VOLUME I
DRAFT MITIGATED NEGATIVE DECLARATION

PORTSIDE PIER
RESTAURANT REDEVELOPMENT PROJECT
SAN DIEGO, CA
UPD #MND-2016-91

San Diego Unified Port District
P.O. Box 120488
San Diego, CA 92112-0488

July 2016

DRAFT MITIGATED NEGATIVE DECLARATION

PORTSIDE PIER
RESTAURANT REDEVELOPMENT PROJECT
SAN DIEGO, CA

Lead Agency:
San Diego Unified Port District
P.O. Box 120488
San Diego, CA 92112-0488

CEQA Consultant:

RECON Environmental, Inc.
1927 Fifth Avenue
San Diego, CA 92101

July 2016

DRAFT MITIGATED NEGATIVE DECLARATION
PORTSIDE PIER
RESTAURANT REDEVELOPMENT PROJECT
(UPD #MND-2016-91)
SAN DIEGO, CA

TABLE OF CONTENTS

Tables

Figures

Attachments

San Diego Unified Port District
P.O. Box 120488
San Diego, CA 92112-0488
(UPD #MND-2016-91)

DRAFT MITIGATED NEGATIVE DECLARATION
PORTSIDE PIER RESTAURANT REDEVELOPMENT PROJECT
SAN DIEGO, CA

EXECUTIVE SUMMARY

This Draft Mitigated Negative Declaration (Draft MND) has been prepared for the proposed Portside Pier Restaurant Redevelopment Project (proposed project or project), which would redevelop an existing restaurant site located at 1360 North Harbor Drive, just south of the intersection of North Harbor Drive and West Ash Street, with a Brigantine Restaurant facility. The proposed project area covers approximately 45,174 square feet of land and water area, which includes approximately 37,107 square feet of over-water lease area and approximately 8,067 square feet of public promenade land area. The new restaurant facility would be divided into three distinct dining establishments, plus a coffee and gelato shop, and would include an expanded dock and dine area for short-term berthing of boats for the public who arrive by water. The project site is located just south of the San Diego Maritime Museum and the historic windjammer, Star of India. The project site is also located within the Civic Zone Subarea of Planning District 3, Centre City Embarcadero, of the San Diego Unified Port District's (District) certified Port Master Plan (PMP). The use designations in the PMP for the project site consist of Commercial Recreation for the restaurant site and Ship Anchorage for the dock and dine area. Adjacent uses consist of Park Plaza and promenade.

This Draft MND has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.), the implementing regulations, the "CEQA Guidelines" (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000, et seq.), and the District's CEQA Guidelines. Specifically, this Draft MND meets the requirements of CEQA Guidelines Sections 15070 and 15071, among others, and District CEQA Guidelines Section V. The attached Initial Study (Attachment A) meets the requirements of CEQA Guidelines Section 15063 and District CEQA Guidelines Section IV. Together the Initial Study and Mitigated Negative Declaration meet CEQA's content requirements by including a project description; a description of the environmental setting, thresholds of significance, potential environmental impacts and mitigation measures for any significant effects; discussion of consistency with plans and policies; and names of the document preparers. The District is the Lead Agency pursuant to the CEQA Guidelines Section 15367 as the District manages the area as a trustee of the state and has the authority to issue a non-appealable Coastal Development Permit subject to the provisions of the California Coastal Act (Chapters 3and 8) and enter into a lease with Brigantine Inc. (Brigantine or applicant). The applicant's completed Environmental Application for District tenants is included as Attachment B.

A. Project Description

The project is the redevelopment of the existing waterfront restaurant site that has been occupied by Anthony's Fish Grotto, Fishette, and Anthony's Star of the Sea Room since 1965. The existing restaurant structure would be demolished and replaced with a new two-story restaurant structure.

Brigantine would redevelop the project site with three eating establishments, Brigantine on the Bay, Miguel's Cocina, and Ketch Grill & Taps. Additionally the project includes a coffee and gelato shop, and public viewing deck. Backlit illuminated signage displaying the names and/or logos of each establishment would be located both on the waterside- and promenade-facing frontages of the building. The redevelopment includes a proposed public viewing deck with tables and benches for up to 108 visitors. The proposed project would also include an expanded dock and dine dock capable of docking up to 12 vessels. Table ES-1 provides a summary comparison of the proposed project components with those of the existing facility. As shown, the proposed project would result in an increase in building area, a less than 8 percent increase in water coverage, increased restaurant and public facilities and seating, as well as an increased dock.

