  
**To:** Port Master Plan Update; Joe Stuyvesant  
**Subject:** Public comment for Draft PMPU and Draft EIR

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Dear Mr. Stuyvesant and Ms. Nishihira:

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I75-1

**Response to Comment I75-1**

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter O12. Please see the detailed responses to Comment Letter O12. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, ie., the Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission's review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU's reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

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Respectfully Submitted,

Karen S Carothers  
[Kcarothers8@gmail.com](mailto:Kcarothers8@gmail.com) 858  
229 8029  
1205 Pacific Hwy Unit 1202 San  
Diego, CA 92101

I75-1  
cont.

2.7.76      **Comment Letter I76: Kim Vermillion**

Letter  
I76

**From:** Kim Vermillion <kim@kentdaniels.com>  
**Sent:** Monday, January 10, 2022 1:50 PM  
**To:** Joe Stuyvesant  
**Cc:** Port Master Plan Update  
**Subject:** Public comment for Draft PMPU and Draft EIR

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January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

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I76-1

**Response to Comment I76-1**

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176-1  
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addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

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176-1  
cont.

Respectfully Submitted,

Kimberly (Vermillion) Feith  
Kav13579@hotmail.com



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2.7.77      **Comment Letter I77: Mark Regan**

Letter  
I77

**From:** Mark Regan <13mregan@gmail.com>  
**Sent:** Monday, January 10, 2022 3:38 PM  
**To:** Port Master Plan Update; Joe Stuyvesant  
**Subject:** Public Comment for Draft PMPU and Draft EIR

**Categories:** Green Category

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DATE: January 10, 2022

TO:  
Mr. Joe Stuyvesant, President & Chief Executive Officer  
[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)  
Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)  
Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

RE: Public Comment for Draft PMPU and Draft EIR

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I77-1

**Response to Comment I77-1**

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continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

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Respectfully Submitted,

Mark Regan  
[13mregan@gmail.com](mailto:13mregan@gmail.com)

I77-1  
cont.

2.7.78      **Comment Letter I78: Micah Leslie**

Lily Tsukayama

Letter I78

From:

Micah Leslie <lesliemicah@yahoo.com>

Sent:

Monday, January 10, 2022 3:02 PM

To:

Joe Stuyvesant; Port Master Plan Update

Subject:

Master Plan

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January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
Ms. Lesley Nishihira, Director of Planning  
Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

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Just as is the Coastal Commission, I too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, i.e., the Central Embarcadero (including Seaport

I78-1

**Response to Comment I78-1**

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Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this important reason, I respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission's review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU's reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

Finally, I urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways and, reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, I would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,

Micah J. Leslie  
714.249.7000  
[lesliemicah@yahoo.com](mailto:lesliemicah@yahoo.com)

I78-1  
cont.

## 2.7.79 Comment Letter I79: Norman Young

January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California public coastal lands currently under your stewardship. I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands however, excessive dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the terms proposed in the current draft of the PMPU, it is my opinion such balance has solidly and detrimentally shifted towards revenue generation.

To address this inequitable shift in focus, I respectfully request that The Port take the following steps.

Letter  
I79

I79-1

### Response to Comment I79-1

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter O12. Please see the detailed responses to Comment Letter O12. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

First and most importantly, we strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan (“PMP”) referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states, “[The Port Master Plan] proposes to revitalize San Diego’s downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.” By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, i.e., the Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission’s review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU’s reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

I79-1  
cont.

Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

I79-1  
cont.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,  
Norman Young  
[Nyoung1949@gmail.com](mailto:Nyoung1949@gmail.com)

Name,  
contact information

2.7.80      **Comment Letter I80: Richard and Deborah Gentry**

Letter  
I80

**From:** Deb Gentry <gentrydeborah@gmail.com>  
**Sent:** Monday, January 10, 2022 2:22 PM  
**To:** Joe Stuyvesant; Port Master Plan Update  
**Subject:** Port of San Diego Master Plan

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January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California public coastal lands currently under your stewardship.

I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access.

Clearly, sufficient revenue must be generated to properly care for these lands however, excessive dense development will never cure the

I80-1

**Response to Comment I80-1**

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter O12. Please see the detailed responses to Comment Letter O12. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.



negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the terms proposed in the current draft of the PMPU, it is my opinion such balance has solidly and detrimentally shifted towards revenue generation.

To address this inequitable shift in focus, I respectfully request that The Port take the following steps.

First and most importantly, we strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan (“PMP”)referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states, “[The Port Master Plan] proposes to revitalize San Diego’s

downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.”

By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections

between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, ie., the Central Embarcadero

(including Seaport Village),South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary

development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU

180-1  
cont.

finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission's review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU's reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the

elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and

optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,

Richard C. Gentry  
Deborah Gentry  
1205 Pacific Hwy, Unit 801

180-1  
cont.

## 2.7.81 Comment Letter I81: Robert and Carole Greenes

January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California public coastal lands currently under your stewardship. I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands however, excessive dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the terms proposed in the current draft of the PMPU, it is my opinion such balance has solidly and detrimentally shifted towards revenue generation.

To address this inequitable shift in focus, I respectfully request that The Port take the following steps.

First and most importantly, we strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan ("PMP") referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states, "[The Port Master Plan] proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses." By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, ie., the

Letter  
I81

I81-1

### Response to Comment I81-1

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter O12. Please see the detailed responses to Comment Letter O12. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

January 10, 2022  
Page 2

Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission's review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU's reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,



Robert A. Greenes, MD, PhD  
e: [greenes@asu.edu](mailto:greenes@asu.edu)  
m: 617-331-7715



Carole E. Greenes, EdD  
e: [cgreenes@asu.edu](mailto:cgreenes@asu.edu)  
m: 480-390-0917

Grande North at Santa Fe Place  
1205 Pacific Hwy, Unit 1001  
San Diego, CA 92101

181-1  
cont.

2.7.82      **Comment Letter I82: Roger Storer**

Letter  
I82

**From:** R.W. Storer <storerroger@yahoo.com>  
**Sent:** Monday, January 10, 2022 2:30 PM  
**To:** Joe Stuyvesant; Port Master Plan Update  
**Subject:** Public comment for Draft PMPU and Draft EIR

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January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jstuyvesant@portsandiego.org](mailto:jstuyvesant@portsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmu@portsandiego.org](mailto:pmu@portsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California public coastal lands currently under your stewardship. I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands however, excessive dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not PMPU, it is my opinion such balance has solidly and detrimentally shifted towards revenue generation.

To address this inequitable shift in focus, I respectfully request that The Port take the following steps.

First and most importantly, we strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan ("PMP") referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states, "[The Port Master Plan] proposes to revitalize San Diego's downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses." By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections appropriately be met. dero and all adjacent neighborhoods and districts, may more

Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, i.e., the Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any

I82-1

**Response to Comment I82-1**

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter O12. Please see the detailed responses to Comment Letter O12. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

of the necessary development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission's review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU's reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,

Roger Storer  
1205 Pacific Hwy. 3002  
San Diego, CA 92101

I82-1  
cont.

## 2.7.83 Comment Letter I83: Scottie and Jennifer Mills

January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California public coastal lands currently under your stewardship. I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands however, excessive dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the terms proposed in the current draft of the PMPU, it is my opinion such balance has solidly and detrimentally shifted towards revenue generation.

To address this inequitable shift in focus, I respectfully request that The Port take the following steps.

Letter  
I83

I83-1

### Response to Comment I83-1

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter 012. Please see the detailed responses to Comment Letter 012. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

First and most importantly, we strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan (“PMP”) referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states, “[The Port Master Plan] proposes to revitalize San Diego’s downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.” By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, i.e., the Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission’s review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU’s reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

183-1  
cont.



Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

183-1  
cont.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,

Scottie & Jennifer Mills  
superdooper@cox.net

2.7.84      **Comment Letter I84: Sharon Ryan**

Letter I84

**From:** Sharon Ryan <sharon.ryan1999@gmail.com>  
**Sent:** Monday, January 10, 2022 4:12 PM  
**To:** Port Master Plan Update; Joe Stuyvesant; inishihi@portofsandiego.org  
**Cc:** Michael Zucchet; Rafael Castellanos; Jennifer LeSar  
**Subject:** Draft PMPU and Draft EIR Comment

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January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California public coastal lands currently under your stewardship. I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands; however, excessive dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the

I84-1

**Response to Comment I84-1**

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter 012. Please see the detailed responses to Comment Letter 012. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

terms proposed in the current draft of the PMPU, it is my opinion such balance has solidly and detrimentally shifted towards revenue generation.

To address this inequitable shift in focus, I respectfully request that The Port take the following steps.

First and most importantly, I strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan (“PMP”)referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states, “[The Port Master Plan] proposes to revitalize San Diego’s downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.” By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, ie., the Central Embarcadero (including Seaport Village),South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission’s review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU’s reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific

184-1  
cont.

Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,

Sharon Ryan

[sharon.ryan1999@gmail.com](mailto:sharon.ryan1999@gmail.com)

I84-1  
cont.

2.7.85      **Comment Letter I85: Stephen Gershwind**

January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for their efforts to develop an updated Master Plan for the State of California public coastal lands currently under your stewardship. I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands for the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands. However, excessively dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the terms proposed in the current draft of the PMPU, it is my opinion that such balance has significantly and detrimentally shifted towards revenue generation.

To address this inequitable shift in focus, I respectfully request that The Port take the following steps:

Letter  
I85

I85-1

**Response to Comment I85-1**

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter O12. Please see the detailed responses to Comment Letter O12. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

1. First and most importantly, we strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan (“PMP”) referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states: “[The Port Master Plan] proposes to revitalize San Diego’s downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.” By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.
2. Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, ie., the Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission’s review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU’s reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

I85-1  
cont.

3. Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

I85-1  
cont.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,

Stephen E. Gershwind, MD  
1205 Pacific Hwy. – Unit 2002  
San Diego, CA 92101  
(619) 606-9552  
sgershwind@gmail.com

2.7.86      **Comment Letter I86: Susan Skolnik**

Letter  
I86

**From:** sskolnik@cox.net  
**Sent:** Monday, January 10, 2022 2:23 PM  
**To:** Joe Stuyvesant; Port Master Plan Update  
**Subject:** Public comment for Draft PMPU and Draft EIR  
**Attachments:** Port of San Diego 2022.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Stuyvesant and Ms. Nishihira,

Attached please find my public comment to the Port of San Diego Master Plan. I want to urge you to maintain the original view corridors in the original plan and limit the height and breadth of buildings that could limit the B Street view corridor originally included in the plan. Residents of The Grande North all purchased our condos trusting that the Port would keep their promise to maintain all view corridors. Thank you for your anticipated courtesy and cooperation.

Respectfully submitted,

Susan J. Skolnik  
1205 Pacific Hwy., Suite 706  
San Diego, CA 92101  
Home Phone: 619-795-2580  
Fax: 619-795-1552  
E-mail: [sskolnik@cox.net](mailto:sskolnik@cox.net)

I86-1

**Response to Comment I86-1**

The comment is specific to the content of the PMPU and provides the commenter’s opinion, but does raise environmental issues related to view corridors as well as building height and scale. Specifically, the commenter requests that the original view corridors in the current PMP be retained. Regarding view corridors, the PMPU designates several view corridors in the Embarcadero Planning District (Planning District 3), including within the North Embarcadero Subdistrict. As shown on Figure PD3.4 of the PMPU, view corridor extensions are proposed from Pacific Highway to the San Diego Bay along Ash Street, A Street, B Street, C Street, and Broadway, among others. These view corridors are consistent with the North Embarcadero Alliance Visionary Plan (Figure 4.11), which the current PMP refers the reader to for view corridors in the North Embarcadero. As such, the PMPU would maintain the same view corridors as the current PMP.

Blocking or interrupting a scenic vista or view corridor would result in an inconsistency with the PMPU. The PMPU’s potential impacts on visual resources, including public viewpoints and view corridors, are analyzed under Thresholds 1 and 3 in Section 4.1 of the PEIR. No changes to the PEIR are required in response to this comment.



January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California public coastal lands currently under your stewardship. I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands however, excessive dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the terms proposed in the current draft of the PMPU, it is my opinion such balance has solidly and detrimentally shifted towards revenue generation.

To address this inequitable shift in focus, I respectfully request that The Port take the following steps.

I86-2

## Response to Comment I86-2

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter O12. Please see the detailed responses to Comment Letter O12. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

First and most importantly, we strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan (“PMP”) referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states, “[The Port Master Plan] proposes to revitalize San Diego’s downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.” By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, i.e., the Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission’s review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU’s reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

186-2  
cont.

Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

186-2  
cont.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,

Susan J. Skolnik  
sskolnik@cox.net

## 2.7.87 Comment Letter I87: William Hayes and Shirley Liu

January 10, 2022

Mr. Joe Stuyvesant  
President & Chief Executive Officer  
[jestuyvesant@portofsandiego.org](mailto:jestuyvesant@portofsandiego.org)

Ms. Lesley Nishihira, Director of Planning  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Port of San Diego  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Stuyvesant and Ms. Nishihira:

As a resident of The Grande North at Santa Fe Place I wish to extend my thanks and appreciation to the Port of San Diego Commissioners and Staff for its efforts in developing an updated Master Plan for the State of California public coastal lands currently under your stewardship. I feel confident in stating that the primary objective has always been to preserve physical and visual accessibility and availability of these limited public lands to the entire public spectrum, and not just for those who are wealthy enough to afford such access. Clearly, sufficient revenue must be generated to properly care for these lands however, excessive dense development will never cure the negative environmental and public use impacts such plans would create if the balance between revenue generation and true public use is not diligently sought. Unfortunately, under the terms proposed in the current draft of the PMPU, it is my opinion such balance has solidly and detrimentally shifted towards revenue generation.

To address this inequitable shift in focus, I respectfully request that The Port take the following steps.

Letter  
I87

I87-1

### Response to Comment I87-1

Please refer to Master Response M-1. Further, the issues raised in this form letter are the same as those raised in Comment Letter 012. Please see the detailed responses to Comment Letter 012. These comments have been included in the record for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

First and most importantly, we strongly urge that you include in the PMPU the original purpose statement from page 59 of the current Port Master Plan (“PMP”) referencing The North Embarcadero Alliance Visionary Plan for the northeast section of the Embarcadero, which states, “[The Port Master Plan] proposes to revitalize San Diego’s downtown waterfront through a concept for public improvements and by guiding development to optimize property values, public access opportunities and priority waterfront and water-dependent uses.” By continuing to include this original language as a guiding principle, the goals of providing uses and amenities that serve all Californians, including local and regional communities and tourists, the preservation of public access, views and open space amenities, and enhanced connections between the Embarcadero and all adjacent neighborhoods and districts, may more appropriately be met.

Just as is the Coastal Commission, we too are very concerned over the glaring omission of development guidelines for the areas most seriously impacted by the new Master Plan, i.e., the Central Embarcadero (including Seaport Village), South Embarcadero, Chula Vista and National City districts. It is our opinion this omission is equivalent to giving carte blanche to private developers to ignore all or any of the necessary development standards set forth in the final PMPU. For this important reason, we respectfully request that the Port suspend the PMPU finalization process of obtaining an EIR until development guidelines are created and included for those areas. Until those parameters are in place, the Coastal Commission’s review and future EIRs would merely be expensive and futile exercises because the true extent of the PMPU’s reach cannot be known without additional information that has been properly vetted by the public for whose benefit all of this is being done.

187-1  
cont.

Finally, we urge the Port to rethink its positions and amend language to comport with the notions of safe and readily available public pedestrian pathways, and reduction of noise, pollution and traffic congestion on Pacific Highway, by addressing and mandating underground parking, green and open space, and height/set-back restrictions, including the elimination of whole-block podiums for the expansion or construction of new hotels. As currently proposed, these public impact guidelines will cause significant degradation of public access opportunities and optimization of property values, all in contravention to other stated design goals and to the desires of the City of San Diego and the public at large.

187-1  
cont.

The North Embarcadero is such an important part of the Port region, and its needs are both unique and extremely environmentally sensitive. Rather than rush this draft PMPU through the final stages, we would prefer the Port take the time necessary to ensure that the PMPU reflects the most environmentally beneficial, and inclusive guidelines established in the original PMP so that we may continue to help realize the People of the State of California's positive vision for the future development of our most valuable shared public asset.

Respectfully Submitted,

William Hayes & Shirley Liu

Wchayes49@yahoo.com

## 2.7.88 Comment Letter I88: Rebecca Vesterfelt

Letter  
I88

**From:** Becky Vesterfelt <beckyvesterfelt@gmail.com>  
**Sent:** Wednesday, January 5, 2022 4:32 PM  
**To:** Port Master Plan Update  
**Subject:** Public Comment PMPU to Planning Dept. Port

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To: Planning Department  
 pmpu@portofsandiego.org  
 Port Authority of San Diego

Re: Public Comment on the Port Master Plan (PMPU) 2021

I live full-time in Planning Area PD-03 North Embarcadero Subdistrict at Palm Ct./B St. which is directly across from the property at 1220 Pacific Highway, which the port plans to acquire and develop along with reconnecting Harbor Drive at B St. to Pacific Highway.

The latest version of the PMPU is a remarkably poor reflection of the goals which the Port claims is its 21st century vision, mission, values and promise. Sea level rise protection proaction planning toward new and existing infrastructure is not in plan for my neighborhood which the Port calls the "Front Door" to the Embarcadero.

There are issues which I previously brought forth which are still not addressed in this latest PMPU. The Port needs to be aware of the still on-going issue, even after 2020 road resurfacing, with inadequate storm drainage on Pacific Highway from Ash Street to West Broadway.

