

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF AERONAUTICS – M.S.#40

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March 23, 2011

Mr. James Hirsch  
San Diego Unified Port District  
3165 Pacific Highway  
San Diego, CA 92101

Dear Mr. Hirsch:

Re: Revised Notice of Preparation (NOP) for the North Embarcadero Port Master Plan Amendment; SCH# 2009101026

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise, and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports. The following comments are offered for your consideration.

The project is for the North Embarcadero Port Master Plan Amendment (PMPA). This is the second revision to the original NOP for this project which was circulated for review in 2009. Each revision has added components to the original PMPA. According to our records, the Division has not reviewed or made comments on the previous versions of the NOP.

The whole project site is located within two miles and southeast of San Diego International Airport. One component of the project proposes a five to six story mixed-use facility with commercial, recreation, parking and youth hostel activities. The location of this building, which is also an end-point of the proposed Bay Front Shuttle, is approximately 1,867 feet southeast of the approach end of runway 9/27 at the airport.

Due to its proximity to the airport, the project site may be subject to aircraft-related noise impacts.

In accordance with CEQA, Public Resources Code Section 21096, the California Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two miles of an airport. The Handbook is a resource that should be applied to all public use airports and is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/documents/ALUPHComplete-7-02rev.pdf>.

In accordance with California Public Utilities Code (PUC) Section 21676 *et seq.*, prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning

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ordinance or building regulation within the planning boundary established by the airport land use commission (ALUC), the local agency shall first refer the proposed action to the ALUC. The San Diego County Regional Airport Authority is the ALUC for San Diego County. The mixed-use facility site is located within the 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour for the airport as shown in the current San Diego County Airport Land Use Compatibility Plan.

California Public Utilities Code Section 21659 prohibits structural hazards near airports. The proposal will require submission of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) in accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace." Form 7460-1 is available on-line at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> and should be submitted electronically to the FAA.

The protection of airports from incompatible land use encroachment is vital to California's economic future. San Diego International Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports is both a local and State issue, airport staff, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

These comments reflect the areas of concern to the Division with respect to airport-related noise, safety, and regional land use planning issues. We advise you to contact our District 11 office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-6223, or by email at [philip\\_crimmins@dot.ca.gov](mailto:philip_crimmins@dot.ca.gov).

Sincerely,



**PHILIP CRIMMINS**

Aviation Environmental Specialist

c: State Clearinghouse, San Diego County ALUC, San Diego Int'l Airport, FAA

**From:** "Don Wood" <dwood8@cox.net>  
**To:** "Jim Hirsch" <jhirsch@portofsandiego.org>  
**CC:** "Darlene E. Nicandro" <dnicandr@portofsandiego.org>  
**Date:** 4/4/2011 10:16 PM  
**Subject:** Supplemental Scoping Comments re: the Port's North Embarcadero Port Master Plan Amendment EIR Notice of Preparation  
**Attachments:** DW North Embarcadero PMPA EIR NOP Scoping Comments.doc

Jim:

In addition to the scoping comments I submitted on November 12, 2010, I wanted to add one additional comment.

At the March 16 initial meeting of the North Embarcadero Port Master Plan Amendment EIR Citizen's Advisory Committee (CAC), Port staff agreed to that the CAC should fully consider alternative uses for the B Street Pier, other than as a cruise ship terminal. But then staff indicated that the Port does not plan to conduct a study of the feasibility of moving cruise ships from the B Street Pier to the Tenth Avenue Marine Terminal (TAMT) as part of this EIR process.

If we are to seriously consider alternative uses for the B Street Pier, we also have to look at alternative berthing sites for the cruise ships that currently use the B Street Pier. Whether that would be at TAMT or some other venue is not as important as agreeing to look at alternative berthing sites as part of this EIR process. Failure to do so would appear to telegraph that the Port has no intention of ever moving cruise ships away from the B Street Pier, and only plans to consider its initial plans to rezone all of B Street Pier from a mix of cruise ship terminal uses and commercial/recreational uses to cruise ship terminal only uses. This would not consider any other alternative uses other than what the Port has proposed, which appears to violate CEQA requirements.

So I again ask that the Port, as part of this EIR process, not only consider alternative zoning and uses of the B Street Pier, but also include an investigation of alternative berthing sites for the cruise ships that currently use the B Street Pier terminal as part of this PMPA EIR process. If any examination of alternative berthing sites is excluded from this EIR process going in, I believe the Port may be leaving itself open to legal challenges to this EIR process later on.