Table ES-1: Existing and Proposed Project Features Comparison

Project Component	Existing	Proposed	Change
Building Floor Area	24,855 square feet	33,577 square feet	8,722 square feet
Building Gross Water Coverage*	23,285 square feet	24,960 square feet	1,675 square feet
Public Dock Area*[1]	565 square feet [1]	3,370 square feet	2,805 square feet
Total Water Coverage	23,850 square feet	28,330 square feet	4,480 square feet
Total Land Coverage (Promenade Improvement Area)	8,067 square feet	8,067 square feet	0 square feet
Restaurant Seats	536	1,000	464
Boat Slips	2	12	10
Public View Seats	0	108	108
Public Deck	0 square feet	3,648 square feet	3,648 square feet
Building Height	27 feet	34 feet	7 feet
Employees (daily)	60	90	30
On-site Parking	0	0	0
Visitors per day (estimated average)	1,100	2,220	1,120

*Indicates over-water components
[1]The existing boat dock was destroyed by storm and wave activity in January 2016 and has not been replaced because of the prospective redevelopment.

Demolition and construction of the proposed project would involve in-water work for the removal of the existing platform and supporting piles and the installation of a new platform and supporting piles. The North Embarcadero Promenade, which is a waterfront sidewalk for pedestrians and cyclists that passes directly in front of the existing and proposed restaurants, would be improved consistent with the North Embarcadero Visionary Plan (NEVP) Phase 1 and recent improvements to the south. This includes new pavers, street furniture, and wayfinding signage. No changes are proposed to the current configuration of the promenade.

The majority of demolition work would be from barges on the water. Project demolition and construction would take approximately 11 to 16 months, and most of the work would be accomplished from the waterside using a barge and from a staging area on the North Embarcadero

Promenade, temporarily displacing the promenade and parking, which would be restored to existing configurations upon completion of construction. Approximately 55 parking spaces would be temporarily closed and pedestrian traffic would be rerouted from the North Embarcadero Promenade in front of the project site through the closed parking area, separated by K-rail and other physical barriers from North Harbor Drive for the duration of construction. Upon completion, the proposed project would generate approximately 250 jobs.

B. Proposed Finding

The Initial Study prepared for the proposed project found that the project would not result in significant adverse impacts in the following areas: Aesthetics, Agricultural and Forest Resources, Air Quality, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral and Energy Resources, Noise, Population and Housing, Public Services, Recreation, and Utilities and Service Systems.

Impacts that were shown to have a less-than-significant impact with mitigation were to Biological Resources as a result of in-water demolition and construction activities, to Hazards and Hazardous Materials due to airport land use hazards, and to Transportation/Traffic (Parking) as a result of deficient parking. Measures to avoid or mitigate the effects would be incorporated into the project to reduce the impacts to below a level of significance. These measures are identified in Table MMRP-1 and discussed below in Section IV, Environmental Analysis.

I. INTRODUCTION

A. Purpose of a Negative Declaration

CEQA Section 21064 defines a "Negative Declaration" as a well written statement briefly describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an environmental impact report.

Section 21064.5 defines a "Mitigated Negative Declaration" as a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revision in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur; and (2) there is no substantial evidence in light of the whole record before the lead agency that the project, as revised, may have a significant effect on the environment.

CEQA Section 21068 defines a significant effect on the environment as a substantial or potentially substantial adverse change in the environment.

CEQA Section 21082.2(a) requires the lead agency to determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record.

The District has prepared an Initial Study to address the potential environmental effects associated with the project pursuant to the requirements of CEQA, the CEQA Guidelines, and the District's CEQA Guidelines. Specifically, the Initial Study meets the requirements of CEQA Guidelines Section 15063 and the District's CEQA Guidelines Section IV. The Initial Study includes a discussion of the

proposed project's effects on the existing environment. Issue areas identified as having potential impacts are discussed further and include mitigation measures that would reduce potential impacts to "Less Than Significant With Mitigation Incorporated." Project-specific information is discussed below.