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- Vehicles driving into this area during rain storms are still becoming flooded.
- San Diego Police are required to set-up roadblocks to stop traffic onto this segment of Pacific Highway when there is heavy rain. It is especially problematic on Pacific Highway at A street.
- 
- 
- In the year 2020 work on Pacific Highway roadway markings and curbed pavements
- narrowed the roadway vehicle traffic with new markings for 2 bike lanes, 2 vehicle lanes with turn lanes for each direction, along with street vehicle parking along with an increase to 3 timed-light stop signs in operation at Ash St., C/BayFront Ct, and West
- Broadway. Increased traffic onto a less laned roadway needs to be addressed as a component of the PMPU which still indicates traffic will shift from Harbor Drive onto Pacific Highway.
- 
- 
- There are currently 8 driveways into multi-story vehicle parking facilities on
- this 3 block area of Pacific Highway.
- 
- 
- The designated area's recently built Port tenant hotels have impacted traffic.

I88-1

I88-2

I88-3

I88-3

### Response to Comment I88-1

The comment is an introductory comment that provides the commenter's opinion of the PMPU and indicates that specific comments are being provided. Moreover, the commenter submitted three identical letters. Only one letter is bracketed and included in the District's responses, but the responses are the same for all three identical letters. The commenter's concerns regarding sea level rise are raised generally here, but are also raised later in the comment letter, which is where the District provides a response. The specific comments raised following this introduction are listed separately, along with the District's individual responses.

### Response to Comment I88-2

The comment describes existing conditions related to flooding, rather than potential impacts that may result from what is proposed by the PMPU. While flooding may be an environmental issue, an EIR is not required to remedy existing conditions. (*Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059 ["The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope"].) The comment does not suggest that existing flooding on Pacific Highway would be worsened by the PMPU. The PEIR analyzes potential flooding impacts associated with the implementation of the PMPU in Section 4.8, *Hydrology and Water Quality*, of the PEIR. Since the comment does not raise any issue with respect to the adequacy of the PEIR's analysis of flooding impacts in Section 4.8, no further response is required. No changes to the PEIR are required in response to this comment. However, this comment is part of the record that will be considered by the Board of Port Commissioners prior to its decision on whether to approve the PMPU.

### Response to Comment I88-3

The comment expresses an opinion that traffic moving from Harbor Drive to Pacific Highway needs to be addressed in the PMPU. Please see Chapter 3.2, Mobility Element, of the PMPU, which contains policies related to transportation and mobility throughout the PMPU area as well as Chapter 5.3, which includes roadway improvement policies related to the Embarcadero Planning District. In addition, Section 4.14 of the PEIR analyzes the potential impacts of the PMPU on transportation, circulation, and mobility. However, please note that traffic congestion and delay are no longer analyzed under CEQA.

- Traffic is especially impacted when Springhill Suites/Residence Inn and InterContinental Hotel delivery trucks and tourist buses park streetside in no-parking and in the bike lane closest to their destination. The poor access plan which the Port created at
- those new hotel sites has created an unsafe unsatisfactory situation which could have been avoided with an adequate plan for delivery and guest bus parking. I recall my neighborhood residents expressed concern at Port public meetings about the actual site
- where delivery and trash collection would be at those hotels but the neighborhood was essentially lied to by the Port. The neighborhood is now left with Pacific Hwy view onto a ugly gray concrete back side along with a backside driveway entry with basic roll
- door, noise from trucks and buses, along with air pollution, traffic congestion, an additional stop light and all-night light shining into homes from above ground garage and marquee signs. The promised neighborhood beautification street landscaping turned
- out to be new pavement with 11 palm trees only.
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I88-4  
cont.

Here are only some very basic concerns on my home area of Pacific Highway on the Port's latest Update:

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- Page 207 5.3.1 Existing Setting
- The description of Planning Area PD-03 as commercial, visitor-serving, recreational, and industrial uses does not include the thousands of Residents with a Pacific Highway home address on our 4 block area of Pacific Highway from Ash Street to West Broadway.
- Please update the PMPU to include "Residential" in the Planning Area PD-03 description. This PMPU continues to ignore the fact thousands of residents invested in housing property to be home on Pacific Highway, a shared common street, which provides access
- to and abuts Port property. This latest PMPU made no effort toward environmental justice improvement in PD-03. In fact, increasing vehicular traffic into my neighborhood is planned with a vehicle parking lot/mobility hub along with increased density of hotel
- structures and users.
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- Page 210
- The PMPU only preserves scenic views
- from
- the shoreline and water step-downs are a betrayal of public trust. All arriving to Port's "Front Door" Embarcadero will be met with high-rise brutal style concrete multi-level hotel walls of which none are human scale. The setback intervals described are
- not human scale to allow sunlight to reach the sidewalk and lower floors. Restore old plan to build with height step downward north to lower height to compliment the County Building which recently invested in nightly colored lighting to highlight its
- Beaux-Arts, Spanish Revival, Streamline Moderne, Mission Revival
- design. The intensity of density in the current plan will not be inviting to Port property
- hotel guests, visitors, and resident pedestrians will be in shadow which is not welcoming. The intensity of planned dense structures at the Embarcadero Front Door (Ash St./B st./Pacific Hwy) to wall off all downtown westward to the water views beginning at
- Ash Street all the way to Seaport Village accepting when there is street travel east to west to waterfront. Traveling in the north/south direction on Pacific Highway new construction will create a concrete wall without a water view resulting in a pedestrian
- or driver only possibly gaining a sight of the bay when they are actually in the middle of a westward street facing the bay. The peak through siteline at Bay Ct./C st. is the entry to 3 hotels so it is very congested most hours which negatively impacts sightline

I88-5

I88-6

Pursuant to CEQA Guidelines Section 15064.3(a), a project's effect on traffic delay shall no longer constitute a significant impact.

## Response to Comment I88-4

The commenter describes existing conditions related to perceived noise, air pollution, traffic congestion, and night-time lighting issues, rather than potential impacts that may result from what is proposed by the PMPU. An EIR is not required to remedy existing conditions, including those identified by the comment. The comment does not suggest that these existing issues would be worsened by the PMPU and does not identify any inadequacies in the Draft PEIR. The potential impacts of the PMPU on aesthetics (nighttime lighting), air quality, noise, and transportation are analyzed in Sections 4.1, 4.2, 4.10, and 4.14 of the PEIR. Since the comment does not raise any issue with respect to the adequacy of the PEIR's analysis of these impacts, no further response is required. No changes to the PEIR are required in response to this comment. However, this comment will be included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

## Response to Comment I88-5

The Public Trust Doctrine restricts the type of land uses allowed on public lands, including District Tidelands. Under the Public Trust Doctrine, residential uses are not allowed within District Tidelands. As such, the description of existing uses in PD3 from Section 5.3.1 of the PMPU is appropriate because it is only describing the water and land use designations that are within the District's jurisdiction in PD3. Nonetheless, the analysis contained within the PEIR considers all potentially affected receptors regardless of the jurisdiction in which they are located, including residential uses adjacent to Tidelands. Please see Sections 4.1 through 4.15 of the PEIR, which analyze and disclose the potential environmental effects of the PMPU if implemented. The comment claims that environmental justice was not considered in PD3. However, as described in Chapter 3.5, Environmental Justice Element, of the PMPU, environmental justice is ensuring disadvantaged communities are afforded equitable opportunity to access Tidelands, participate in District planning and public involvement processes, and enjoy a healthy environment. As documented in the PMPU in Section 3.5.2, disadvantaged communities are defined by SB1000 as:

"[a]n area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or



an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.”

The State Lands Commission expanded the definition of disadvantaged communities to include “not only the definitions contemplated by SB 1000, but also...other low-income and minority populations that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts.”

Based on this definition, the PMPU identifies the following disadvantaged communities in the City of San Diego that are the focus of the District’s environmental justice efforts: Barrio Logan; Logan Heights; and Sherman Heights. As such, the residences surrounding PD3 are not considered disadvantaged communities.

In addition, please note that traffic congestion and delay are no longer analyzed under CEQA. Pursuant to CEQA Guidelines Section 15064.3(a), a project’s effect on traffic delay shall no longer constitute a significant impact.

### **Response to Comment I88-6**

This comment is similar to Comment 017-35 of Letter 017 (Embarcadero Coalition Letter #2). Please see the District’s response to that comment. In addition, please see the discussion of the PMPU’s potential impacts on view corridors and public vistas in Section 4.1, *Aesthetics & Visual Resources*, of the PEIR and note that the PMPU addresses public, not private, views. Also, policies within the PMPU would require consistency with the character of existing development. Please see WLU Objective 2.2 and the policies that implement that objective as well as the Development Standards, which include Building Standards that specify height limits, setbacks and stepbacks, and Building Frontages and Orientation to help ensure compatibility with the surrounding area. The commenter also requests analysis of “sightlines impacts,” however, such development specific analyses are dependent upon project specific details that are unknown at this time (e.g. precise siting and design details). Since the comment does not raise any issue with respect to the adequacy of the PEIR’s analysis of these impacts, no further response is required. No changes to the PEIR are required in response to this comment.

- to embarcadero bay water. Please do not make that mistake again at A and B streets off of Pacific Highway. No information on sightlines impacts to the Downtown is in this PMPU nor for my neighborhood PD-03.

I88-6  
cont.

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• **Page 212 PD3.7 Roadway Reconnections**

- ALL cruise operations need to be planned to be managed on the dedicated wharf and not on reconnected B Street. Cruise ship operations must stay at the cruise ship docking site. Harbor Drive currently has overflow impact by delivery trucks, buses, taxis, and private vehicles. The rising number of no access days on public view platforms on the
- embarcadero wharfs is significant so the potential flow of ship operations on-to B St. should not even be considered. Pedestrian safety of visitors, cruise ship passengers, residents and hotel guests along with air quality needs to be a component of the plan
- with quality of life in a residential neighborhood (environmental justice).

I88-7

• **Page 213 PD3.9**

- There is no need for a Mobility Hub Structure for parking vehicles (except ADA access) for the following reasons:

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- Introduced in 2021 the
- *SANDAG Board 2021 Regional Plan Advanced a Vision for*
- *Transportation*. The Port needs to begin to educate its planners on standards
- set by the San Diego Region, County and City. The Port should work to promote public transportation options to and from the North Embarcadero Waterfront instead of promoting vehicular trips and parking downtown which impacts air quality, pedestrian safety,
- and creates traffic congestion.

- 

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- The City of San Diego introduced a Climate Action Plan which requires less vehicular traffic downtown which the Port needs to begin to educate its planners on to improve the PMPU.

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- There is already multi-level high occupancy vehicle parking within the area. The planners and developers of the three recently built hotels (InterContinental, Springhill Suites, Residence Inn) on Pacific Highway between West Broadway and B street promised the neighborhood that the hotels would be providing public parking access to hundreds
- of parking spaces. The Wyndham Hotel offers public parking.

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- The County currently has 2 multi-level parking facilities nearby (underground at the County Administration Building and at the corner of Cedar and Kettner). There is City metered street parking.

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I88-8

## Response to Comment I88-7

The comment expresses concern regarding existing conditions and alleged impacts of cruise ship operations at B Street Pier. However, the PMPU does not propose any changes to cruise ship operations. Please see Section 4.2, *Air Quality and Health Risk*, regarding the analysis of air pollution and Section 4.9, *Land Use and Planning*, regarding the analysis of public access associated with implementation of the PMPU. This comment is similar to Comment 017-13. Please see the District's response to that comment. Regarding environmental justice concerns within the residential neighborhoods adjacent to PD3, please see the response to Comment I88-5 above. Since the comment does not raise any issue with respect to the adequacy of the PEIR's analysis of these impacts, no further response is required. No changes to the PEIR are required in response to this comment.

## Response to Comment I88-8

This comment expresses concerns similar to those in Comment Letter 017. Please see responses to Comments 017-14, 017-30, and 017-32 included within Comment Letter 017. Since the comment does not raise any issue with respect to the adequacy of the PEIR, no further response is required. No changes to the PEIR are required in response to this comment. However, this comment will be included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

- There are already 4 public transportation stations located within 2 blocks of the waterfront (Seaport Village Trolley Station, One America Plaza Station, Santa Fe Train and Trolley Station, Little Italy Trolley Station). Public access to the waterfront from the nearby 4 public transportation stations and MTS bus stops has successfully
- accommodated very large numbers of users. Thousands of people successfully use public transportation to get to Waterfront Park for very large events. Educating the public and tourists about the close proximity of public transportation to the waterfront should
- be a priority to eliminate the need to increase private vehicle driving into downtown and parking in the area.
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- Instead of building a new parking structure (Mobility Hub), work with existing waterfront hotels to offer discounted public parking. The planners and developers of the recently built hotels within this Port Plan Area claimed to the homeowners/neighbors living on Pacific Highway that their new hotels would provide hundreds of
- public
- parking spaces at their hotel sites (which had been parking lots). The Tenants of Port waterfront area properties need to be required to be good neighbors to the nearby residents, all San Diegans and Californians.
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I88-8  
cont.

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- Page 215 PD3.25-26 PMPU latest (Ash st/Harbor Dr/Pacific Hwy/B st) hotel plan intensifies density
- and height with brutal architecture that as planned will disallow sunlight and airflow and be oppressive and not at all welcoming to hotel guests or any human scale interaction.
- No mention in the hotel infrastructure plan toward proaction
- sea level rise. The Port's lack of appreciation for the "WonderFront" Embarcadero's
- natural beauty
- and uniqueness
- when compared to other cities in the world-- the bay is the WOW icon! Do not wall off waterfront bay westward sightline views.
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- Page 218-19 PD3.37-44
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I88-9

Not the appropriate location site for the proposed increased building density as well as escalation of intensification in PD-03 will decrease quality of human experience at Embarcadero.

All Visitors arriving from the airport via Pacific Highway will be met at my Front Door neighborhood with tall wide concrete walls limiting sunlight and airflow in the area and the multi-level density of structures create very few partial westward glimpse of San Diego Bay. The proposed increased density of

I88-10

## Response to Comment I88-9

The comment expresses an opinion about the future development of hotels that may be developed consistent with the PMPU, including PD3.25 and PD3.26.

PD3.25 Modify, or replace in-kind, existing hotel rooms, including associated retail, restaurant and/or meeting space, to the same or lesser size, and in the same general footprint in the Commercial Recreation-designated area between Ash Street and Broadway.

PD3.26 In addition to existing facilities, develop up to 750 additional hotel rooms, with 30,000 additional square feet of associated retail and restaurant, and 30,000 additional square feet of meeting space, for a total of up to 2,150~~350~~ hotel rooms plus ancillary facilities, in the Commercial Recreation-designated area between Ash Street and Broadway.

PD3.25 explicitly identifies the modification or replacement in-kind of existing hotels to the same or lesser size, in the same general footprint as current hotels in the area between Ash and Broadway. As such, there would be no change in terms of hotel size for existing hotels. PD3.26 would allow additional hotel rooms consistent with the Commercial Recreation land use designation. The PMPU includes Development Standards (see 5.3.2(D)) to ensure there are appropriate setbacks and stepbacks, building frontages and orientation, and building heights and scale with the nearby development. These development Standards, along with the Baywide Standards (see Chapter 4 of the PMPU), and specifically Chapter 4.4, View Standards, are proposed to preserve view corridors and create a positive aesthetic. The potential aesthetic and visual resource impacts that would result from implementing the PMPU are analyzed and disclosed in Section 4.1 of the PEIR.

As discussed throughout the PEIR, the PMPU does not propose any site-specific development, nor does it include a hotel plan or hotel infrastructure plan. Rather, the PMPU provides conceptual diagrams of building heights and setbacks, where appropriate, for illustrative purposes. Potential impacts associated with future development allowed under the PMPU will be subject to site-specific environmental review pursuant to CEQA Guidelines Sections 15152 and 15168 when a development application for an individual project is submitted to the District.

In addition, the PMPU includes several policies to address sea level rise and storm surge, including existing structures, human health, and sensitive resources. These policies require, among other things,

permittees to submit site-specific hazards reports to the District that address anticipated coastal hazards over the anticipated life of the development (see SR Policy 3.3.1). Other proposed PMPU policies require permittees to site and design development to avoid effects from projected sea level rise considering the anticipated life of the development and, if coastal hazards cannot be completely avoided, to plan, design, and implement adaptation strategies (see SR Policy 3.3.2). Additionally, to reduce the risks posed to neighboring properties and the natural environment from coastal protection devices, the proposed PMPU requires the prioritization of nature-based adaptation strategies, where feasible (SR Policy 3.3.4). If coastal protection devices are used, they must be designed to minimize adverse effects on local sand supply, recreation, habitat, scenic views, beach width, coastal fill, and effects on coastal access and other Public Trust uses (SR Policy 3.3.10). Sea level rise and increased “storminess” due to climate change may increase wave uprush, which would be analyzed on an individual development basis, as required in SR Policy 3.3.1. Specific design approaches would be reviewed by the District as specific development proposals are submitted for development review.

All future development associated with the proposed PMPU would be required to demonstrate consistency with the proposed PMPU policies related to sea level rise. Thus, the policies associated with the proposed PMPU would ensure that new development of water and land uses would not exacerbate any existing and/or projected damage to the environment, including existing structures, human health, and sensitive resources, in association with sea level rise and storm surge. Since the comment does not raise any issue with respect to the adequacy of the PEIR’s analysis of these impacts, no further response is required. No changes to the PEIR are required in response to this comment.