Thank you,

Don Wood  
619-463-9035  
dwood8@cox.net

> -----Original Message-----

## James Hirsch - Save Everyones Access (SEA)'s Supplemental North Embarcadero Port Master Plan Amendment EIR NOP Scoping Comments

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**From:** "Don Wood" <dwood8@cox.net>  
**To:** <dwood8@cox.net>  
**Date:** 4/5/2011 12:19 PM  
**Subject:** Save Everyones Access (SEA)'s Supplemental North Embarcadero Port Master Plan Amendment EIR NOP Scoping Comments

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**From:** Scott Andrews <scott300@earthlink.net>  
**Date:** April 4, 2011 11:42:33 PM PDT  
**To:** jhelmer@portofsandiego.org  
**Subject:** NOP Scoping Comments Add

To: Port of San Diego

**Re: NEVP PMPA NOP Comments Added to November 18, 2010 comments**

Date: April 4, 2011

The latest Port NOP version details ongoing attempts to dismantle the Port Master Plan as regards the signature public San Diego Bayside anticipated by the NEVP.

Further cancellations and downzoning of PMP public elements demands a complete new EIR as prelude to a legal Port Master Plan Amendment.

Study of past PMP Amendments reveals gross legal inconsistency with current proposed PMP changes. These past practices are now open to challenge. Consequently, the EIR should refer to both the PMP and Amendment agreement documents when studying any PMP revisions, so as not to inadvertently illegally void prior agreements.

One example would be quoting designated size, character, view shed, and parking requirements for the new Navy Pier Park found in Amendment #27. In this way the EIR will contain baseline citations of public elements slated for elimination or changes in zoning designation.

The EIR should list every proposed alteration of the PMP, along with the appropriate citation of the public element's PMP description.

The EIR should first make clear it acknowledges the North Embarcadero Visionary Plan land and water uses are "incorporated into the Master Plan." It follows that any reference to a public element the Port intends to eliminate or alter under the PMPA should first quote the intended PMP use and designation as a baseline reference for design and legal review.

The Port intends to eliminate from the legal standard: Broadway Landing Park, Broadway Pier as extension of the park over San Diego Bay, parks along the esplanade (North Lawn, South Lawn etc.), the Grape Street curvilinear pier, B Street Pier as downzoned with a net reduction of public space, the majority of coastal access parking, and virtually

the total bay  
and Coronado view shed at Broadway and Harbor. This represents an unprecedented and draconian  
ruination of the public  
bayfront the North Embarcadero Visionary Plan and subsequent PMP envision.

Open coastal access in the form of greened parks and public piers is the pivotal magnet attraction for tourists  
to  
visit, linger, and spend. The EIR should therefore compare PMP public elements as incorporated into the  
PMP with  
their proposed CDP alternatives.

For example, the original NEVP plan downsizing Harbor to three lanes retains all but three parking spaces.

This plan should be contrasted with the current Port redesign which eliminates the majority of coastal access  
parking on the  
North Embarcadero without identifying replacement spaces.

For serial reasons, the EIR is currently premature. The Port has yet to divulge the exact location and extent of  
both original and  
added tideland development. Parcels the Port has yet to fully disclose intended use include Navy Broadway,  
1220 Pacific Highway,  
the C Street corridor, B Street Pier, and the Holiday Inn redevelopment parcel.

It is past time for EIR consultants to quantify acre by acre both promised PMP elements and their one-to-one  
equitable alternatives.

Comprehensive alteration of an LCP demands appropriate studies of significant impacts to both justify the  
change and inform takings  
mitigation. A Port Mitigation Management Plan should join replacement studies of public element parks and  
piers and circulation, parking,  
and view shed [wharfside as designated open west of Harbor].

The new Broadway Pier terminal is just one example of significant view obstruction of downtown's primary  
intersection, the others needing  
study of mitigation or alternatives being the wall of pavillions exceeding 12' height limits and tree groves.

Economics of the Port's favored Peace/Roberts model are suspect and demand EIR study. The dismembered CDP  
design parameters  
do not maximize fully the value of either public tidelands or private development. A publicly animated public bayfront  
waterfront is  
exponentially more profitable for area retail and real estate. Major parks alone are the last opportunity to attract  
upwards of ten million  
annual resident and tourist visitors to a Fred Kent -style attraction San Diego Bayfront.