See Attachment A for the Initial Study.

B. Project Proponent/Applicant

The project proponent/applicant is The Brigantine, Inc. (Brigantine).

C. Project Purpose and Need

Following a competitive public process, the Board of Port Commissioners directed District staff to further study and start the CEQA process for Brigantine's proposed project. The project is the redevelopment of a restaurant facility to replace an existing restaurant. The proposed project would redevelop the existing restaurant site with a multi-venue dining concept called Portside Pier and would include a long-term lease (approximately 30 to 50 years[1]). The District manages the tidelands including the project site as a trustee of the state and has permit authority to issue Coastal Development Permits (CDP) subject to the provisions of the California Coastal Act (Chapters 3 and 8) for projects consistent with the certified PMP.

The District has identified a need to redevelop the project site, which requires issuance of a CDP. The current building and restaurant have declined and become dated in design, and the structure is in need of substantial repairs to meet current development standards and development code.

Public access would be increased through the nearly tripling in size of the dock and dine public docking space, which will allow for 4–12 vessels to dock while the occupants dine. By constructing a second level and nearly doubling the square footage for dining and viewing the bay, the number of diners is projected to increase, which would increase visitors to the waterfront and revenue for the District. A dedicated public viewing deck on the south side of the second story would provide seating and tables for up to 108 members of the public, increasing public access to the waterfront.

D. Project Location

The project site is located at 1360 North Harbor Drive, which is on the east side of San Diego Bay on the North Embarcadero Promenade, near the intersection of North Harbor Drive and West Ash Street (Figure 1, Figure 2, and Figure 3). The project site includes the water and the associated portion of the public promenade along the Embarcadero.

II. PROJECT DESCRIPTION

The proposed project action is the approval of a non-appealable CDP and lease with The Brigantine, Inc. (Brigantine or applicant) by the District. The Brigantine has proposed a redevelopment plan and project named Portside Pier.

[1] Analysis assumes worst-case scenario of a 50-year lease. However, Board of Port Commissioners Policy 355 assumes a 20–40 year lease for a full service restaurant.

The proposed project would include three restaurants, a coffee and gelato shop, a dedicated public viewing deck, and expanded dock and dine dock (Figures 4a through 4c). The restaurants would consist of Brigantine on the Bay, Miguel's Cocina, and Ketch Grill & Taps and would provide up to 1,000 seats for diners (Figures 5a, 5b, 5c, and 5d). The proposed public viewing deck would include tables and benches for up to 108 visitors. This area would be separate from the restaurant areas and accessible from the North Embarcadero Promenade through the Ketch Grill & Taps area via elevator and stairs (Figure 6). Clear signage would be provided directing the public from the North Embarcadero Promenade to the public viewing deck. The restaurant areas would also include open deck areas on the ground and second floors, where food and drink service would be available to guests. The indoor and outdoor restaurant areas would be available for private parties, wedding receptions, and other special events featuring music. The public viewing deck would not be used for private functions and would be open to the public during restaurant business hours. A dock would be constructed and provide expanded dock and dine (Figure 7) opportunities compared to the existing dock.

Backlit illuminated signage would be located both on the waterside- and promenade-facing frontages of the building and would consist of light-emitting diode (LED) lighting behind acrylic letters and logos to create an illuminated effect. The signs would display the names and/or logos for Miguel's Cocina, Ketch Grill & Taps, Brigantine Seafood and Oyster Bar, Portside Gelato & Coffee, and Portside Pier (see Figures 5a through 5d). The illuminated signage would range in size from 12 to 43 feet in length and from 3 feet 2 inches to 12 feet 11 inches in height. In addition, eight color LED panels would be installed along the North Embarcadero Promenade and along the upper deck on the waterside-facing frontage of the building to display upcoming events, menu specials, and other notifications. The LED panels would be computer operated with automatic dimming to adjust from day to night illumination. The "baskets" of the building, which would be constructed with glass panels, would also be illuminated at night with interior LED lighting (see Figure 5d). The glass panels of the baskets would be constructed of laminated frit glass with an anticipated 65 percent light transmission and an aluminum support system. In addition, blue LED light tube strips would be included on the promenade-facing frontage of the building (see Figure 5d). On the outdoor bar of The Brigantine's second floor, an internally illuminated sculptural centerpiece would be installed for artistic purposes (see Figures 5c and 5d).