### **Response to Comment I88-10**

This comment is similar to Comment #I88-6 above. Please see the response to Comment #I88-6 above and the response to Comment O17-35 within Comment Letter O17 (Embarcadero Coalition Letter #2). Since the comment does not raise any issue with respect to the adequacy of the PEIR, no further response is required. No changes to the PEIR are required in response to this comment.

concrete walling off of the bay sightline to begin at Ash St. to continue southward through to Seaport Village is an assault on San Diego Downtown's pride of its location on San Diego Bay and all the residents downtown homes with bay views now.

All the condominium buildings in PD3 funded public art display on their property to beautify their San Diego Downtown Pacific Highway waterfront neighborhood, yet the PMPU calls for dense concrete walled off backside properties directly across from their neighbors sightline on Pacific Highway. The continued denial of the existence of residents in PD3 needs to be rectified as PD3 neighborhood shares its same access street, Pacific Highway, with Port property tenants. Port hotel visitors enjoy the public art which the condo buildings created on Pacific Highway which improves the ambiance of the place.

I wonder whether anyone at the Port performing work on this PMPU has actually ever walked the Downtown Embarcadero San Diego Bay Waterfront or ever approached the area on Pacific Highway by vehicle, walking or by public transit. The Port boasts its years of meetings and public outreach to learn the public desires for Embarcadero waterfront yet my "Front Door" neighborhood is simply ignored as if residents living in PD-03 do not exist. Unfortunately this latest PMPU holds no improvement for my neighborhood and does not reflect the Port's claim to 21st century vision, mission, values and promise. The Port already proved to be a poor neighbor with breaking promises to the neighborhood in the construction of the Springhill Suites, Residence Inn and InterContinental Hotels. This version of PMPU is a very disappointing poor vision for the future of San Diego Downtown Waterfront Embarcadero. The Port must do better for San Diego and California.

Sincerely,  
Rebecca Vesterfelt  
1205 Pacific Highway  
San Diego, CA 92101

I88-10  
cont.

I88-11

Response to Comment I88-11

The commenter expresses general opposition to the PMPU but does not raise any new environmental issues requiring a response under CEQA. Please also see the response to Comment I88-10 above. This comment will be included in the record for consideration by the Board of Port Commissioners when it makes its decision whether to adopt the PMPU.

2.7.89      **Comment Letter I89: Louis Cohen**

Letter  
I89

**From:** Becky Vesterfelt <beckyvesterfelt@gmail.com>  
**Sent:** Thursday, January 6, 2022 10:52 AM  
**To:** Port Master Plan Update  
**Subject:** public comment PMPU

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Planning Department Port Authority of San Diego  
Re: Public Comment on the Port Master Plan (PMPU) 2021

I live full-time in Planning Area PD-03 North Embarcadero Subdistrict at Palm Ct./B st. which is directly across from the property at 1220 Pacific Highway, which the port plans to acquire and develop along with reconnecting Harbor Drive at B. St. to Pacific Highway. The latest version of the PMPU is a remarkably poor reflection of the goals which the Port claims is its 21st century vision, mission, values and promise. Sea level rise protection proaction planning toward new and existing infrastructure is not in plan for my neighborhood which the Port calls the “Front Door” to the Embarcadero. There are issues which I previously brought forth which are still not addressed in this latest PMPU. The Port needs to be aware of the still on-going issue, even after 2020 road resurfacing, with inadequate storm drainage on Pacific Highway from Ash Street to West Broadway.

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- Vehicles driving into this area during rain storms are still becoming flooded.
- San Diego Police are required to set-up roadblocks to stop traffic onto this segment of Pacific Highway when there is heavy rain. It is especially problematic on Pacific Highway at A street.
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- 
- In the year 2020 work on Pacific Highway roadway markings and curbed pavements
- narrowed the roadway vehicle traffic with new markings for 2 bike lanes, 2 vehicle lanes with turn lanes for each direction, along with street vehicle parking along with an increase to 3 timed-light stop signs in operation at Ash St., C/BayFront Ct, and West Broadway. Increased traffic onto a less laned roadway needs to be addressed as a component of the PMPU which still indicates traffic will shift from Harbor Drive onto Pacific Highway.
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I89-1

**Response to Comment I89-1**

The comments raised in this letter are the same as the comments raised in Comment Letter I88. Please see the detailed responses to those comments as well as the responses to Comment Letter O17 (Embarcadero Coalition Letter #2). These comments have been noted for the record and for consideration by the Board of Port Commissioners when it makes its decision regarding adoption of the PMPU.

- There are currently 8 driveways into multi-story vehicle parking facilities on this 3 block area of Pacific Highway.
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- The designated area's recently built Port tenant hotels have impacted traffic.
- Traffic is especially impacted when Springhill Suites/Residence Inn and InterContinental Hotel delivery trucks and tourist buses park streetside in no-parking and in the bike lane closest to their destination. The poor access plan which the Port created at
- those new hotel sites has created an unsafe unsatisfactory situation which could have been avoided with an adequate plan for delivery and guest bus parking. I recall my neighborhood residents expressed concern at Port public meetings about the actual site
- where delivery and trash collection would be at those hotels but the neighborhood was essentially lied to by the Port. The neighborhood is now left with Pacific Hwy view onto a ugly gray concrete back side along with a backside driveway entry with basic roll
- door, noise from trucks and buses, along with air pollution, traffic congestion, an additional stop light and all-night light shining into homes from above ground garage and marquee signs. The promised neighborhood beautification street landscaping turned
- out to be new pavement with 11 palm trees only.
- 

Here are only some very basic concerns on my home area of Pacific Highway on the Port's latest Update:

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- Page 207 5.3.1 Existing Setting
- The description of Planning Area PD-03 as commercial, visitor-serving, recreational, and industrial uses does not include the thousands of Residents with a Pacific Highway home address on our 4 block area of Pacific Highway from Ash Street to West Broadway.
- Please update the PMPU to include "Residential" in the Planning Area PD-03 description. This PMPU continues to ignore the fact thousands of residents invested in housing property to be home on Pacific Highway, a shared common street, which provides access
- to and abuts Port property. This latest PMPU made no effort toward environmental justice improvement in PD-03. In fact, increasing vehicular traffic into my neighborhood is planned with a vehicle parking lot/mobility hub along with increased density of hotel
- structures and users.
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- Page 210

189-1  
cont.

- The PMPU only preserves scenic views
- from
- the shoreline and water step-downs are a betrayal of public trust. All arriving to Port's "Front Door" Embarcadero will be met with high-rise brutal style concrete multi-level hotel walls of which none are human scale. The setback intervals described are
- not human scale to allow sunlight to reach the sidewalk and lower floors. Restore old plan to build with height step downward north to lower height to compliment the County Building which recently invested in nightly colored lighting to highlight its
- Beaux-Arts, Spanish Revival, Streamline Moderne, Mission Revival
- design. The intensity of density in the current plan will not be inviting to Port property
- hotel guests, visitors, and resident pedestrians will be in shadow which is not welcoming. The intensity of planned dense structures at the Embarcadero Front Door (Ash St./B st./Pacific Hwy) to wall off all downtown westward to the water views beginning at
- Ash Street all the way to Seaport Village accepting when there is street travel east to west to waterfront. Traveling in the north/south direction on Pacific Highway new construction will create a concrete wall without a water view resulting in a pedestrian
- or driver only possibly gaining a sight of the bay when they are actually in the middle of a westward street facing the bay. The peak through siteline at Bay Ct./C st. is the entry to 3 hotels so it is very congested most hours which negatively impacts sightline
- to embarcadero bay water. Please do not make that mistake again at A and B streets off of Pacific Highway. No information on sightlines impacts to the Downtown is in this PMPU nor for my neighborhood PD-03.
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- *Page 212 PD3.7 Roadway Reconnections*
- ALL cruise operations need to be planned to be managed on the dedicated wharf and not on
- reconnected B Street. Cruise ship operations must stay at the cruise ship docking site. Harbor Drive currently has overflow impact by delivery trucks, buses, taxis, and private vehicles. The rising number of no access days on public view platforms on the
- embarcadero wharfs is significant so the potential flow of ship operations on-to B St. should not even be considered. Pedestrian safety of visitors, cruise ship passengers, residents and hotel guests along with air quality needs to be a component of plan with
- quality of life in residential neighborhoods (environmental justice).
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- *Page 213 PD3.9*
- There is no need for a Mobility Hub Structure for parking vehicles (except ADA access) for the following reasons:
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- 
- Introduced in 2021 the
- *SANDAG Board 2021 Regional Plan Advanced a Vision for*

189-1  
cont.



- *Transportation.* The Port needs to begin to educate its planners on standards set by the San Diego Region, County and City. The Port should work to promote public transportation options to and from the North Embarcadero Waterfront instead of promoting vehicular trips and parking downtown which impacts air quality, pedestrian safety, and creates traffic congestion.
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- The City of San Diego introduced a Climate Action Plan which requires less vehicular traffic downtown which the Port needs to begin to educate its planners on to improve the PMPU.
- 
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- 
- There is already multi-level high occupancy vehicle parking within the area. The planners and developers of the three recently built hotels (InterContinental, Springhill Suites, Residence Inn) on Pacific Highway between West Broadway and B street promised the neighborhood that the hotels would be providing public parking access to hundreds of parking spaces. The Wyndham Hotel offers public parking.
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- The County currently has 2 multi-level parking facilities nearby (underground at the County Administration Building and at the corner of Cedar and Kettner). There is City metered street parking.
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- 
- There are already 4 public transportation stations located within 2 blocks of the waterfront (Seaport Village Trolley Station, One America Plaza Station, Santa Fe Train and Trolley Station, Little Italy Trolley Station). Public access to the waterfront from the nearby 4 public transportation stations and MTS bus stops has successfully accommodated very large numbers of users. Thousands of people successfully use public transportation to get to Waterfront Park for very large events. Educating the public and tourists about the close proximity of public transportation to the waterfront should be a priority to eliminate the need to increase private vehicle driving into downtown and parking in the area.
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- 
- Instead of building a new parking structure (Mobility Hub), work with existing waterfront hotels to offer discounted public parking. The planners and developers of the recently built hotels within this Port Plan Area claimed to the

189-1  
cont.

homeowners/neighbors living on Pacific Highway that their new hotels would provide hundreds of

- public
- parking spaces at their hotel sites (which had been parking lots). The Tenants of Port waterfront area properties need to be required to be good neighbors to the nearby residents, all San Diegans and Californians.
- 

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- Page 215 PD3.25-26 PMPU latest (Ash st/Harbor Dr/Pacific Hwy/B st)hotel plan intensifies density
- and height with brutal architecture that as planned will disallow sunlight and airflow and be oppressive and not at all welcoming to hotel guests or any human scale interaction.
- No mention in the hotel infrastructure plan toward
- protective planning toward resilient sea level rise and flooding
- with smart infrastructure to meet State and Federal standards
- <https://sealevelrise.org/states/california/>
- <https://sealevelrise.org/solutions/>
- 
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- Page 218-19 PD3.37-44
- 

**Not the appropriate location site for the proposed increased building density as well as escalation of intensification in PD-03 will decrease quality of human experience at Embarcadero.**

All Visitors arriving from the airport via Pacific Highway will be met at my Front Door neighborhood with tall wide concrete walls limiting sunlight and airflow in the area and the multi-level density of structures create very few partial westward glimpse of San Diego Bay. The proposed increased density of concrete walling off of the bay sightline to begin at Ash St. to continue southward through to Seaport Village is an assault on San Diego Downtown's pride of its location on San Diego Bay and all the residents downtown homes with bay views now.

All the condominium buildings in PD3 funded public art display on their property to beautify their San Diego Downtown Pacific Highway Waterfront Neighborhood, yet the PMPU calls for dense concrete walled off backside properties directly across from these neighbors' sightline on Pacific Highway. The continued denial of the existence of residents in PD3 needs to be rectified as PD3 neighborhood shares its same access

189-1  
cont.

street, Pacific Highway, with Port property tenants. Port hotel visitors enjoy the public art which the condo buildings created on Pacific Highway which improves the ambiance of the place.

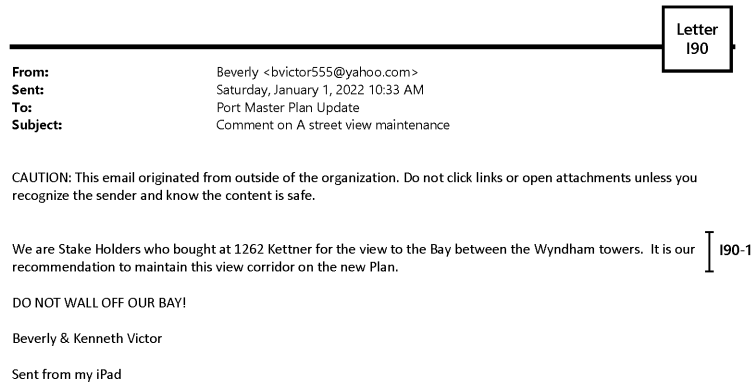
The Port's lack of appreciation for the "WonderFront" Embarcadero's natural beauty and uniqueness when compared to other cities in the world– the bay is the WOW icon! I wonder whether anyone at the Port performing work on this PMPU has actually ever walked the Downtown Embarcadero San Diego Bay Waterfront or ever approached the area on Pacific Highway by vehicle, walking or by public transit.

Unfortunately this latest PMPU holds no improvement for my neighborhood and does not reflect the Port's claim to 21st century vision, mission, values and promise. The Port boasts its years of meetings and public outreach to learn the public desires for Embarcadero waterfront yet my "Front Door" neighborhood is simply ignored as if residents living in PD-03 do not exist. The Port already proved to be a poor neighbor with breaking promises to the neighborhood in the construction of the Springhill Suites, Residence Inn and InterContinental Hotels. Do not wall off downtown waterfront bay westward sightline views. This version of PMPU is a very disappointing poor vision for the future of San Diego Downtown Waterfront Embarcadero. The Port must do better for San Diego and California.

Regards,  
Louis Cohen  
1205 Pacific Highway  
San Diego, CA 92101

189-1  
cont.

## 2.7.90 Comment Letter I90: Beverly and Kenneth Victor



### Response to Comment I90-1

The comment is a request to preserve the commenter's private view from their property to San Diego Bay. The PMPU addresses public, not private, views of the Bay. Similarly, views from private property are generally not protected under California law. As such, any perceived impacts of the proposed PMPU on private views are not considered significant environmental effects under the California Environmental Quality Act (CEQA) (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477). The PMPU designates several view corridors in the Embarcadero Planning District (Planning District 3), including within the North Embarcadero Subdistrict. As shown on Figure PD3.4 of the PMPU, view corridor extensions are proposed from Pacific Highway to the San Diego Bay along Ash Street and B Street, which bound the Wyndham hotel property to the north and south, respectively, as well as along A Street. As such, the PMPU would maintain the existing view corridors between the Wyndham hotel towers. In addition, blocking or interrupting a scenic vista or view corridor would result in an inconsistency with the PMPU. In response to the commenter's concerns about walling off San Diego Bay as a result of future development, the proposed scenic vista and view corridor extension standards are designed to avoid any walling off by maintaining lines of sight at and along these locations. Moreover, the PMPU's potential impacts on visual resources, including public viewpoints and view corridors, are analyzed under Thresholds 1 and 3 in Section 4.1, *Aesthetics and Visual Resources*, of the PEIR. The comment does not raise any environmental issue regarding the adequacy of the PEIR's analysis of visual impacts and no changes to the PEIR are required in response to this comment.

2.7.91      **Comment Letter I91: Connie Ouellette**

Letter  
I91

**From:** Connie Ouellette <connie.ouellette1@gmail.com>  
**Sent:** Sunday, January 9, 2022 9:00 PM  
**To:** Port Master Plan Update; Lesley Nishihira  
**Subject:** Fwd: Draft PMPU and Draft EIR Comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPhone

Begin forwarded message:

**From:** Embarcadero Coalition <embarcaderocoalition@gmail.com>  
**Date:** January 9, 2022 at 11:09:25 AM PST  
**To:** Embarcadero Coalition <embarcaderocoalition@gmail.com>  
**Subject:** Draft PMPU and Draft EIR Comment

Good Morning,  
A quick reminder that if you haven't sent your public comment to the Port yet, that it is due by 5 pm tomorrow, Monday the 10th.  
Thanks for your efforts,  
Janet

Directions:  
1.Press Forward, then  
2.Copy these 2 address into the Address line

[pmpu@portsandiego.org](mailto:pmpu@portsandiego.org), Lesley Nishihira <[lnishih@portsandiego.org](mailto:lnishih@portsandiego.org)

I  
I91-1

**Response to Comment I91-1**

This comment does not raise an environmental issue and, pursuant to CEQA Guidelines Section 15088, no response is required.

2.7.92      **Comment Letter I92: Brit Zeller**

Letter  
I92

**From:** Britt Zeller <brittzeller619@gmail.com>  
**Sent:** Wednesday, November 24, 2021 9:37 PM  
**To:** Port Master Plan Update  
**Subject:** Coronado impact.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Is the port commission supposed to profit from or to serve our city? To propose more commercial traffic without creating a way for it to exit in an area already clotted with cars, trucks, etc is beyond betrayal of your purpose. The folks between 3rd and 4th are tortured and possibly sickened by the polution and noise and congestion. Think again. Or, build us an offshore road and give us back our living space. Britt Zeller

I92-1

**Response to Comment I92-1:**

The Draft PEIR addresses potential impacts relating to air pollution, noise, and transportation in Sections 4.2, 4.10, and 4.14, respectively. Although the comment makes a general claim about these potential environmental effects, the comment does not identify any deficiency within the PEIR’s analysis, conclusions or mitigation for these impacts. Pursuant to CEQA Guidelines Section 15088, no further response is necessary or possible. This comment will be included in the information presented for consideration by the Board when it makes a decision whether or not to adopt the PMPU.