EIR economic study should also examine the fact that a strip park along Harbor Drive will be enshadowed by  
high rise development.  
Use will be restricted to passive, denying low cost visitor recreation. Further, denial the PMP's signature  
Broadway Landing Park will  
make the City ineligible for major Coastal Conservancy, state, and federal park funding.

Privatizing a major California bay for friends of politicians is beyond shortsighted and corrupt. It begs the  
question why, why would  
officials act to ruin a great public vision?

Baseline economic study should denote the Port is \$13 million in the red, a deficit driving much of the Port's  
disastrous and misguided  
public element cancellations.

To deaf official ears, SEA continues to note the San Diego Port Authority is in conflict of interest with its major  
NEVP area consultants.

Unconstitutional delivery of public property to private actors needs to be avoided, so the EIR should examine the mixed clientele of both Project Design Consultants and Bermello Ajamil & Partners. Contractual conflicts of interest may cost the public money in terms of public urban amenities, good faith services, city image, and market rent recovery.

In response to legal challenge, the mayor and Port officials have acted arbitrarily in conjunction with the Coast Guard to suspend landward public protection from terrorist attacks on the North Embarcadero - this in proximity to a cluster of High Risk Targets. The EIR should quantify both options for security responsibility between major agencies and the risk management and liability exposure of the Port and City of San Diego attendant to removing pre-existing federally-mandated safety measures.

Further, it is past time for the Port to reveal all physical security measures for the new Broadway Pier Terminal. The heightened risk of terrorist targeting and attack demands the EIR provide HAZMAT and evacuation study for tens of thousands of new downtown residents and workers.

Economic impact study of walling off the North Embarcadero after over 100% build out of the south has blocked Bay view shed is in order. Denying a major California city the tourism boost offered by a natural bay will have significant quantifiable impacts that need to be compared with the Port's concrete, building, and tree-filled N. Embarcadero.

The Port intends to mitigate a small portion of 5 acre Broadway Landing Park and the other of 20 water's edge green space and public piers with 1.25 acres of noncontiguous land well removed from the central Broadway/Harbor intersection.

This indefensible position requires EIR study of the alternative park designs already aired by city architects Bona, Brown, Blackstone, Hubbell and Hubbell, and Saborio. Official Port solicitation of other park alternatives is clearly needed to inform alternative EIR study to adequately implement or mitigate the Port Master Plan's signature design of open public elements.

EIR economic study can also consider the economic impact of excluding planned urban amenities on downtown real estate values. Impacts of canceled waterfront public space on a walled off San Diego bayfront should be contrasted with the real estate values and tourist visitorship of bayfront cities like Santa Barbara, San Francisco, and Seattle, and Vancouver.

Scott Andrews  
619 221-5947



**North Embarcadero Port Master Plan Amendment  
Draft Environmental Impact Report (EIR)  
Citizens Advisory Committee (CAC) Meeting #2**

COMMENTS REGARDING CAC DISCUSSION

**PLEASE PRINT CLEARLY**

NAME: Marti Kranzberg

ORGANIZATION: \_\_\_\_\_

MAILING ADDRESS: 1625 Hotel Circle So 92106 SD CA 92108

I find it disturbing that the CAC is lacking in cultural diversity. I think it is a shame that the Kumeyaay do not have representation - perhaps they can be invited as an observer as you are thinking about for the Bicycle Coalition & Fishing industry. Not only do the tribes offer cultural heritage point of view - they could become stakeholders by having a financial interest should we provide space for ~~independent~~ displays for them to tell their story as well as offer places for bus transportation for the Casinos. By inviting the tribes to claim their place at the waterfront they could certainly help finance ~~the~~ the efforts to create the waterfront.

Please submit written comments via personal delivery or mail service to:  
Port of San Diego, Environmental and Land Use Management Department  
3165 Pacific Highway, San Diego, CA 92101

Questions? Contact James Hirsch, Planner, at (619) 686-7269 or [jhirsch@portofsandiego.org](mailto:jhirsch@portofsandiego.org)

The mission of the North Embaradero Port  
master plan amendment citizens advisory committee  
to is ~~to~~ provide Port staff with recommendations,  
~~information, and suggestions, on~~ how to develop a  
Port Master Plan Amendment that is consistent with  
the goals of the California Coastal Act, ~~and serve~~ <sup>enhancing</sup> the  
and the creation of <sup>enhanced</sup> waterfront for the public.

REC'D FROM  
IAN TROWBRIDGE  
3/30/2011

J. HIRSH