The project would construct a new building built on a new platform supported by new pilings and a new dock, entirely replacing and demolishing the existing building, pilings, platform, and dock. The building footprint would be larger than the footprint of the existing building, and the expansion of the two stories and decks on both levels would nearly double the total square footage of restaurant space and deck area, as shown in Table ES-1. In addition, the existing boat dock area would be increased from 565 square feet to 3,370 square feet and would allow for 4–12 vessels to dock, depending on vessel sizes. The overall building height would increase by up to 7 feet over the height of the existing structure, from approximately 27 to approximately 34 feet above mean sea level.

As conditions of the CDP, the applicant would also be required to include sustainability features in the proposed project design. These features are listed in Section B, Construction, of this project description.

A. Demolition

Demolition would involve the complete removal of:

- The existing 24,855-square-foot building
- The existing 23,285-square-foot platform
- The existing 66 pre-stressed 16-inch diameter concrete support piles
- The remnants of the existing 565-square-foot dock

Demolition work would be completed entirely from two barges. One barge would hold a crane and other demolition equipment and the other would be used to haul the debris to the Tenth Avenue Marine Terminal for unloading and transport to a recycling center or landfill. Demolition hours would be from 7:00 A.M. to 7:00 P.M. Monday through Saturday for up to four months. During the demolition timeframe, removal of existing piles would take approximately two to three weeks. A daily peak of 12 workers would work from the barges during the demolition phase. Workers would park remotely at the demolition contractor's facilities and travel to the project site by boat from the Tenth Avenue Marine Terminal. Figure 4c shows the location of existing piles to be removed.

B. Construction

The proposed project would involve construction of the following:

- No more than 53 new pre-stressed up to 24-inch diameter concrete piles (13 fewer than currently exist. Figure 4c shows the location of proposed new piles.)
- Approximately 24,960 square feet of overwater coverage
- A new approximately 3,648-square-foot second floor public viewing deck
- A new approximately 33,577-square-foot restaurant building with the following features:
    - Brigantine on the Bay, a steak and seafood restaurant on the north side
    - Miguel's Cocina, a Mexican restaurant on the south side
    - Ketch Grill & Taps, a fast–casual brew pub
    - Portside Gelato & Coffee
- An expanded dock and dine approximately 3,370-square-foot dock
- Sustainability project features proposed include:
    1. Building
        a. High-efficiency, clear, non-reflective Low E glass;
        b. Light-colored roofing materials would be used to reduce heat buildup in the building and reduce the heat island effect;
        c. Photovoltaics located on the bay-facing side of the rooftop;
        d. It is anticipated that the proposed project would exceed the minimum energy efficiency standards dictated by the California Title 24 Building Code requirements;
        e. Ducts within the proposed building would be sealed during construction and cleaned out during commissioning to promote indoor air quality by minimizing dust and mold accumulation;
        f. Hardscape, roofing, and deck materials would include light-colored paving to reduce heat island effect;
        g. Water fixtures, including toilets, sinks, and kitchen equipment within the proposed building, would be low-flow and would reduce water use.
    2. Materials & Resources
        a. Adhesives, sealants, and paints would conform to the guidelines for low- and no-volatile organic compound (VOC) products;