## 2.7.93 Comment Letter I93: Sandy Combs

Letter  
I93

**From:** Sandy Combs <sxcombs@pacbell.net>  
**Sent:** Saturday, December 4, 2021 3:42 PM  
**To:** Port Master Plan Update  
**Subject:** Comment on PMPU

**WARNING:** The sender of this email could not be validated and may not match the person in the "From" field!

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My first comment pertains to PD10.18 on page 365: "Preserve scenic vista area from sandy beach located at the foot of D Ave" in Coronado. **This beach needs to have a change of designation** that protects it from people having dogs (leashed and unleashed) and open fires on the beach. Both are detrimental to this open space as many families with small children use this beach and there have been many instances of loose dogs (this is not a dog beach) and charred wood (from overnight parties) left on the beach. Currently, this beach seems to have a no holds barred atmosphere as it is not recognized by the Port or the City of Coronado as anything but a viewpoint. Parks and beaches have stricter ordinances.

My second comment pertains to PD10.1 Mobility Hubs on page 362: "surface-level or below-grade single parking facility". **This parking facility must be free of charge for the public.** If it isn't, then visitors will use the adjacent residential streets for parking which will congest the residential area. Although there will be resistance to any type of new development in the area, if there is additional free parking then that may mitigate some of the resistance.

Thank you for the opportunity to comment on the PMPU.

Sincerely,

Sandy Combs  
 Coronado Resident

I93-1

### Response to Comment I93-1

The comment is requesting policy changes to the PMPU, which are within the discretion of the Board of Port Commissioners. This comment will be included in the information presented for the Board of Port Commissioners' consideration prior to the decision of whether or not to approve the PMPU.

The comment requests a change of designation for the sandy beach at the foot of D Avenue in Coronado to address concerns regarding conflicts between beach goers and dogs and open fires. The District's land use designation for beach areas is Recreation Open Space. The District provides rules and regulations for beach use which are intended, among other things, to prevent conflicts between or among beach users. The concerns expressed by this comment relate to existing conditions which would not be rectified by a change in land use designation.

The comment also states that the parking facility referred to in PD 10.1 must be free of charge to the public to prevent the public from parking on adjacent streets. Future implementation of PD 10.1 would be consistent with PD 10.20, which provides that "District occupants, tenants, and permittees within this subdistrict shall coordinate with the adjacent jurisdiction to collectively, or individually, establish an off-site parking strategy to ensure that Tidelands visitors do not adversely affect adjacent parking areas." Although insufficient parking is generally not considered to be an environmental impact, the availability of public parking may affect public access to coastal resources. The PMPU's consistency with the Coastal Act, including Coastal Act policies regarding public access and parking, is analyzed in Table 4.9-1 of Section 4.9, *Land Use & Planning*, of the PEIR. The comment does not express any objection to the adequacy of the PEIR or its analysis or conclusions regarding public parking. Pursuant to CEQA Guidelines Section 15088, no further response is required.

2.7.94      **Comment Letter I94: Joyleen Rottenstein #1**

Letter  
I94

**From:** Msvata@aol.com <msvata@aol.com>  
**Sent:** Friday, December 31, 2021 10:45 AM  
**To:** Port Master Plan Update  
**Subject:** Expansion of hotel rooms

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please don't permit additional rooms or hotels and restaurants build in Coronado. Our small town has enough density. We need all the green space we still have. Housing is expanding on homes that have big lots. When will it end. Think about our future.

Thank you.

Joyleen Rottenstein

Msvata@aol.com

I94-1

**Response to Comment I94-1**

The comment is directed at the PMPU, which does not allow for increasing the number of hotel rooms in Coronado, but would allow for replacement in-kind, within the same building footprint, and renovations. The decision to plan for commercial and recreational uses is a matter of policy and the decision to approve or not approve the PMPU will be made by the Board of Port Commissioners. However, as stated above, the PMPU does not allow for additional, future hotel rooms in Planning District (PD) 10. Further, Recreation Open Space represents a significant portion of the land use designations, within PD 10. The comment does not raise an environmental issue. Pursuant to CEQA Guidelines 15088, no additional response is necessary. This comment has been noted for the record and for Board consideration.



2.7.95      **Comment Letter I95: Joyleen Rottenstein #2**

Letter  
I95

**From:** Msvata@aol.com <msvata@aim.com>  
**Sent:** Friday, December 31, 2021 10:51 AM  
**To:** Port Master Plan Update  
**Subject:** Additional hotel rooms

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Coronado does not need extra rooms. We need all the green space we now have. Hotel Del expanded and will bring big crowds to our city. Please keep us at our room level.

Joyleen Rottenstein  
Msvata@aol.com

I95-1

**Response to Comment I95-1**

The comment raises a general community character concern and is directed at the PMPU. However, the PMPU does not propose any additional hotel rooms in Planning District (PD) 10 and Recreation Open Space represents a significant portion of the proposed land use designations within PD 10. The comment expresses the commenter’s objection to hotel expansion and support for the preservation of open space, but does not raise an environmental issue or identify any deficiency in the PEIR. Pursuant to CEQA Guidelines 15088, no additional response is necessary. The choices regarding commercial and recreational uses are a policy matter and the decision to approve or to not approve the PMPU will be made by the Board of Port Commissioners. This comment will be included in the information presented for Board consideration when it makes the decision whether to adopt or to not adopt the PMPU.

## 2.7.96 Comment Letter I96: Marilyn Field

Marilyn G. Field  
1101 1st Street, Apt. 208  
Coronado, CA 92118  
[mfield1@san.r.com](mailto:mfield1@san.r.com)

Letter  
I96

January 10, 2022

Planning Department  
Port of San Diego

RE: Planning District 10  
Comments on the PMPU and PEIR

1). Planning District 10, Section 5.10.1

The most recent draft of the PMPU adds 2 important paragraphs at the end of this section to discuss the source of the development criteria used by the Port in establishing the development standards set forth in the PMPU and PEIR for Planning District 10. The source is a Coronado Municipal Ordinance called the Tideland Overlay Zone (TOZ) which became the source of the Ports planning for this District because it was required by the Coastal Commission in 1982 via a conditional certification of the Port's 1980 Master Plan.

That certification included the following condition:  
"The Port shall prepare a precise plan to conform to either the MOU or the TOZ, whichever provides the greatest consistency with Coastal Act policies, for those 53 acres of tidelands located north of the Coronado Bridge. The final review and approval of the reviewed plan shall be subject to written approval of the Executive Director in consultation with the Commission."

This was followed by the Port's Amendment #5 approved in 1984 which described the requirements for the Ports development of PD

I96-1

### Response to Comment I96-1

This comment is specific to the PMPU and does not raise an environmental issue or question the adequacy of the PEIR. Therefore, pursuant to the CEQA Guidelines Section 15088, no further response is needed and no changes have been made to the PMPU or PEIR. Please see response to Comment 07-1 (Coronado Village HOA Letter), regarding the applicability of the TOZ. As indicated in response to Comment 07-1, the TOZ is not applicable to the District or District Tidelands.

10 and that Amendment is referred to and incorporated in the Port's now existing Port Master Plan.

This history and commitment is also described in a comment letter dated November 17, 202 submitted to the Port by the City of Coronado on a prior draft of the PMPU

In order to avoid uncertainty and confusion about these standards it is important to be as precise as possible in describing them. The language in the current draft of the PMPU refers to the Port using similar criteria as contained in the TOZ and lists some of them but not all of them. Please revise the PMPU description to specifically list the standards.

Of particular importance, please specify the limitation on hotels/hotel rooms in PD 10: one non-convention type hotel with no more that 300 rooms. This was a source of confusion for Port Staff when preparing the original draft of the PMPU which would have included a second hotel in PD 10.

It is also important the Port incorporate into the PMPU the specific land use criteria in the TOZ which requires 65% open space, not including the golf course. While the MOU specifies a 50% requirement, it is clear the the higher minimum specified in the TOZ is more consistent with the Coastal Act policies and should have been specified in the 1984 Amendment. Perhaps the specific inclusion of the 20 acre park was thought to satisfy this requirement, but today, as the site is more and more developed, specifying the minimum standard for open space is important. Please also consider this comment as a comment on the PEIR as well as the PMPU because, if this standard is violated, it would have a major negative environmental impact.

Please also see the discussion under 3.) below which discusses a "no less than one acre" park with specific features which was described in Amendment #5. This park should be included as a standard.

196-1  
cont.

196-2

196-3

## Response to Comment 196-2

This comment relates to the content of the PMPU and does not raise an environmental issue or address an inadequacy of the PEIR. Therefore, pursuant to the CEQA Guidelines Section 15088, no further response is necessary. No changes to the PMPU or PEIR are required because of this comment. Refer to response to Comment 07-1 for information on the TOZ. The commenter's TOZ reference to a 300-room, non-convention center hotel relates to the previously constructed hotel, at Coronado Marriott, which contains accessory meeting room space but is not a convention center. Therefore, it is not necessary to amend the PMPU to add this TOZ provision since the PMPU is a long-range planning document for the future, with a 2050 planning horizon. The PMPU does not provide for changes to that hotel site, with the exception that existing hotel rooms may be modified/renovated or replaced-in-kind, in the same building footprint. Further, within PD 10, the PMPU does not propose any new hotel rooms, as directed by the Board during a September 16, 2019, public hearing concerning future land uses within the PMPU area (see page 363).

## Response to Comment 196-3

As indicated in response to Comment 196-1, the TOZ is not applicable to the District or District Tidelands. As referenced in response to comment 07-1, neither the MOU or TOZ apply to the PMPU. Moreover, the Coastal Act does not require a specific percentage of available land to be devoted to open space. Although the comment asserts that it is a comment on the PEIR as well, neither CEQA nor the Coastal Act nor any other law or regulation establishes a standard for the amount of open space in the PMPU. In addition, the comment does not identify the nature or magnitude of the environmental impact that allegedly would occur. The PMPU does not propose any reduction in open space in PD10. Since the certified PMP and the PMPU are consistent regarding land use designations, no adverse environmental impact would occur, as the net change in open space area within the TOZ, is zero acres or zero percent. The comment does not identify any specific environmental impact that should have been analyzed in the PEIR but was not and does not allege the PEIR's analysis regarding Coastal Act consistency is flawed. (See PEIR, Section 4.9, *Land Use and Planning*, Table 4.9-1.) Accordingly, no further response is possible or required.

In addition, the comment also refers to a "no less than one acre park," which is discussed in more detail in a subsequent comment and which the comment requests be adopted as a standard in the PMPU. The comment does not raise an environmental issue regarding the adequacy of the PEIR's

2.) Lack of Clarity on Land Use Designations and Missing Illustrative Figures

The PMPU and the PEIR suffer from lack of clarity about land use designations, in particular the lack of clarity on what is designated Recreational Open Space and what is designated Commercial Recreational. Illustrative figures are missing in the tracked version of the PMPU and I could not find particular referenced figures in the non-tracked version either.

In the PEIR, Figure 10.2 shows land use designations but it is hard to read in places. The area along the water on the East end of the site appears to be green for Open Space but it is barely visible. Moreover, areas designated as Recreational Open Space on the Northwest side of the Ferry Landing and continuing along the water to the East side of the site now include commercial development. This is of major importance in evaluating the environmental impact of the PMPU. It is also critical in determining whether the PMPU complies with open space requirements set forth in the TOZ discussed above.

3.) PD 10.11 and PD 10.12

These sections refer to the small boat launch area to the East of Il Fornaio. It is hard to tell the exact location because the illustrative figure is missing. PD10.11 require the existing boat launch area be maintained. PD 10.12 appears to refer to this same area as a beach and requires a step-down area to provide direct physical access to the water. The standard requires the step-down area to be integrated into the design of the “adjacent Recreation Open Space area”. It is not clear where the “adjacent Recreation Open Space area is located and the dimensions of the space. The adjacent area is designated Commercial Recreational which is confusing. Please clarify.

However, Amendment #5 which is incorporated in 1980 PMP requires a park of “no less than one acre” with a fishing pier, other features and accessible public parking. The illustrative figure included in Amendment #5 shows the location of this park at the same area as

196-4

196-5

196-6

analysis of potential impacts to parks and recreational facilities in Section 4.12, *Public Services & Recreation*, of the PEIR. Pursuant to CEQA Guidelines Section 15088, therefore, no further response is required. However, the request for adoption of a specific park standard is a policy matter for consideration by the Board of Port Commissioners. This comment will be included in the information presented to the Board for its consideration when it makes a decision whether or not to adopt the PMPU.

## Response to Comment 196-4

Please see response to Comment 196-1 above, regarding the inapplicability of the TOZ. The commenter claims that greater clarity is necessary to evaluate the environmental impact of the PMPU; however, Chapter 5.10 of the PMPU details the planned improvements for both the North and South Coronado Subdistricts, including their planned locations. The PEIR evaluates the environmental effects associated with these planned improvements and takes into consideration the existing condition and how it would potentially change if the planned improvements are implemented in the future. The comment also alleges that areas designated as Recreation Open Space on the northwest side of the Ferry Landing and continuing along to the east side of the site, now include commercial development in areas designated for Recreation Open Space, which is important in evaluating environmental impacts. Further, the comment references Figure 10.2 in the PEIR. It should be noted that the PEIR does not include Figure 10.2; however, the PMPU does include a Figure PD10.2, which seems to be the figure the comment is referencing.

The comment does not identify the nature or extent of any environmental impacts which should have been evaluated in the PEIR but were not. The tracked-changes document supplied with the November 2021 Draft PMPU was for informational purposes only and provided as a courtesy to the public, to allow a textual comparison between the October 2020 Revised PMPU and the 2021 Draft PMPU. It was not provided for a comparison of water and land use designations maps, between the two versions, as the 2020 version of PMPU, Figure PD10.2 was not revised in the 2021 version. Moreover, the District possesses the digital files (i.e. Geographical Information System [GIS] files) of the water and land uses and can precisely locate boundaries for planning and implementation of the PMPU. The District would make these GIS files available for inspection upon request. Most importantly, per the Visitor-Serving Commercial Uses planned improvements in the North Coronado Subdistrict, commercial development is only proposed in existing commercial development or areas designated as Commercial Recreation. The PMPU does not propose a change in the land use designation from Recreation Open Space to Commercial Recreation in

the area identified by the comment, so the PMPU would not cause or contribute to an adverse environmental effect on land use and planning in this area which should have been analyzed in the PEIR. Finally, the text box included in the Existing Setting for the Coronado Bayfront Planning District explains that the Tidelands Overlay Zone does not apply to District Tidelands, however the District and the City of Coronado coordinate on open space and traffic circulation in the Coronado bayfront. No changes to the PMPU or PEIR are required in response to this comment.

### **Response to Comment I96-5**

The comment requests clarification as to the location of the small boat launch east of the Il Fornaio restaurant. This comment relates to the content of the PMPU and does not raise an environmental issue or address an inadequacy of the PEIR. Therefore, pursuant to the CEQA Guidelines Section 15088, no further response is necessary. No changes to the PMPU or PEIR are required because of this comment. This comment will be included in the information presented for consideration by the Board of Port Commissioners when deciding whether or not to adopt the PMPU. As indicated in both the PMPU, Hand-Launched Nonmotorized Watercraft - PD10.11 and the PMPU, Step-Down Areas - PD10.12, the locations of the existing nonmotorized hand-launched areas are depicted in PMPU, Figure PD10.3. As shown in Figure PD10.3, one of the existing launch areas could be in Tidelands Park and adjacent to Recreation Open Space area. The other launch area could be to the north, near the Il Fornaio restaurant and adjacent to Commercial Recreation space. As indicated in previous responses, the PMPU does not propose any change in these existing non-motorized launch areas. Further, PD10.12 does not delineate exact locations for the step-down areas, however, PD10.12(a) was clarified to identify that the step-down area would be integrated into the design of the adjacent Recreation Open space area at the beach south of the Ferry Landing Pier.

referred to in PD 10.11 and PD 10.12. Amendment #5 says that the park could be relocated based on site design. Was the park was required in Amendment #5 relocated? If so, where? The PEIR figure 10.2 does not appear to include an area to accommodate a park in the thin band of “green” Recreational Open Space shown for this area.

A park would be a most welcome addition to the waterfront and would preserve precious views of the Bay. There is adjacent parking as required which would make it accessible for residents of other communities as well as Coronado. It would supplement other park areas on the West side of the Ferry Landing which are very popular and in warmer weather very crowded. It is the best use of the site under the policies of the Coastal Act and would be a free amenity which would encourage residents of lower income communities to come to Coronado to enjoy the waterside site and what could be a little jewel of a beach. In contrast, a restaurant would be available only to those with the means to afford it.

196-6  
cont.

#### 4.). PD 5.10.2 (C)-1

PD 10.1 Requires the development of a Local Gateway Mobility Hub, “or larger hub” which refers to Regional Mobility Hub. The Ferry Landing should not be required to be a mobility hub at all. It is primarily a tourist destination, not a connection point. In any event, please remove the “or larger hub” language. There are no connections to Regional transportation so this makes no sense. Further, designation as a Regional Mobility Hub could cause adverse ramifications under the State’s RHNA policy, requiring even greater housing density.

196-7

The requirements for way-finding signage are unnecessary and redundant as Coronado has its own signage requirements which are adequate. More signage will create visual pollution.