   b. Carpets would conform to the product requirements for the Carpet and Rug Institute Green Label program;
   c. During demolition, materials would be separated and recycled. During construction, solid waste would be recycled;
   d. Use of reclaimed wood for exterior façade elements;
   e. The proposed project would use recycled materials and materials that are produced in the Southern California area for construction.
3. Mechanical Systems
   a. A variable-flow primary chilled-water loop would be incorporated in the proposed building, which would reduce cooling energy use;
   b. Larger mechanical and plumbing equipment, such as pumps, air handlers, exhaust fans, and kitchen hoods, would use variable-speed drives, which reduce energy use to the minimum amount required to satisfy the immediate demand.
4. Lighting
   a. The proposed project would implement a lighting design that includes the following features:
      - Incorporation of automatic lighting management controls to save energy;
      - Use of a daylight-harvesting system that senses the amount of incoming daylight and reduces the electrical lighting accordingly;
      - Installation of occupancy sensors in offices and restrooms to turn off lights in unoccupied spaces;
      - Individual light-dimming controls throughout;
      - Use of LED lighting for signage and illuminated features;
      - Use of high-efficiency, shielded lighting for all nighttime lighting fixtures.
5. Landscape and Water Quality
   a. Landscape design would specify low-water-use plants and drip irrigation to reduce water usage;
   b. Landscape design would be designed to minimize irrigation and runoff, and to promote surface infiltration where appropriate;
   c. Plants that are tolerant of saturated soil conditions would be used where landscaped area retain or detain storm water;
   d. Landscape irrigation control would be employed to allow for shutoff after a rain event to prevent irrigation after precipitation.

The existing utility connections at the proposed project site may require in-kind replacement due to disrepair.

Project construction would take approximately one year and the work would be accomplished from the waterside using a barge and from the landside using a staging area in the parking area and promenade adjacent to the proposed restaurant facility. Construction of the new platform and restaurant building would be from 7:00 A.M. to 7:00 P.M. Monday through Saturday, except for City Holidays, in compliance with San Diego Municipal Code Section 59.5.0404. The staging area would involve temporary displacements of existing sidewalk and parking in front of the project site along the North Embarcadero Promenade (approximately 55 spaces). During construction a K-Rail or similar safety barrier would be erected to provide continued pedestrian access along the waterfront around the construction area (Figure 8). A peak daily total of 130 construction workers would be needed during project construction. Workers would park remotely in existing public parking lots and would walk or be shuttled to the project site. Work trucks and materials would be staged along the North Embarcadero Promenade within a fenced and signed construction area that would be closed to the public. Piles would be driven first (1–2 months) followed by construction of the

platform deck/surface (1–2 months) and once complete, the construction of the building upon the deck and the dock would commence (6–8 months).

A list of anticipated construction and demolition equipment is included in Table PD-1. The construction/demolition equipment is subject to change, as needed.

Table PD-1: Anticipated Construction/Demolition Equipment*		
Compressor	Forklift	Impact/vibratory pile hammer
Crane	Gas outboard boat	Jet pump
Deck winch	Generator	Material barge
Dump truck	Hammer power pack	Skid steer
Excavator	Harbor tug	Skiff
*Multiple pieces of the equipment listed here may be necessary.		

Upon completion of construction of the proposed project, all areas not within the project's proposed lease boundary would be restored to existing configurations, specifically promenade and parking.

C. Operation

The project would result in a total of 1,000 seats for restaurant patronage and a gelato and coffee shop, as well as a dedicated public viewing deck. All parking and promenade amenities would be restored to the existing dimensions and configuration, although with aesthetic treatments intended to be consistent with the public improvements included in the NEVP Phase 1. As with the existing restaurant, no dedicated parking would be provided. Metered public parking is available along the North Embarcadero Promenade, and a number of public parking lots are available within walking distance of the project site (Figure 9). The dock and dine would have a controlled access to protect boats/boaters property and would accommodate up to 12 vessels at a time. The public viewing deck would be available at all times the restaurants are open and would be accessible via elevator and stairs through the Ketch Grill & Taps restaurant and clearly signed from the promenade. Occupancy of the viewing deck would be available for up to 108 people with seating and tables provided. Upon completion, the proposed project would generate approximately 250 permanent jobs.

III. ENVIRONMENTAL SETTING

The project site is located at 1360 North Harbor Drive, at the foot of West Ash Street, and is entirely above the water of San Diego Bay, with the bay on three sides and the North Embarcadero Promenade on the east side. An existing restaurant exists on the project site that was constructed on 66 pre-stressed 16-inch diameter concrete piles in 1965. The project site's average surface elevation, approximately 10 feet above mean sea level, is the same as the level of the North Embarcadero Promenade, which provides site access via North Harbor Drive. The existing restaurant facility is approximately 24,855 square feet, with a 565-square-foot dock area.