PD 10.1.c requires a single parking facility that consolidates public parking with parking that serves commercial needs. The words

## Response to Comment 196-6

The comment is a policy-related comment about carrying park space identified in the current PMP into the PMPU. As addressed in Comment 196-5, PD10.11 addresses the two existing, nonmotorized hand-launch areas in the areas depicted in Figure PD10.3 and the general locations of Step-Down Areas, as described in the response to Comment 196-5 above. Neither PD10.11 or PD10.12 include a park, fishing pier, or accessible parking. This comment relates to the PMPU Planned Improvements and does not raise an environmental issue and does not question the adequacy of the analysis of the PMPU’s potential impacts on parks and recreational facilities in Section 4.12, *Public Services and Recreation*, of the PEIR. Accordingly, no response is necessary pursuant to CEQA Guidelines Section 15088. However, the certified PMP states that the one-acre park referenced in the comment has been developed between Orange and B Avenues (page 88). The PMPU does not propose to change the designation of this park area. This comment will be included in the information presented for consideration by the Board of Port Commissioners when deciding whether or not to adopt the PMPU.

## Response to Comment 196-7:

The language in Planned Improvements, PD10.1 (“or larger hub”) is included to preserve the District’s flexibility to respond to unforeseen changes in transportation that may occur in the long term. No specific design is proposed in the PMPU and any future proposal for a mobility hub at this location would be subject to site-specific environmental review pursuant to CEQA Guidelines Section 15152 and 15168 and would be consistent with Section 30212.5 of the Coastal Act, which would address the comment’s concerns. Please see Response to Comment 196-9 regarding above-ground parking structures. The way-finding signage requirements are part of the PMPU’s overall intention to enhance public access to the Bay and the location of signage would take into account and be consistent with the PMPU’s provisions regarding the protection of public views. For clarification on the purposes of the PMPU Mobility Hubs and RHNA requirements, please also see responses to Comment Letter A6-2 (City of Coronado). The comment is a policy-related comment that requests changes to the PMPU, as proposed. This comment has been noted for the record and for consideration by the Board of Port Commissioners when deciding whether to approve or deny the PMPU.

“single parking facility that consolidates” should be deleted. With the revised standards for maintaining the existing footprint of the Ferry Landing Marketplace, there is no need to consolidate parking into one lot and in fact the current intention of Ferry Landing Associates is to leave the parking in its present configuration. This is also important because it retains the parking lot which permits access to the beach on the West side of the Ferry landing site.

Please make it clear that no above ground parking structure is permitted.

196-7  
cont.

5. PD 10.4

Please clarify what is meant by “enhanced links” between the tideland and the adjacent jurisdiction’s free summer shuttle.

The section also appears to require Coronado to run a free summer shuttle forever. Will the Port pay for the shuttle if Coronado decides to discontinue?

196-8

6. PD 10.20

This section requires the Port to coordinate with Coronado to establish off-site parking strategy to assure that tidelands visitors do not adversely affect nearby parking areas. I oppose any strategy which would result in the construction of an above ground parking structure. Parking structures are eyesores and they do not belong in what is primarily a residential neighborhood, whether on Port property on the North side or on the opposite side of the 1st Street. On-site parking at the Ferry Landing appears completely adequate as long as the Port does not charge for parking. This is a much cheaper solution than construction of a parking facility.

196-9

## Response to Comment 196-8

“Enhanced links” means continued and increased coordination between the District and the City with respect to the City’s free summer shuttle. The definition of “enhanced” is as follows, in the PMPU Glossary:

Enhanced: To improve or increase in quality or value.

PD 10.4 does not require the City to run a free shuttle forever and does not engage in speculation regarding the City’s intention for future operations. The comment is a policy-related comment and does not raise an environmental issue. No response is necessary pursuant to CEQA Guidelines Section 15088. This comment has been noted for the record and for consideration by the Board of Port Commissioners when deciding whether to approve or deny the PMPU.

## Response to Comment 196-9

The PMPU Development Standard, Parking, PD10.20 provides for coordination with the City to establish an off-site parking strategy to ensure that Tidelands visitors do not adversely affect adjacent parking areas. The PMPU does not recommend or favor one parking strategy over another. The comment is a policy-related comment that expresses opposition to one potential parking strategy. Please see the District’s response to Comment A6-8, 07-1, and 07-4, which provide responses related to parking in PD10. The comment also raises an aesthetic issue associated with construction of an above ground parking structure. The PMPU does not propose an above ground parking structure. In the event such a structure were proposed in the future, it would be subject to site-specific environmental review pursuant to CEQA Guidelines Sections 15152 and 15168. As indicated in response to Comment 196-1, which refers the commenter to 07-1, the PMPU would require development to be context-sensitive in size, scale and design, be in character with the adjacent community, and result in comprehensive, integrated development of commercial and public areas in a cohesive landscaped setting. Additionally, building heights would not exceed 40 feet. As such, any parking structure would need to conform to these development standards. The PEIR analyzes the aesthetic and visual resource impacts of implementing the PMPU in Section 4.1, *Aesthetics and Visual Resources*. As discussed, no significant impacts on scenic vistas or from substantial changes to visual character would occur from buildings and structures once operational. The PEIR does identify the potential significant and adverse impacts on scenic vistas and visual character associated with construction sites and mitigation measures are proposed to reduce, but ultimately would not avoid significant construction-related aesthetic impacts. As this comment does

## 7. PD 10.23.

This section requires “active uses” on the ground floor adjacent to the waterfront. This suggests that a 2 story structure is contemplated. Please clarify what is intended. A second story would appear to violate 10.13. It would be concerning because the existing structures are single story and creating a second story would affect views, developmental density and would need to be analyzed as a negative environmental impacts.

Please define what is an “active use” as opposed to an activating use.

196-10

## 8. PD 10.14

PD10. 14 adds a “project” to the PMPU. The PMPU is supposed to contain standards and not specific projects.

This project was approved under the existing PMP in 1990 with an EIR done in 1989. It was never built. In 2018 the Port approved the concept for a new scaled down version of the original project with two restaurants in a single large structure. It did so in reliance on an amendment to the 1989 EIR which concluded no new EIR was needed because the now proposed project is smaller than what was analyzed to the 1989 EIR. However, I believe that this analysis is completely inadequate: the 1989 EIR, which was done over 30 years ago fails to take into account the changes in the environment during the last 30 plus years which affected the environment in which the project will be built. These changes include dramatically increased residential density with the construction of new condominiums; new offices and new commercial operations in the area between 1st and 2nd Streets; and greatly increased traffic in the NE quadrant of the City particularly on 1st Street. There must also be considered the likely redevelopment of the Smart and Final site with 54 new condominiums or rental apartments, and possibly new residential development in what is now the parking lot next to Broadstone, due to State RHNA requirements.

196-11

raise any issue associated with the PEIR analysis, no changes to the PEIR are required in response to this comment. This comment will be included in the information presented for consideration by the Board of Port Commissioners when deciding whether to approve or deny the PMPU.

### Response to Comment I96-10

The PMPU does not propose any site specific development. The building standards provided in PD10.23 apply to future development that may occur in the subdistrict. PD10.23, which applies to all future development, is not inconsistent with PD10.13, which applies only to the modification or replacement of existing retail and restaurant uses. Please see the response to Comment I96-9, which raises a similar issue (i.e., aesthetic and visual impacts associated with a structure proposed in the North Coronado Subdistrict). In addition, please see the definition of “active use” included within the PMPU’s Glossary. The comment does not raise any issue with the analysis contained within the PEIR and no changes to the PEIR are required in response to this comment.

### Response to Comment I96-11:

This comment appears to misunderstand PD10.14, which provides as follows: “As approved under the previously certified Port Master Plan (in 1990), develop a new restaurant with up to 7,500 square feet in the southern portion of the commercial development at Ferry Landing.” PD10.14 refers to a proposed restaurant, which received concept approval from the Board of Port Commissioners on July 17, 2018, pursuant to Resolution Numbers 2018-131 (CEQA 2<sup>nd</sup> Addendum to FEIR [District Clerk Document No. 68850] and 2018-132 (Granting Concept Approval). The PMPU does not propose any site-specific project for approval. As the comment itself acknowledges, the District previously approved a restaurant project on this site and the PMPU simply acknowledges that prior approval. As clearly stated in the PEIR, all future development projects allowed under the PMPU will be subject to site-specific environmental review pursuant to CEQA Guidelines sections 15152 and 15168, if and when the District receives an application for approval of a project.

Further, as background regarding the subject restaurant, and excerpted from the July 17, 2018, Board agenda sheet (File #: 2018-0261):

“In October 2015, Ferry Landing Associates submitted an application for the Revised Project to construct a one-story building with the option to operate up to two restaurants within. On January 12, 2016, the Revised



But that is not all. City infrastructure appears to be at capacity or overburdened as flooding occurs at 1st Street and A Ave whenever it rains. Climate change and sea level rise have changed the natural environment which is sure to change even more in coming years especially with sites right next to the water. There have been new earthquake faults discovered running right next to this site.

For all these reasons, I believe this project should not be considered without a new EIR.

If this project is built please clarify that it will comply with design standards applicable to the Ferry Landing, that is, it must be “context sensitive in size, scale and design” and “be in character with the adjacent community” and “result in comprehensive integrated development of commercial and public areas in a cohesive landscaped setting”. Please see section 5.10.1 as discussed in #1.) above. I have seen the proposed plans for the Project and they do not meet these requirements.

Marilyn Field

196-11  
cont.

Project was presented to the Board for preliminary project review. At that time, the Board authorized staff to commence the environmental review process pursuant to CEQA. A Second Addendum to the FEIR, dated July 2018, has been prepared to analyze changes to the Wharf Development project, and to document that none of the conditions in CEQA Guidelines Sections 15162 and 15163, triggering preparation of a subsequent or supplemental EIR, have occurred (Attachment B). The Second Addendum is appropriate under CEQA Guidelines Section 15164 and incorporates the updated and refined project description into the FEIR for the Board to consider and adopt. On July 12, 2018, the Final EIR and Second Addendum were provided to the Board of Port Commissioners in the Commissioners’ office and are available in the Office of the District Clerk for public review.” As such, the PMPU merely acknowledges a previously approved (but unbuilt) project and does not “add” a project or propose approval of a specific project. The comment also states that the restaurant project should be subject to a new EIR because of changed conditions in the area. This comment is similar to Comment 07-2 provided by Comment Letter 07 (Coronado Village Homeowners’ Association Letter), which also claims that the environmental analysis is inadequate because of the changes that have occurred to the existing environment since the initial EIR was done for the site in 1990. Please see the response to Comment 07-2, which explains why the analysis contained within the PEIR is adequate for CEQA.

The restaurant proposal referred to in PD10.14 of the PMPU was previously subject to environmental review and approved by the Board of Port Commissioners, under the existing Port Master Plan. A subsequent environmental review, pursuant to CEQA Guidelines Section 15162, was completed in 2018 in support of BPC-granted concept approval, for the restaurant project (Resolution No. 2018-132). The PMPU acknowledges the previous approval and does not propose any change to the project that was previously approved. This comment will be provided to the Board for its deliberations on whether to adopt the PMPU.

As stated previously, PD10.14 does not propose any change in the District’s previous concept approval of up to two new restaurants in a 7,500 square-foot, one-story building at the Ferry Landing. Future development of the previously approved project would require issuance of a CDP, which would be subject to additional environmental review pursuant to CEQA Guidelines Sections 15162 – 15164. Accordingly, no further response is required. No changes to the PEIR have been made in response to this comment.

## 2.7.97 Comment Letter I97: Raymond Richardson

Port of San Diego  
Attention: Planning Dept.  
3165 Pacific Highway  
San Diego CA 92101

**Subject:** Comments towards the Port Master Plan Update Draft Environmental Impact Report –

Dear Port of San Diego staff:

I appreciate the opportunity to comment towards your draft Environmental Impact Report (EIR) of the Port Master Plan Update (PMPU). I am attaching a copy of the letter sent to the Port on Nov 19<sup>th</sup> 2020 from Coronado Mayor Richard Bailey that requests planning principles to be included in the PMPU. If the Port does not adhere to either the TOZ or the MOU it will create a negative environmental impact. The absence of explicit land use calculations within the PMPU will not allow for a fair balance between recreational and commercial open space. Including a reasonable land use ratio, (like those in the TOZ and MOU), is vital to the public's well-being and preserving quality of life. Please include language within the PMPU that conforms to either the TOZ or MOU, whichever is most consistent with Coastal Act Policies. This is the language in the current Port Master Plan (PMP).

### 3. Coronado Bayfront, Planning District 6.

The Port District shall prepare a precise plan to conform to either the MOU or the TOZ, whichever provides the greatest consistency with Coastal Act policies, for those 53 acres of tidelands north of the Coronado Bridge. The final review and approval of the reviewed plan shall be subject to the written approval of the Executive Director in consultation with the Commission.

Appendix 113

A 1984 amendment to the current Port Master Plan proposed a park of no less than 1 acre was to be introduced at the Coronado Bayfront. Sadly, this park has yet to be produced. Today we have a chained off, inaccessible area that is Coronado's Transbay wastewater pump station. I ask the Port District to please not consider Coronado's Transbay Pump Station a form of recreational open space because it the area is not accessible to the general public.



I97-1

I97-2

### Response to Comment I97-1

This comment is similar to the points raised in Comment Letter 07, which also claim that the PMPU must adhere to the 1979 MOU between the District and the City of Coronado and the City of Coronado's TOZ, including the land use mix prescribed in these two documents. Please see the responses to Comment 07-1.

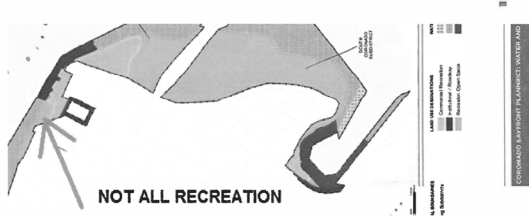
### Response to Comment I97-2

The comment is a policy-related comment about carrying park space identified in the current PMP into the PMPU and not considering a specific area as Recreation Open Space. The referenced Coronado's Transbay Pump Station is delineated as the Recreation Open Space (ROS) Land Use Designation. As noted, it is not a recreational site at present. The PMPU would allow for utility uses within all Water and Land Use Designations. This is further clarified by adding the following language to the Water and Land Use Element, in Section 3.1.7, number 5 that specifies that utilities, as accessory and supportive uses, would be permitted in all Water and Land Use Designations.

“Supportive and Accessory Uses: Additional uses (including, but not limited to: utilities, parking, etc.) that are accessory to and/or support the operation and function of allowed uses, may be permitted.”

Although the existing pump station is not currently accessible to the public or does not allow for recreational activities, the site could be repurposed for such uses considering the PMPU's approximately 30-year planning horizon. Based on this, the depiction is correct because it delineates future land uses and indicates a policy direction regarding ROS for the future. Further, since the pump station is a utility, it would be allowed within the ROS designation and no changes to the proposed future Water and Land Use Designation map are required. However, this comment will be included in the information presented for consideration by the Board when deciding whether to approve the PMPU.

Additionally, Figure 10.2 in the EIR shows specific areas in green that are considered recreational open space. The recreational open space listed in this image is not entirely accurate. A portion of the green shading is actually currently being used for commercial purposes. An updated map is needed to show true recreational and commercial land use.



To avoid any potential environmental impacts within The Coronado Bayfront Planning District 10, please conform to all the planning principles addressed in both the TOZ and MOU, whichever is most consistent with Coastal Act Policies.

197-3

197-4

Very respectfully,

Raymond Richardson

### Response to Comment I97-3

The comment is requesting clarification for a land use identified on Figure 10.2 of the PEIR, which is most likely a reference to Figure PD10.2 of the PMPU, since the PEIR does not include a figure 10.2. The comment does not provide enough detail to provide a specific response. However, at the general location pointed to in the comment, the PMPU does not change an existing commercial area to ROS. This comment does not raise an environmental issue and no response is necessary pursuant to CEQA Guidelines Section 15088. This comment has been noted for the record and for consideration by the Board when deciding whether to approve or deny the PMPU.

### Response to Comment I97-4

This comment repeats the request from Comment I97-1 above. Please see the response to Comment I97-. This comment will be included in the information presented for consideration by the Board when deciding whether to approve the PMPU. Because the comment does not identify any specific environmental issue and does not object to the adequacy of the PEIR, no further response is required.

2.7.98      **Comment Letter I98: Sydney Stanley**

Letter I98

**From:** sydney stanley <sydney7910@att.net>  
**Sent:** Sunday, January 9, 2022 4:58 PM  
**To:** Port Master Plan Update  
**Cc:** sydney7910@att.net  
**Subject:** PMPU - EIR Comments

**WARNING:** The sender of this email could not be validated and may not match the person in the "From" field!

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Date: 9 January 2022  
To: Planning Department – Port of San Diego  
From: Sydney Stanley  
c/o PMPU@portof sandiego.org

—

Thank you for the opportunity to address some issues in the PMPU-EIR and thank you for working collaboratively with the Coronado Community and Coronado City Staff.

*Please see my comments and EDITS in RED in italics. The respective sections of the PMPU existing text are in black text from the PMPU-EIR dated 21 Nov 21.*

**CORONADO BAYFRONT – PLANNING DISTRICT 10**

**5.10.1 Existing Setting**

Consistent with the TOZ, the District and City of Coronado continue to coordinate on open space, redevelopment/improvements, and traffic circulation in the Coronado Bayfront. Although the TOZ does not apply to District Tidelands, District Tidelands in the Coronado Bayfront Planning District have been developed with consideration of development criteria that are similar to those contained in the City of Coronado’s TOZ and the District and City of Coronado’s Memorandum of Understanding in 1979.

**To understand and not lose the historical and legal record, please add the language below to the section:**

*The 1980 Port Master Plan Certified by the California Coastal Commission includes the Coronado Tidelands Amendment BPC RES Number 83-133 dated 12 Apr 1984. This amendment was processed to resolve inconsistencies between the TOZ and the PMPU. Additionally at the Direction of the California Coastal Commission the Port of San Diego and the City of Coronado agreed to a Memorandum of Understanding dated 18 Dec 1979 as equal partners regarding the Planning Principals of the Coronado Bayfront. The District and the City of Coronado reached a mutually acceptable land use plan for the area and the California Coastal Commission approved the amendment on 2 July 1984.*

**NOTE: Please see the City of Coronado’s comment letters to the District dated 24 July 2019 and 19 November 2020 for more information. Thank you.**

1

**Response to Comment I98-1**

For information related to the MOU addressed in the comment, please refer to Comment Letter O7 (Coronado Village HOA), Response O7-1. The comment is directed at the PMPU and provides several suggested revisions to the text. None of the revisions raises an environmental issue or addresses the adequacy of the PEIR; therefore, no response is required pursuant to CEQA Guidelines Section 15088. The suggested revisions will be included in the information presented for consideration by the Board of Port Commissioners when it makes a decision whether or not to adopt the PMPU.

I98-1

**5.10.2 North Coronado Subdistrict**

Modifications to existing commercial amenities will further strengthen the area's public access and connection to the water, as well as the adjacent residential community character, without increasing development intensity. Coronado is a built out residential community that is already experiencing significant impacts to its infrastructure, including parking and traffic impacts. Adding more intensity to this area only brings more traffic, more pollution and more noise and hurts the residential areas.

**5.10.2I-III Visitor-Serving Commercial Uses Retail and Restaurant PD10.11 13** Modify, or replace in-kind, existing retail and/or restaurant space to the same or lesser size and in the same general footprint,

**PD10.14** As approved under the previously certified Port Master Plan (in 1990), develop a new restaurant with up to 7,500 square feet in the southern portion of the Ferry Landing.

*As one of our Councilman said recently "if you ask anyone in the County of San Diego what they would rather see – another restaurant or a park on the Coronado Bayfront? The majority would probably say they want more open space and a park" – but the pad for a restaurant has been in the current PMPU but never built. A significant number of citizens have asked for a Park in that spot, but no one with authority at the municipal or Port level is listening or supporting this request- as it's under a lease agreement that has not built a restaurant for 40 years. I would ask is this a prior agreement concerning land in the public trust that is consistent with policies of the Coastal Act which provides for the protection of coastal resources? Restaurants can be moved around, existing Bayshore waterfront cannot be moved around or more created.*

**Parking PD10.19** – District occupants, tenants, and permittees within this subdistrict shall coordinate with the adjacent jurisdiction to collectively, or individually, establish an off-site parking strategy to ensure that Tidelands visitors do not adversely affect adjacent parking areas.

**PD10.20** District occupants, tenants, and permittees within this subdistrict shall coordinate with the adjacent jurisdiction to collectively, or individually, establish an off-site parking strategy to ensure that Tidelands visitors do not adversely affect adjacent parking areas.

*Parking in the Bayfront Tidelands and the adjacent areas is a serious problem. Visitors, residents and workers at the Marriott and the commercial businesses, parks, boat moorings, and hospital all lack adequate parking. Residents in that entire quadrant of Coronado are negatively impacted. Patients going to the hospital struggle to find street parking. When the Port tried paid parking on the Port areas, visitors and workers just parked all over the residential area and made it worse—so we all know free parking is important so as to not make more negative impacts on residents.*

*The Districts language of shared agreements for parking may be needed here to acquire land adjacent to the Tidelands. The City and the Port can align their interests and purchase land at the Smart and Final lot and develop a parking facility. No change or consolidation of the existing parking lots on Tidelands is wanted by residents, as they have been very vocal and, on the record, not to build a bulky parking facility at the Ferry landing.*

*Please note that no language has been developed in the PMPU-EIR to address the public's request to address the lack of parking requirements for the tour buses that come to the Tidelands and idle the engines and pollute the air while they are there.*

**PD10.13 16 No new hotel rooms are planned or allowed.**

*Coronado is built out and we feel overrun by traffic year-round. This was the single biggest issue that the residents spoke up about in the review period and all are most appreciative of the Port listening to residents. Negative impacts to our quality of life with more traffic, noise, pollution and loss of open space was the reason. Coronado has plenty of hotel rooms now. Thank you.*

198-2

198-3

198-4

198-5

**Response to Comment I98-2**

The comment is directed at the PMPU and provides several suggested revisions to the text. Although general existing environmental considerations are mentioned as part of the suggested additions, the additions represent the opinion of the commenter and the comment do not identify any specific concern regarding transportation, pollution, or noise, do not provide or refer to any evidence of transportation, pollution, or noise in the subdistrict, and do not state any specific deficiency in the analysis of these impacts in Section 4.2, *Air Quality & Health Risk*, Section 4.10, *Noise & Vibration*, or Section 4.14, *Transportation, Circulation & Mobility*, in the PEIR. Furthermore, the assumption that "more intensity" means "more pollution" is not an accurate conclusion. The legislature explained in SB 743 that "there is a need to balance the need for level of service standards for traffic with the need to build infill housing and mixed use commercial developments within walking distance to mass transit facilities, downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing interests." (See also Gov. Code Section 65589.5.) Therefore, no response is required pursuant to CEQA Guidelines Section 15088. The suggested revisions will be included in the information presented for consideration by the Board of Port Commissioners prior to the decision to approve or reject the PMPU.

**Response to Comment I98-3**

This comment is similar to the comments raised in Comment Letter 07. Please see the detailed responses to Comments 07-1 and 07-2, and 07-4. Please see the responses to those comments. In addition, the PMPU's designation for the site in question is consistent with Coastal Act policies that promote public access to coastal resources by providing visitor-serving uses and activities. See PEIR, Section 4.9, Land Use & Planning, Table 4.9-1. No changes to the PEIR are required in response to this comment.

5.10.2(D)-I Public Realm Standards/Pathways

In the North Coronado Subdistrict, waterside promenades shall have a minimum width of 30 foot, as generally depicted in Figure PD10.5.

*Text states minimum 30 feet width, but illustration shows 20-foot width. Please correct*

5.10.2(C)-I Landside Access

c. Be integrated within a surface-level or below-grade single parking facility that consolidates public parking with parking that serves the commercial uses.

*Please remove the word single and consolidates – this was to have been changed previously.*

**WLU Policy 4.2.6** All parks, including those within leaseholds, shall be open to the general public during park hours for at least 85 percent of the year. Public access to parks shall not be limited (i.e., exclude the public or require an admission fee)for more than 15 percent of the year for permitted temporary large special events (in accordance with the District’s procedures and guidelines, once established).The 15 percent shall be distributed throughout the year and not occur only in the summer months.

*Coronado Island lacks recreational open space and playing fields for team sports- to include regional sport teams- and uses the playing fields on the Coronado Tidelands year-round. Please add language to this section that no programmed uses or special events be allowed without the approval of the City of Coronado. This was one of the reasons we got the park in the first place as we are a city short of open space. Thank you.*

Finally, I wish to commend the District Staff for working with the Coronado Community over the last 2.5 years to make a presentation, work with our Port Commissioner and City of Coronado staff and City Council, and incorporate many changes as requested.

Respectfully submitted

Sydney Stanley

Coronado Resident

CC: Coronado City Council

Coronado City Manager

California Coastal Commission

I98-6

I98-7

I98-8

I98-9

Response to Comment I98-4

This comment is similar to the comment raised in Comment Letter A6 (City of Coronado). Please see the District’s response to A6-8. In addition, please see responses to Comments O7-1 and O7-4 in comment letter O7. The commenter also references “buses that come to Tidelands and idle the engines and pollute the air.” The commenter is referencing existing conditions, which are not impacts of the PMPU. (See CEQA Guidelines Section 15125.) Furthermore, the comment raises a concern about the enforcement of existing laws, not an environmental issue regarding the PMPU, because commercial vehicles are already subject to idling limitations. (See Title 13, Cal. Code Regulations, Section 2485.) No changes to the PEIR are required in response to this comment.

Response to Comment I98-5

The comment is a statement of appreciation and does not raise an environmental issue that requires a response pursuant to CEQA Guidelines Section 15088.

Response to Comment I98-6

The District agrees with the comment and revised the PMPU to make the standard consistent with the illustration. The PMPU Figure PD10.5 was revised to show a 30-foot wide promenade, as opposed to 20 feet.

Response to Comment I98-7

The comment is directed at the PMPU and provides a suggested revision to the text. The suggested revision does not raise an environmental issue and therefore, no response is required pursuant to CEQA Guidelines Section 15088. However, the PMPU was revised to state the text below, which responds to this comment. Further, the suggested revision is noted for the record and for consideration by the Board of Port Commissioners prior to the decision to approve or reject the PMPU.

5.10.2(C)-I: c. Be integrated within a surface-level or below-grade ~~single~~ parking facility that consolidates or reconfigures public parking with parking that serves the commercial uses.

Response to Comment I98-8

The comment is directed at the PMPU and provides a suggested revision to the text. However, the suggested revision appears legally infeasible in that it would conflict with the San Diego Unified Port District Act, which does not authorize the District or the Board of Port Commissioners to

delegate to the City of Coronado their decision-making authority over use of the water and land within the District's jurisdiction. In addition, under the Coastal Act and the Public Trust doctrine, the District is charged with the responsibility for administering the land and waters within its jurisdiction for the benefit of all residents of the State of California and not only or primarily for local residents. The suggested revision does not raise an environmental issue and therefore no response is required pursuant to CEQA Guidelines Section 15088. The suggested revision will be included in the information presented for consideration by the Board of Port Commissioners prior to the decision to approve or reject the PMPU.

**Response to Comment I98-9**

The District appreciates the commenter's participation in the PMPU planning process.

2.7.99      **Comment Letter I99: Tom Gorey**

Letter I99

**From:** tcg2596@aol.com

**Sent:** Monday, January 10, 2022 12:23 PM

**To:** Port Master Plan Update

**Cc:** rbailey@coronado.ca.us; mdonovan@coronado.ca.us; mheinze@coronado.ca.us; bsandke@sbcglobal.net; ctanaka@coronado.ca.us; tfriend@coronado.ca.us

**Subject:** Planning District 10 Coronado Bayfront EIR Comment

**Attachments:** No. 5 Coronado Tidelands File.pdf

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San Diego Port Commissioners and Staff:

While the PMPU update correctly states that the Coronado TOZ (Tidelands Overlay Zone) does not specifically apply to District tidelands, several TOZ standards were incorporated into the current PMP at the direction of the Coastal Commission prior to approving the land use plan for the 53 acres north of the Coronado Bridge. The direction from the Commission was to develop a precise plan to conform to either the MOU (Memorandum of Understanding) or the TOZ, whichever provides the greatest consistency with coastal act policies. The result of this process was memorialized in Amendment 5, copy attached, which the Commission approved in 1984. As these standards have been in place for 45 years the environmental impact is well known.

Coronado Mayor Richard Bailey in his comment letter to the Port, November 17, 2020 summarizes the current situation:

"In 1979, the Board of Port Commissioners and the Coronado City Council each adopted identical resolutions, Resolution 79-338 and Resolution 5909 respectively, approving a Memorandum of Understanding (MOU) between the Port and the City of Coronado highlighting agreed upon principles and development standards for the Coronado Bayfront area. These agreed upon planning principles and development standards were created to respect Coronado's needs and residential character, open space requirements, and traffic problems while being consistent with the Port District's primary purposes and duties as a trustee of public lands. Additionally, the City's existing Tidelands Overlay Zone (TOZ), a citizens initiative approved by Coronado voters, outlines various development standards the city wished to maintain. While the revised PMPU has incorporated height limits identified in the MOU and TOZ, it appears that other planning principles and development standards have been excluded from the PMPU. The City of Coronado strongly advocates that all negotiated and mutually agreed upon planning principles contained in the 40 year long standing MOU be incorporated into the PMPU as they were put in place to protect the existing residential neighborhood and mitigate negative impacts resulting from activities on Port lands. Additionally, the city requests that the provisions and development standards found in the TOZ also be incorporated into the PMPU as previously agreed to by Port staff."

The principles in the MOU and TOZ relating to open space/developed space and traffic flow are critical environmental elements of the land use plan approved by the Commission in 1984. The Port should continue to use these principles by reinforcing the Coastal commission direction in 1981 using these still relevant documents.

I99-1

I99-2

I99-3

**Response to Comment I99-1**

The comment briefly discusses history associated with the current PMP, which was adopted in 1984, as it relates to the TOZ and MOU for the Coronado Planning District. This summary is related to the relationship between the TOZ and MOU and the current PMP and is unrelated to the proposed PMPU. Please see the response to Comment 07-1 regarding the MOU and TOZ. Although the comment refers to a "well known" environmental impact of the existing PMP, the comment does not raise any specific environmental issue associated with the PMPU and does not question the adequacy of the PEIR. Therefore, under CEQA Guidelines Section 15088, no further response is required and no changes to the PEIR are required.

**Response to Comment I99-2**

This comment raises an issue that was also raised in Comment 07-1. Please see the District's response to that comment. In addition, as indicated in the PMPU on page 352, the TOZ does not apply to District Tidelands. As noted, however, the PMPU carries forward similar development standards including maintaining view corridors down Second Street, Third Street, Orange Avenue, C Avenue, and B Avenue; maintaining continuous public coastal access to the Coronado Bayfront via the Bayshore Bikeway; requiring development to be context-sensitive in size, scale and design, be in character with the adjacent community, and result in comprehensive, integrated development of commercial and public areas in a cohesive landscaped setting; and limiting building heights to no more than 40 feet. The comment relates to the PMPU and does not raise an environmental issue or identify any deficiency in the PEIR. Pursuant to CEQA Guidelines Section 15088, no further response is needed, and no changes have been made to the PEIR.

**Response to Comment I99-3**

Please see the response to Comment I99-2 above.



Thank you for the opportunity to comment over the last several years. The Port staff has been very helpful in answering questions and accepting input. I appreciate the transparency and cooperation.

Tom Gorey  
Coronado

199-4

**Response to Comment I99-4**

The District appreciates the commenter’s participation in the PMPU planning process. No comments are provided which raise an environmental issue and, therefore, no response is necessary.

2.7.100      **Comment Letter I100: Dana Welch**

Letter  
I100

**From:** DANA WELCH <dpwelch5@comcast.net>  
**Sent:** Friday, November 12, 2021 2:50 PM  
**To:** Port Master Plan Update  
**Subject:** comment PMPU

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Greetings:  
As a new resident of Coronado, I would like to share my comment about the PMPU. Specifically regarding Planning District 10 , section 5.10.2(C)111 with PD10.14 addressing the decision to "develop a new restaurant with up to 7,500 quare feet in the southern portion of the Ferry Landing".  
This directive is incongruent with the other written sections on Planning District 10 which describe a desire to continue to provide visitors with "open space recreation areas, pathways" (p. 263 5.10.2(A)).  
This area does not need additional commercial activity in the form of a restaurant. The existing Ferry Landing restaurants already meet the need and with Orange Avenue a short walk away, there are additional restaurants. The plot of land noted for this development is adjacent to more than one housing development thus affecting residents.  
The Bayshore Bikeway is a regional jewel. Having open green space in that location (in lieu of a restaurant) is much more in line with the area and the goals. A restaurant only encourages spending of money and takes away the access for all to enjoy. I hope other people write in to share their comments on this topic. I request PD10.14 be removed from the PMPU.  
Please don't build another building affecting views, enjoyment, reducing open space, eliminating full accessibility for all. Not everyone wants to spend money at a restaurant. A larger portion of the public wants to enjoy open space, views, and greenery. Constructing a building will change the landscape forever. Please don't develop the land on the southern portion of the Ferry Landing. Thank you for listening.  
Dana Welch

I100-1

**Response to Comment I100-1**

This comment is similar to comments provided in Comment Letter 07. Please see responses to Comments 07-1, 07-2, and 07-4. Please also see the response to I96-11. The designation for a particular land or water use in any planning district is a policy matter within the discretion of the Board of Port Commissioners, which involves balancing competing interests. This comment will be included in the information presented for consideration by the Board when it makes a decision whether or not to adopt the PMPU.

2.7.101    **Comment Letter I101: Barbara Henry**

Letter  
I101

**From:** Barbara Henry <barbara.henry11@gmail.com>  
**Sent:** Wednesday, January 19, 2022 3:18 PM  
**To:** Port Master Plan Update  
**Subject:** Coronado Ferry Landing Marketplace

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Please save the Ferry Landing Marketplace: Restore and refresh, not rebuild!

Thank you,

Barbara Henry  
1101 First Street #214  
Coronado, CA 92118

I I101-1

**Response to Comment I101-1**

The comment is directed to the provisions of the PMPU and provides an opinion regarding future use of the Ferry Landing site. Please see response to Comment 07-1, 07-2 and 07-4. The comment does not raise an environmental issue and therefore no response is required pursuant to CEQA Guidelines Section 15088. The commenter’s opinion is noted for the record and for consideration by the Board of Port Commissioners prior to the decision to approve or reject the PMPU.