Land uses in the area include maritime, commercial, civic, and recreation to the north, northeast, east, southeast, and south. These include the San Diego Maritime Museum, the County of San Diego Administration Building and Waterfront Park, the Wyndham San Diego Bayside Hotel, Ruth's Chris Steak House, and the B Street Cruise Ship Terminal. The project site is located on the western edge

of the Core-Columbia community, which extends south of West Ash Street. The Little Italy community is located north of West Ash Street, and the Marina District is located south of West Broadway.

The project site is within the jurisdiction of the District, and is located within the Civic subarea of Planning District 3, Centre City Embarcadero, of the District's certified PMP. The project site also is within the Coastal Zone and is subject to the California Coastal Act. Pursuant to Section 30715 of the California Coastal Act, the District has CDP authority over the project site.

The project site is located on North Harbor Drive on the downtown waterfront. Regional access to the project site is generally from Interstate 5 (I-5). Access from I-5 south is via Front Street to West Ash Street to Harbor Drive. From I-5 north, West Hawthorne Street to North Harbor Drive provides the most direct access to the project site. The project site is also accessible by vessels on San Diego Bay.

IV. ENVIRONMENTAL ANALYSIS

The Initial Study (Attachment A) evaluated the potential environmental impacts of the project, and determined that the project would result in impacts that are mitigated to below a level of significance with regard to Biological Resources, Hazards and Hazardous Materials, and Transportation/Traffic (Parking). These impacts and associated mitigation measures are discussed below.

A. Environmental Factors Potentially Affected

The project for which this Mitigated Negative Declaration has been prepared consists of the redevelopment of a restaurant site on San Diego Bay.

Biological Resources

Existing Conditions

The study area for biological resources includes the proposed project site and a 300-foot radius around the site. The landside portion of the project site and vicinity is completely developed with the North Embarcadero Promenade, parking, North Harbor Drive, Wyndham San Diego Bayside Hotel, West Ash Street, Ruth's Chris Steak House, and the San Diego County Administration Center.

The waterside portion of the proposed project site is developed with a restaurant on a platform that is supported by 16-inch diameter concrete piles. To the north, moored along the North Embarcadero promenade is the historic sailing ship Star of India and other vessels in the San Diego Maritime Museum's fleet. The remainder of the waterside area of study consists of the open water of the harbor. The B Street Pier is immediately south of the study area.

Any body of water surrounded by land on three sides that is greater than 20 feet in depth is referred to as Deep Bay (Tierra Data Inc. 2016). At the project site, the San Diego Bay varies in depth from approximately 19 feet south of the project site to 25 feet to the north and west. The depth of water at the site is approximately 23 feet (NOAA 2012).

The Deep Bay portion of the study area consists of soft bottom habitat comprising mud and sand, similar to most of the habitats in San Diego Bay, and shoreline stabilization structures such as pier pilings, concrete bulkhead, riprap, and sea walls. Species present likely include numerous species of algae and sessile (attached) invertebrates, with several fish species. While not observed during the biological survey of the project site and surrounding areas, three sensitive species, California least tern (*Sternula antillarum browni*), green sea turtle (*Pelecanus occidentalis californicus*), and marine mammals (e.g., harbor seals, sea lions, and dolphins) have the potential to pass beneath or nearby the project site.

Thresholds for Determining Significance

The following significance criteria are based on Appendix G of the CEQA Guidelines (14 CCR 15000 et seq.), and will be used to determine the significance of potential biological resources impacts. Impacts to biological resources would be significant if the proposed project would:

BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by California Department of Fish and Wildlife (CDFW), National Marine Fisheries Service (NMFS), or U. S. Fish and Wildlife Service (USFWS);

BIO-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW, NMFS, or USFWS;

BIO-3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

BIO-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites;

BIO-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

BIO-6: Conflict with the provisions of an adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or state habitat conservation plan.

Potential Impacts

The in-water demolition and construction activities associated with the proposed project could result in significant impacts to California least terns, green sea turtles, marine mammals, and fish species. Mitigation measures consistent with in-water construction procedures and mitigation measures previously implemented in the bay and throughout southern California to reduce significant impacts to fish, turtles, marine mammals and California least terns have been proposed as described below.

Mitigation Measures

BIO-1: If pile-removal and -driving occur between April 1 and September 15, the contractor shall deploy a turbidity curtain around the pile removal and driving areas to restrict the surface visible turbidity plume to the area of removal and driving. It shall consist of a hanging weighted curtain with a surface float line and shall extend from the surface to 15 feet down into the water column. This measure is intended to minimize the area of the bay in which visibility of prey is obstructed. The applicant shall ensure that this measure is implemented for the duration of the pile-removal or pile-driving activity.

BIO-2: Should vibratory pile-removal or impact hammer pile-driving activities be conducted between April 1 and September 15, a qualified biological monitor shall be retained by the contractor at its expense to conduct California least tern monitoring during the tern breeding season within 500 feet of construction activities. The monitor shall be empowered to delay work commencement, and shall do so if terns are actively foraging (e.g., searching and diving) within the work area. Should adverse impacts to terns occur (e.g., agitation or startling during foraging activities), the biological monitor shall be empowered to delay or halt construction and shall do so until least terns have left the project area.

BIO-3: A biological observer or observers shall monitor pile removal, if using a vibratory hammer, and pile driving, if using a vibratory or impact hammer, with the authority to stop work if a green sea turtle or marine mammal approaches or enters the shutdown zones (500 meters for vibratory removal or driving and 317 meters [117 meters plus a 200-meter buffer] for impact driving). The additional buffer is required, because a marine mammal or green sea turtle spends much of its time underwater. A buffer gives the observer time to observe the animal before it dives and allows them to stop construction before it enters the shutdown zone. Prior to the start of pile-removal or pile-driving activities, the biological observers shall monitor the shutdown zones for at least 15 minutes to ensure that green sea turtles and marine mammals are not present. If a green sea turtle or marine mammal approaches or enters the shutdown zone during the pile-removal or driving activities, the biological observer(s) shall notify the construction contractor to stop the activity. The pile-removal or driving activities shall be stopped and delayed until either the biological observer(s) visually confirm that the animal has left the shutdown zone of its own volition, or 15 minutes have passed without re-detection of the animal. If the on-site biological observer(s) determine that weather conditions or visibility, prevent the visual detection of green sea turtles or marine mammals in the shutdown zones, such as heavy fog, low lighting, or sea state, in-water construction activities with the potential to result in Level A Harassment (injury) or Level B Harassment (disturbance) shall not be conducted until conditions change. The following shutdown zones, and buffers, will avoid the potential for impacts.

For Demolition (assuming vibratory pile removal):

- A shutdown zone consisting of the area within 500 meters of work would be required to avoid potential injury and behavioral effects to green sea turtles, managed fish, and marine mammals.

For Construction (assuming impact pile driving):

- A shutdown zone consisting of the area within the 160-decibel (dB) root mean square (rms) isopleth (117 meters from source), plus a buffer of 200 meters, would be required

to avoid the potential for Level A and B Harassment of green sea turtles, managed fish, and marine mammals (317 meters total).

Additional requirements:

- Prior to the start of any pile-driving activities, the construction contractor shall implement a soft-start procedure to provide additional protection to green sea turtles, marine mammals, and fish. Soft start provides a warning and/or gives individuals a chance to leave the area prior to the hammer operating at full power. The soft-start procedure would require contractors to activate the impact hammer with an initial set of three strikes at 40 percent or less energy, separated by three 30-second waiting periods.
- If at any point pile driving stops for greater than one hour, then the soft start procedure must be conducted prior to the start of further pile driving activities.
- Observers will observe for 30 minutes after construction has ended.
- Construction activities requiring observers will commence 45 minutes after sunrise, and 45 minutes before sunset to provide the observers with enough visibility to observe marine species in the project area.
- Biological monitoring shall be conducted by qualified observers. The observers shall be trained in green sea turtle and marine mammal identification and behaviors, and would have no other construction-related tasks. The observers shall determine the best vantage point practicable to monitor and implement shut-down/notification procedures, when applicable, by notifying the construction superintendent and/or hammer operator.
- During all observation periods, observers shall use binoculars and the naked eye to scan continuously for green sea turtles and marine mammals. As part of the monitoring process, the observers shall collect sightings data and behavioral responses to pile removal and driving from green sea turtles and marine mammals observed within 500 feet of the proposed project site of activity and shutdown zones during the period of construction. The observer shall complete a sighting form (paper or electronic) for each pile-driving day (see Attachment B of Appendix 3). The observer shall submit the completed forms to NMFS and the District within 60 days of the completion of the monitoring with a summary of observations.