2.7.102    **Comment Letter I102: Brenda Reed**

Letter  
I102

**From:** Brenda V Reed <brendavreed@cox.net>  
**Sent:** Tuesday, January 18, 2022 12:58 PM  
**To:** Port Master Plan Update  
**Subject:** Coronado Ferry Landing Project

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I am writing because I have become aware of the intent to change the Ferry Landing in Coronado. I just want to express my desire to keep our beloved Coronado as close to its current architecture as possible.

I currently live in Spring Valley. My family and I often go there to enjoy the charm that is Coronado. We enjoy walking, eating, and spending our money and time over there as often as we can. I also take our visiting friends and relatives over

there to visit when they are in the San Diego area. Please don't destroy the reason many of us in San Diego love to visit our beloved Coronado. It is different from the rest of the county and that is why we go there.

I know I would not visit as often if it was changed.

Thank you for reading this.

Brenda Reed

2609 S Barcelona St

Spring Valley, CA 91977

619-733-3853

I102-1

**Response to Comment I102-1**

The comment is directed at the PMPU and provides an opinion regarding future use of the Ferry Landing site. Please see the responses to Comments 07-1, 07-2, 07-4, and I96-11. As to changing Ferry Landing from what exists today, the PMPU includes one planned improvement, which identifies a location for a previously proposed 7,500-square foot restaurant site today (Section 5.10.2(C)-III, PD10.14), which is consistent with the prior Board concept approval at this location. It would also allow the replacement and modification in-kind of those uses that exist today (Section 5.10.2(C)-III, PD10.13). The PMPU does not propose site-specific projects in any Planning District. The comment does not raise an environmental issue and, therefore, no response is required pursuant to CEQA Guidelines Section 15088. The commenter's opinion is noted for the record and for consideration by the Board prior to its decision on whether to approve the PMPU.

2.7.103    **Comment Letter I103: Cliff and Mary Bee**

Letter I103

**From:** Clifford Bee <bee@sdsu.edu>  
**Sent:** Saturday, January 22, 2022 1:59 PM  
**To:** Port Master Plan Update  
**Subject:** Coronado Ferry Landing

**WARNING:** The sender of this email could not be validated and may not match the person in the "From" field!

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please save the Ferry Landing Marketplace: Restore and refresh, not rebuild.  
Thank you,  
Cliff and Mary Bee  
1099 First St. #319  
Coronado, CA 92118

I I103-1

**Response to Comment I103-1**

The comment is directed at the PMPU and provides an opinion regarding future use of the Ferry Landing site. Please see response to Comment 07-1, 07-2, 07-4, and 096-11. The comment does not raise an environmental issue and therefore no response is required pursuant to CEQA Guidelines Section 15088. The commenter’s opinion is noted for the record and for consideration by the Board of Port Commissioners prior to the decision to approve or reject the PMPU.

2.7.104    **Comment Letter I104: Diana Guest**

Letter I104

**From:** DIANA GUEST <dguestcbt@mac.com>  
**Sent:** Tuesday, January 18, 2022 7:06 AM  
**To:** Port Master Plan Update  
**Subject:** PD10

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Please save the Ferry Landing Marketplace: Restore and refresh, not rebuild. I live in Ocean Beach and visit Coronado frequently. It would be a tragedy to not restore the Ferry Landing Marketplace to keep the architectural harmony.

Diana Guest

Sent from my iPhone

I104-1

**Response to Comment I104-1**

The comment is directed at the PMPU and provides an opinion regarding future use of the Ferry Landing site. Please see responses to Comments 07-1, 07-2, 07-4, and I96-11. The comment does not raise an environmental issue and therefore no response is required pursuant to CEQA Guidelines Section 15088. The commenter’s opinion is noted for the record and for consideration by the Board of Port Commissioners prior to the decision to approve or reject the PMPU.

2.7.105    **Comment Letter I105: David Knop**

Letter  
I105

**From:** David E Knop <dknop@san.rr.com>  
**Sent:** Friday, January 21, 2022 8:50 AM  
**To:** Port Master Plan Update  
**Subject:** Ferry Landing Market Place

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I do not support the PMPU plans to substantially change the look of the Ferry Landing Market Place.

The plan does not account for the unique character of Coronado and certainly does not follow the example of the historic Hotel Del Coronado as do many buildings in Coronado. Please restore and refresh the Ferry Landing. Do not destroy the character of this charming attraction.

David E. Knop  
Coronado, CA

I105-1

**Response to Comment I105-1**

The comment is directed at the PMPU and provides an opinion regarding future use of the Ferry Landing site. Please see responses to Comments 07-1, 07-2, 07-4, and I96-11. The comment does not raise an environmental issue and therefore no response is required pursuant to CEQA Guidelines Section 15088. The commenter’s opinion is noted for the record and for consideration by the Board of Port Commissioners prior to the decision to approve or reject the PMPU.

## 2.7.106    Comment Letter I106: Krista Schagunn

Letter  
I106

**From:** Krista Schagunn <kscaup@gmail.com>  
**Sent:** Thursday, January 20, 2022 10:06 PM  
**To:** Port Master Plan Update  
**Subject:** Coronado Ferry Landing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please save the Ferry Landing Marketplace. Restore and refresh, not rebuild.  
Kind regards  
K. Schagunn

Sent from my iPod

I I106-1

### Response to Comment I106-1

The comment is directed at the PMPU and provides an opinion regarding future use of the Ferry Landing site. Please see the responses to Comments 07-1, 07-2, 07-4, and I96-11. The comment does not raise an environmental issue and therefore no response is required pursuant to CEQA Guidelines Section 15088. The commenter’s opinion is noted for the record and for consideration by the Board of Port Commissioners prior to the decision to approve or reject the PMPU.



2.7.107 Comment Letter I107: Richard and Marianne Wonders

Letter I107

**From:** Marianne Wonders <wallywndrs@yahoo.com>  
**Sent:** Friday, January 21, 2022 2:16 PM  
**To:** Port Master Plan Update  
**Subject:** Plan for Coronado Ferry Landing

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Marianne Wonders  
wallywndrs@yahoo.com

As a resident of Coronado for 29 years, I have seen a lot of changes to our small town. These changes have, for the most part, been improvements. The master plan for the Ferry Landing and vacant lot next to Il Fornio restaurant, are a concern for me. We live by the Ferry Landing. Our top concern is increased traffic. We have a tremendous amount of traffic with the base here. Adding, we live by the hospital, which is added traffic. We NEVER have any open parking on our street, because of hospital employees. I am all for improving the looks of the Ferry Landing...but NOT for the purpose of more tourist and traffic.

Richard and Marianne Wonders  
1426 Third Street  
Coronado ca 92118

Response to Comment I107-1

The comment is directed at the PMPU and provides an opinion regarding future use of the Ferry Landing site. Please see the responses to Comments 07-1, 07-2, 07-4, and I96-11. The comment also indicates a general concern that traffic would increase and parking would not be available, but does not raise any specific issue with respect to the adequacy of the PEIR’s assessment of either traffic or parking impacts. Please see the response to Comment A6-8 (City of Coronado letter) regarding parking. As described under CEQA Guidelines Section 15064.3 and discussed in detail in Section 4.14 of the PEIR, delay-based traffic metrics are no longer evaluated for purposes of CEQA impacts. Instead, consistent with state law intended to reduce GHG emissions from mobile sources, vehicle miles traveled is the metric used for transportation-related impacts. See PEIR, Section 4.14, *Transportation, Circulation & Mobility*. No changes to the PEIR are required in response to this comment. The commenter’s opinion is noted for the record and for consideration by the Board of Port Commissioners prior to the decision to approve or reject the PMPU.

2.7.108    **Comment Letter I108: Nancy Anderson**

Letter  
I108

**From:** Nancy Anderson <nancysplatdujour@gmail.com>  
**Sent:** Wednesday, January 19, 2022 11:17 PM  
**To:** Port Master Plan Update  
**Subject:** Save the Coronado Ferry Landing Marketplace area!

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To whom it may concern,

I have heard of the proposed large buildings that are going to be built in the ferry landing area on the Bayside of Coronado. It will not keep in with the sweet charm that has existed there for decades. As a former resident of Coronado, and someone who goes there quite often with visiting friends and family members, or just to enjoy time there, I believe you should restore what's currently there, and not rebuild modern monstrosities that will take away from the appeal of the area. Please keep it as is with restoration and repairs as needed to the existing buildings. Thank you.

Sincerely,

Nancy C Anderson  
Cell/text: 619-840-4013  
nancysplatdujour@gmail.com

I108-1

**Response to Comment I108-1**

The comment is directed at the PMPU and provides an opinion regarding future use of the Ferry Landing site. Please see responses to Comments 07-1, 07-2, 07-4, and I96-11. The comment does not raise an environmental issue and therefore no response is required pursuant to CEQA Guidelines Section 15088. The commenter’s opinion is noted for the record and for consideration by the Board of Port Commissioners prior to the decision to approve or reject the PMPU.

2.7.109    **Comment Letter I109: Sandra Kearney**

Letter  
I109

**From:** shkearney@cox.net  
**Sent:** Wednesday, January 19, 2022 10:06 AM  
**To:** Port Master Plan Update  
**Subject:** Ferry Landing Marketplace

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To Whom It May Concern:

I respectfully request that the Ferry Landing Marketplace be restored, rather than torn down and rebuilt. I, and many others, would greatly miss it. I would like to point out that it is not only the citizens of Coronado who have a stake in keeping the old Marketplace. I live in downtown San Diego, but I love the Marketplace and am convinced that restoring it is the best decision.

Thank you,

Sandra Kearney

**Response to Comment I109-1**

The comment is directed at the PMPU and provides an opinion regarding the Ferry Landing site. Please see responses to Comments 07-1, 07-2, 07-4, and I96-11 The comment does not raise an environmental issue, and therefore, no response is required pursuant to CEQA Guidelines Section 15088. The commenter’s opinion is noted for the record and for consideration by the Board of Port Commissioners prior to the decision to approve or reject the PMPU.

2.7.110    **Comment Letter I110: Joseph Waters**

Letter  
I110

**From:** Joe <jdwaters@comcast.net>  
**Sent:** Friday, January 7, 2022 12:28 PM  
**To:** Port Master Plan Update  
**Subject:** Comments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Port Commissioners

My name is Joseph Waters. My wife Leslie and I own and occupy 1405 First Street . My comments are concerning the Port master plan to lease the vacant property adjacent to Il Fornaio for another restaurant.

It is not in the best interests of the citizens of Coronado to further commercialize this area. On weekends and during summer vacation times the beach area is packed with swimmers, paddleboarders and kayakers. Parking is already inadequate. Another restaurant will further impact the area environmentally as well as increase the usage of water and other utilities. Furthermore, another building will obstruct the already limited view of the Bay from First Street properties.

Thank you for considering my comments

Joseph Waters

Sent from my iPad

I110-1

**Response to Comment I110-1**

The comment raises a general community character concern and is directed at the PMPU. The comment also claims that a restaurant at the Ferry Landing site would have environmental impacts and would increase the usage of water and other utilities, strain parking supply, and obstruct the view to the Bay. These comments have been raised in other comments. Please see the District’s responses to 07-1, 07-2, and 07-4. Additionally, the District’s response to I96-11 is relevant to this comment.

No changes to the Draft PEIR are required in response to this comment. This comment will be included in the information presented for Board consideration, when it makes a decision whether to adopt or to reject the PMPU.

2.7.111 Comment Letter I111: Jennifer Rubin

Letter  
I111

**From:** Jennifer Rubin <jbrubin89@gmail.com>  
**Sent:** Monday, January 10, 2022 9:39 AM  
**To:** Port Master Plan Update  
**Cc:** Jennifer Rubin  
**Subject:** Comments on Port Master Plan and PEIR

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Please accept these comments on behalf of Planning Districts 9 and 10 (Coronado) and on the PEIR.

First, the overall Master Plan has not fulfilled the Coastal Commission's direction to provide for adequate recreational space and access to shoreline activities for all Californians (Coastal Commission Strategic Plan, goals 2 and 5). Inadequate open and passive recreational space is provided to address these issues, as well as sea level rise (mitigation banks and credits) as well as preventing building on the updated seismic findings which located significant earthquake faults running under the Bay and into the Ferry Landing area (Planning District 10).

If additional passive, open space was provided, for example, by designating the dirt lot next to Il Fornaio as "passive open space," it would provide mitigation credits and would address environmental concerns from digging footings and eliminating the public beach area, and removing the environment that is currently inhabited waterfowl and animals.

While the PMPU currently provides that direct physical access must be provided to the Bayshore, which shall "be integrated into the design of the adjacent Recreation Open Space areas" not enough passive open recreational space is provided. The PMPU should be revised to fully incorporate the Tidelands Overlay Zone standards, which have applied to Port-managed properties through the prior Master Plan since the 1979 Memorandum of Understanding between the Port and the City of Coronado, which was facilitated by the Coastal Commission. The current Master Plan (1984 Amendment #5) incorporates most of these standards. It also provides for "a public park of not less than one acre" in Planning District 10 and refers to an illustrative figure which is where the current dirt lot is located. It also specifies "convenient" parking for access to this public park.

The updated Master Plan should be revised to more specifically incorporate the TOZ, and the MOU, which will facilitate environmental health, recreational access, and will permit those who cannot afford to patronize a restaurant access to the Bayshore. To accomplish these goals, the PMPU should be revised to designate the dirt lot as "passive open space" and provide for free and accessible parking to this recreational access to the Bayshore.

Eliminating the current standards as the PMPU proposes will create a negative environmental and social impact by eliminating or reducing precious Recreation Open Space, which inhibits the use of this property by all California residents.

Thank you.  
Jennifer Rubin  
Coronado resident  
[jbrubin89@gmail.com](mailto:jbrubin89@gmail.com)

I111-1

Response to Comment I111-1

This comment disagrees with the amount of passive open recreational space provided in the PMPU and raises issues that are similar to the issues raised in Comment Letter 07, namely that the PMPU is not consistent with Coastal Commission's Five Year Strategic Plan, the up to 7,500-square-foot restaurant listed as a planned improvement in the PMPU should not be built and should be used for mitigation banking and passive recreation, and the PMPU should be made consistent with the 1979 MOU and the TOZ. Please see the responses to Comment Letter 07, notably 07-1, 07-2, 07-4, and 07-5. Although the comment expresses general concerns regarding open and passive recreational opens space, physical access to the shoreline, sea level rise and earthquake faults, the comment does not refer to any specific adverse impacts or question the adequacy of the PEIR's analysis of these issues in Section 4.5 (*Geology & Soils*), Section 4.9 (*Land Use & Planning*), Section 4.12 (*Public Services & Recreation*) and Section 4.13 (*Sea Level Rise*) of the PEIR. Since the comment does not raise any issue regarding the adequacy of the PEIR's analysis of these issues, no further response is required and no changes to the PEIR are required in response to this comment.

2.7.112    **Comment Letter I112: Patricia Rauber**

Letter  
I112

**From:** Patricia Rauber <patrauber@gmail.com>  
**Sent:** Monday, January 3, 2022 1:56 PM  
**To:** Port Master Plan Update  
**Subject:** Draft Pier

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a resident of Coronado I appreciate that the review does not allow new hotel rooms. But I think allowing another restaurant to be built is not in the best interest of the Ferry Landing. As it is, on a busy night there is no parking available. What we need are more benches and maybe a wider walkway so that people can enjoy what is already there. A grassy area would provide more space for those who want to relax and enjoy the fresh air. Thank you for allowing our input.

Patricia Rauber  
382 Glorietta Blvd  
Coronado, CA 92118

**Response to Comment I112-1**

The comment raises a general concern that the addition of a restaurant at the Ferry Landing site would decrease availability of parking spaces and result in a lack of pedestrian amenities. The decision to plan for commercial and recreational uses is a policy matter, within the discretion of the Board and the decision whether to approve the PMPU will also be made by the Board. However, the PMPU does not propose to change the existing land use designation of the Ferry Landing site and Recreation Open Space represents a significant portion of the proposed land use designations within PD 10. In addition, please see the responses to Comments 07-1, 07-2, 07-4, and I96-11. The comment does not raise an environmental issue or question the adequacy of the PEIR. Pursuant to CEQA Guidelines 15088, no additional response is necessary. This comment will be included in the information presented for Board consideration when it makes a decision whether to adopt the PMPU.

## 2.7.113 Comment Letter I113: Stephanie Kaupp

**Date:** January 10, 2022

**To:** San Diego Port District  
[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

**From:** Stephanie Kaupp.  
[skaupp1@san.rr.com](mailto:skaupp1@san.rr.com)

**Re:** PEIR for the Port Master Plan Update (PMPU)

### Comments Pertaining to:

#### North Coronado Bayfront, Planning District 10

##### 5.10.2(C)-III Visitor-Serving Commercial Uses Retail and Restaurant

**PD10.14** As approved under the previously certified Port Master Plan (in 1990), develop a new restaurant with up to 7,500 square feet in the southern portion of the Ferry Landing.

**As part of the comprehensive approach and process of integrated planning, the restaurant identified above should not be included in the Draft PMPU.**

The above project was approved by the Port through an addendum process based on a revised plan "reduced in size from the original development plans", under the previously certified PMP, without the requirement for a new EIR.

During the past 34 years since certification of the 1990 FEIR for the Ferry Landing Bayfront, that included the southern portion for the proposed "restaurant project", substantial changes to circumstances have occurred that should require the project be included in the PEIR for the Port Master Plan Update (PMPU).

A new environmental analysis of potential environmental impacts such as, but not limited to, air quality, climate change, traffic, noise, sea level rise and other natural hazards and resources, should include the southern portion of the Ferry Landing in order to provide a comprehensive environmental analysis for the North Coronado Bayfront, Planning District 10.

**The planning standard for PD10.14 in the Draft PMPU should be changed to read:**

**PD10.14 The restaurant project previously certified in the Port Master Plan (in 1990) is included in the PEIR for the Port Master Plan Update (PMPU) in order to meet CEQA requirements for comprehensive environmental review.**

#### Comprehensive Planning Standards

In order to comply with the California Environmental Quality Act (CEQA) and the California Coastal Act, the Draft PMPU must be a truly comprehensive planning process, as promised by the Port. Any major land use planning exercise like the PMPU must include all known and reasonable foreseeable redevelopment projects.

- 1 -

Letter  
I113

I113-1

I113-2

### Response to Comment I113-1

This comment is similar to Comment 07-2 of Comment Letter 07 (Coronado Village HOA) as it also raises the issue of an update to the environmental analysis for the Ferry Landing project. Please also see response to Comment I96-11, which explains that the prior concept approval of the restaurant at Ferry Landing is carried into the PMPU in PD10.14, but the PMPU does not propose anything different from the prior Board concept approval. Based on these responses, no changes to the PMPU or PEIR are required because of this comment.

### Response to Comment I113-2

Please also see the response to Comment I113-2, which explains via references to responses to 07-2 and I96-11 that the restaurant was evaluated for CEQA and CCA compliance and has already received concept approval by the Board.

Regarding the commenter's request regarding cumulative analyses, Table 2-2 of the PEIR lists the cumulative plans and programs analyzed within the PEIR (p. 2-19). Based on the CEQA Guidelines, Section 15130(b), two different methods are permitted for cumulative impact analyses and are cited as either the List Method or the Plan Method. The former method identifies related past, present, and future projects that could generate cumulative impacts and is the method referenced by the commenter. The Plan Method, on the other hand, is the standard of analysis used in the PMPU PEIR. The analysis summarizes future projections found in adopted planning documents for the region and those plans' prior environmental documents. The Plan Method was chosen for the PMPU PEIR because the PMPU is an amendment to the certified PMP and is a long-range planning document with a planning horizon of 2050. The PEIR's cumulative methodology is described in detail beginning on page 2-17. The restaurant is not included in Table 2-2 because it is a specific project previously approved by the District, which was identified in the current PMP and is carried forward as part of the proposed PMPU and was analyzed in the PEIR as part of the development forecast, and is not a plan or program separate from the PMPU. No changes to the PMPU or PEIR are required in response to this comment.

Additionally, “related projects currently under environmental review unequivocally qualify as probable future projects to be considered in a cumulative analysis.” (City of Santee v. City of San Diego (1989) 214 Cal. App. 3d 1438, 1452).

The environmental review for the PMPU must examine the effects of the restaurant project concurrently in the PEIR process for the whole North Coronado Bayfront, Planning District 10.

CEQA requires analysis of “the whole of an action,” including activities considered as reasonably foreseeable consequence of a project, and prohibits evading comprehensive CEQA analysis by splitting projects into pieces (CEQ Guidelines 15378).

A comprehensive environmental analysis provides the public and decision-makers with “the big picture” and helps ensure that many small projects are not considered separately, only to overwhelm a community when taken as a whole.

#### Port Master Plan

A Port Master Plan is required by the San Diego Port District Act and the California Coastal Act. The Port’s existing plan was certified (as a whole ) in 1981 by the California Coastal Commission and since then there have been many location-specific amendments, but never a comprehensive update.

#### 6.3.5(D) Findings

In addition to any findings required by law, the following findings must be made in connection with any Coastal Act Approval allowing any of the types of development specified in Section 6.3.5(B) and Section 6.3.5(C):

1. That the location of the development site, the proposed development, and the conditions under which the proposed development would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the area or the general public, and will not be materially injurious to properties or improvements in the vicinity; and
2. That the location of the development site, the proposed development and the conditions under which the proposed development would be operated or maintained will be in conformance with all applicable regulations, ordinances and laws other than this Plan; and
3. That the proposed development will not, with the incorporation of mitigation if required, result in a new or increased permanent environmental or coastal resource impact; and
4. That the proposed development, as it may be conditioned, will complement and harmonize with the existing and proposed adjacent land uses and will be compatible with the physical design aspects and land and water use intensities, in the surrounding area.

#### Coastal Act Requirements

The Coastal Act (30253) dictates that new development be designed and sited to minimize adverse impacts to coastal resources, both natural and visitor-serving, as follows:

I113-2  
cont.

I113-3

## Response to Comment I113-3

The comment refers to several sections of the Coastal Act, PMPU, and possible other sources and claims that PMPU Table 3.1.1 shows that less than 10% of District land use acreage is devoted to Recreation Open Space. This comment is incorrect. As clearly stated in Table 3.1.1., the PMPU will designate 286.25 acres (including 6.3 acres above grade open space) as Recreation Open Space out of a total land use acreage of 1020.37 acres. Thus, Recreation Open Space will comprise approximately 28% of the District’s total land use acreage. The comment apparently erred by combining both land (1020.37 acres) and water (1930.90 acres) use acreage into one category which the comment refers to as “land use acreage.” In addition, the PEIR thoroughly analyzed the PMPU’s consistency with applicable Coastal Act policies in Section 4.9, *Land Use and Planning*, Table 4.9-1. The comment does not raise an environmental issue or comment on the adequacy of the PEIR. Therefore, no further response is required.



Additionally, “related projects currently under environmental review unequivocally qualify as probable future projects to be considered in a cumulative analysis.” (City of Santee v. City of San Diego (1989) 214 Cal. App. 3d 1438, 1452).

The environmental review for the PMPU must examine the effects of the restaurant project concurrently in the PEIR process for the whole North Coronado Bayfront, Planning District 10.

CEQA requires analysis of “the whole of an action,” including activities considered as reasonably foreseeable consequence of a project, and prohibits evading comprehensive CEQA analysis by splitting projects into pieces (CEQ Guidelines 15378).

A comprehensive environmental analysis provides the public and decision-makers with “the big picture” and helps ensure that many small projects are not considered separately, only to overwhelm a community when taken as a whole.

1113-2  
cont.

#### **Port Master Plan**

A Port Master Plan is required by the San Diego Port District Act and the California Coastal Act. The Port’s existing plan was certified (as a whole ) in 1981 by the California Coastal Commission and since then there have been many location-specific amendments, but never a comprehensive update.

#### **6.3.5(D) Findings**

In addition to any findings required by law, the following findings must be made in connection with any Coastal Act Approval allowing any of the types of development specified in Section 6.3.5(B) and Section 6.3.5(C):

1. That the location of the development site, the proposed development, and the conditions under which the proposed development would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the area or the general public, and will not be materially injurious to properties or improvements in the vicinity; and
2. That the location of the development site, the proposed development and the conditions under which the proposed development would be operated or maintained will be in conformance with all applicable regulations, ordinances and laws other than this Plan; and
3. That the proposed development will not, with the incorporation of mitigation if required, result in a new or increased permanent environmental or coastal resource impact; and
4. That the proposed development, as it may be conditioned, will complement and harmonize with the existing and proposed adjacent land uses and will be compatible with the physical design aspects and land and water use intensities, in the surrounding area.

1113-3

#### **Coastal Act Requirements**

The Coastal Act (30253) dictates that new development be designed and sited to minimize adverse impacts to coastal resources, both natural and visitor-serving, as follows:

- 2 -

**New development shall do all of the following:**

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled.
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

**Goals for Coastal Access and Recreation Element**

- District Tidelands accessible to all people with consideration of public safety and resource protection needs.
- A system of interconnected District open space, parks and recreational areas and facilities integrated with neighboring jurisdictions recreational systems.
- A variety of land- and water-based recreational experiences including scenic vista areas, natural open spaces, activated gathering spaces, and visitor-serving recreational facilities.
- Open space located along the Bay in a manner that provides meaningful access to the waterfront, provides a connected view corridor and contributes to the overall image of the waterfront.

**Goals of the Port:**

- Balance the needs of development with those of valuable natural resources;
- Prioritize coastal-dependent developments and clearly define water and land uses for development; and
- Protect opportunities for public access and parks on the waterfront for all Californians and visitors to enjoy.

**Goals of the State:**

**The Coastal Act (30001.5) declares that the basic goals of the state for the coastal zone are to:**

- Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

1113-3  
cont.

- Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- Assure priority for coastal-dependent and coastal-related development over other development on the coast.

#### Percentage of Recreation Open Space to Land Use Acreage

##### PMPU Table 3.1.1 Baywide Land Use Acreages

Land Use Acreage = 2,905.57 acres

Recreation Open Space = 286.25 (including 6.3 acres above grade open space)

#### Less than 10% of public Port Tidelands are provided for Recreation Open Space



#### Priorities of Californians:

The PMPU seeks to reflect changes in the needs and priorities of Californians and the region's growth since the current master plan was approved 40 years ago.

The Port's objective is to create a holistic, thoughtful, and balanced approach to future water and land uses on and around San Diego Bay for generations to come.

**The Port's policies and standards in the Draft PMPU should state that 25% or greater land acreage be set aside as open space or developed as a District park for all Californians to provide greater opportunities for the public to access the waterfront and enjoy the amenities of the bay.**

- 4 -

I113-3  
cont.

I113-4

## Response to Comment I113-4

Please see response to Comment I113-3 above, which explains that the PMPU designates approximately 28 percent of total land use acreage for Recreation Open Space. The comment provides an opinion on how the PMPU should be modified to include more open space and parks.

Neither the San Diego Unified Port District Act, nor any other law or regulation, requires the District to designate a specified or minimum percentage of the water or land in its jurisdiction for park or open space uses. Therefore, the amount of water and land within the District's jurisdiction devoted to park and open space uses is a matter within the discretion of the Board of Port Commissioners, which must balance a variety of competing interests in making this determination. In addition, the potential impacts of the PMPU on parks and recreational facilities are discussed in detail in Section 4.12, *Public Services & Recreation*, of the PEIR. This comment does not raise an environmental issue and does not question the adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, no further response is required. This comment will be included in the information presented for consideration by the Board of Port Commissioners on whether or not to adopt the PMPU.

### A Proposal to Create Open Space for All Californians

#### A Coronado Bayfront Park Dedicated to Former CA State Senator James R. Mills

Please find enclosed a proposal for a new District park previously sent to the City of Coronado, the Port of San Diego, and the California Coastal Commission. A new open space passive park, the best alternative land use option for the southern portion of the Ferry Landing, that complies with the policies, standards, mission and ideals of the Port, the Coastal Commission and the public.

**A feasible option that would substantially lessen the adverse effects and add a value-added component, and should be included in the PEIR for the PMPU.**

Further, a new open space park at the Ferry Landing would be a fitting tribute to honor the legacy of former California State Senator James R. Mills.

Senator Mills spent his lifetime advocating for preservation, sustainability, and protection of our natural resources. A visionary and a leader who was aware of the risk posed by carbon emissions resulting in the rise of atmospheric temperatures. As early as the 60's Senator Mills understood the urgency for alternate modes of transportation to protect our environment and citizens in the San Diego region.

Due to his legislative efforts, the San Diego Trolley system was established to reduce our carbon footprint and provide an affordable transit option. Senator Mills also authored the "Mills Act" allowing cities to enter into contracts with the owners of historic structures, to promote sustainable practices and reduce property taxes in exchange for the continued preservation of the property.

Known as "father" of the Port District, Senator Mills worked with Governor Pat Brown to pass legislation to create the San Diego Unified Port District to manage cargo going in and out of the bay. In December 1962, the Unified Port of San Diego came into being and evolved into the port serving as the primary destination for commercial and recreational interests in California's second-largest city, "Where San Diego Greets the World."

After 60 years of operations the Unified Port District has grown to be a major economic engine, the 4th largest of the 11 California Port Districts. Due to Senator Mills forward thinking, Port maritime businesses employ thousands of residents with well-paying jobs and generate billions of dollars per year for the regional economy, creating a prosperous global economic engine for all.

Senator Mills also understood the vital importance of parks and recreation, and the benefits of the natural environment to health and wellness, tourism and economic prosperity, social equity and environmental conservation.

m13-5

## Response to Comment I113-5

The comment provides an opinion on how the PMPU should be modified to include a new park at the southern portion of Ferry Landing. This comment claims that it would improve the adaptive capacity for sea level rise. However, as discussed in Section 4.13, *Sea Level Rise*, of the PEIR, the PMPU would not result in a significant and unavoidable sea level rise-related impact. As a note, the park concept provided by the commenter was not supported by the City of Coronado City Council during both its hearings held on December 21, 2021 (Item No. 10.f.) and January 4, 2022 (Item No. 10.b.). This comment does not raise an environmental issue and does not question the adequacy of the PEIR. Pursuant to CEQA Guidelines Section 15088, therefore, no changes to the PEIR are required in response to this comment. This comment will be included in the information presented for consideration by the Board of Port Commissioners on whether to approve or disapprove the PMPU.

**Economic Policy:**

Specifically, the District's ground lease revenues from businesses on Tidelands are used to provide public benefits, like lower cost visitor and recreational facilities. The District participates in public-public and public-private partnerships to bring funding and potential reinvestment to Tidelands for the benefit of present and future generations. A new District park at the Ferry Landing would provide the benefits the public desires and needs.

**Economic Goals for Recreation Open Space:**

Recreation Open Space and natural resource areas enhance the value and attractiveness of the District's leasable land and water. When viewed as a value-added component, the District may integrate these open spaces with development to increase the overall value, from a financial and usability perspective.

**Coastal Access and Recreation Element Goal:**

District Tidelands accessible to all people with consideration of public safety and resource protection needs: a system of interconnected open space, parks and recreational areas and facilities integrated with neighboring jurisdictions recreational systems.

**Natural Protection and Adaptation Measure for Sea Level Rise (SLR):**

Due to the impending threats of SLR, no new structure should be developed on the southern portion of the North Coronado Bayfront, or at other susceptible areas along the bay. Types of man-made structures to provide "shoring" will be more costly and less effective than a natural "environmental buffer" such as a passive open space park. Parks have a **HIGH** adaptive capacity to SLR, whereas built-out structures have a **LOW** adaptive capacity to SLR.

Many of the policies in the "Safety & Resiliency" chapter of the PMPU refer to to SLR-influenced flooding and inundation and impacts to development. Policies and standards need to include present-day hazards and also hazards that are influenced by SLR over the lifetime of the development.

**A Mitigation Strategy fo Sea Level Rise for Coronado follows.** The strategy primarily suggests developing or allowing for more open space parks along the San Diego bayfront is the best adaptation measure that meets the policies, objectives and standards in the PMPU, and the Coastal Commission requirements for natural adaptation to Sea Level Rise.

(See enclosed "Mitigation Strategy for Sea Level Rise").

**This strategy should be included in the Port's policies, objectives and standards in the PMPU for high hazard areas in all planning districts around the bay.**

**Natural Green Space vs. Restaurant Space**

Former Port Commissioner Garry Bonelli's advocacy for the new Grand Caribe Shoreline Park, a new District park, exemplifies the Port's goal of creating a "Green Necklace" surrounding the Bay, a connected, continuous public greenway. "A cohesive element, adding to the sense of the Bay as the major entity defining the whole region."

I113-5  
cont.

## 2.7.114 Comment Letter I114: IBEW Form Letter

Friday, January 7, 2022

Letter  
I114

January 10, 2022

[pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

Planning Department

Port of San Diego

P.O. Box 120488

San Diego, CA 92112-0488

**Subject: Comments to Draft Program EIR and Revised Draft PMPU:** As it relates to the policies related to Cays Resort/Keith Mishkin's Leasehold in the Grand Caribe and South Cays Subdistrict

Dear Planning Department:

As a member of IBEW 569, I support retaining the existing Commercial Recreation (CR) land use designation on the approximately 5 acres of Port lease land on Grand Caribe Isle – North.

The latest draft of the Port Master Plan Update (PMPU) shows a change in the land use from CR to Recreation Open Space (ROS). The ROS designation would significantly limit what can be done on the site. We urge you to maintain the CR designation and add a hotel to the appealable projects list.

There is now an ambiguity in terms between Section PD9.25 in the newly revised PMPU (i.e., no new hotel rooms are planned or allowed) and the footnote in Figure PD9.2 (i.e., notwithstanding the ROS designation, nothing in the PMPU shall impair or infringe upon any rights or obligations existing under the lease when the PMPU took effect). We oppose the “no new hotel rooms” language and request that these ambiguous terms in the PMPU be resolved.

We feel that the Port's member cities should share responsibility for creating quality jobs and generating revenue to fund public access and amenities. A hotel in this location will do more to

### Response to Comment I114-1

This comment requests a specific revision to the content of the PMPU and does not raise an environmental issue, does not raise any issue with the content or adequacy of the PEIR, and does not raise any issue related to the CEQA process. Under CEQA Guidelines Section 15088, no response is necessary. However, this comment raises issues similar to those raised in Comment Letter BT19. Please see the response to Comment Letter BT19. In addition, this comment has been included in the record for consideration by the Board of Port Commissioners when it makes a decision whether to adopt the PMPU.

I114-1

achieve those objectives than an unfunded park/fenced pavement. We have joined forces with the leaseholder/developer to help bring a suitable project to fruition.

Please maintain the existing land use designation for the leasehold on Grande Caribe Isle – North, remove the “no new hotel rooms” language, and add a new hotel to the appealable projects list.

We appreciate your consideration.

Thank you,

Gretchen Newsom  
IBEW 569

CC:  
Melody Lasiter, Coastal Commission  
Kanani Leslie, Coastal Commission  
Deborah Lee, Coastal Commission

I114-1  
cont.

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**PORT**<sub>of</sub>  
**SAN DIEGO**