BIO-4: Prior to the commencement of construction activities, the loss of 4,480 square feet of open water associated with the proposed project shall be offset by implementing design modifications, such as incorporating translucent areas, to reduce shading and by deducting an amount from the District's shading credit program established pursuant to Board Policy 735 equivalent to that of the proposed project's final shading total (i.e., less any reductions achieved by design modifications) to the satisfaction of NMFS and USACE.

Hazards and Hazardous Materials

Existing Conditions

No known hazardous materials releases have been identified within or immediately adjacent to the proposed project site. Because the existing restaurant building was constructed in 1965, it may contain lead-based paint and asbestos-containing materials. The nearest school to the proposed project is the Bright Horizons Kids on Broadway and is approximately 0.5 mile from the proposed project site. The proposed project site is located less than one mile from the San Diego International Airport and Naval Air Station North Island Halsey Field.

Thresholds for Determining Significance

The following significance criteria are based on Appendix G of the CEQA Guidelines (14 CCR 15000 et seq.) and will be used to determine the significance of potential impacts related to hazards and hazardous materials. Impacts associated with hazards and hazardous materials would be significant if the proposed project would:

HAZ-1: Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials;

HAZ-2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;

HAZ-3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;

HAZ-4: Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment;

HAZ-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area;

HAZ-6: For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area; or

HAZ-7: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan

Potential Impacts

Potential impacts would result from the proposed project due to proximity to an airport, which have the potential to result in safety hazards to people working in the area.

Mitigation Measures

The following mitigation measure is proposed to ensure impacts related to airport land use hazards are less than significant:

HAZ-1: Airport Land Use Commission (ALUC) formal review and determination on the proposed project shall be obtained prior to initiation of project construction.

Transportation/Traffic (Parking)

Existing Conditions

The project site is located on the waterfront along North Harbor Drive. The North Embarcadero runs parallel to the San Diego Harbor and North Harbor Drive, past the project site, providing pedestrian and bicycle access. The District provides the Big Bay Shuttle that serves the waterfront from the Sheraton on Harbor Island to the Hilton Bayfront, southeast of the San Diego Convention Center, during spring and summer (May through September). The project site is also served by the 280, 290, 923, and 992 local and Bus Rapid Transit bus routes, with bus stops at West Ash Street and North Harbor Drive, and Broadway and North Harbor Drive. Amtrak, the San Diego Trolley, COASTER Commuter Train, shuttle buses, taxis, sightseeing trams, and ride-sharing services such as Lyft and Uber all serve the project area. In addition, car2go short-term car shares and DECOBIKE San Diego bike shares are available in the project area.

The existing proposed project site and facility does not have an exclusive parking lot for visitors or employees, but rather utilizes the surrounding public parking spaces. Existing public parking for the current restaurant is found along the North Embarcadero and along North Harbor Drive between the following intersections: Grape Street and Ash Street; Ash Street and Broadway; and Hawthorn Street and Grape Street.

Thresholds for Determining Significance

The following significance criteria are based on Appendix G of the CEQA Guidelines (14 CCR 15000 et seq.), and will be used to determine the significance of potential impacts related to transportation/traffic (parking). Impacts associated with transportation/traffic (parking) would be significant if the proposed project would:

TRA-1: Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit;

TRA-2: Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways;

TRA-3: Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;

TRA-4: Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);

TRA-5: Result in inadequate emergency access;

TRA-6: Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities; or

TRA-7: Result in inadequate parking capacity**.**

Potential Impacts

Potential impacts would result from the proposed project due to inadequate parking capacity.

Mitigation Measures

To reduce impacts associated with inadequate parking to a less-than-significant level, the following mitigation is proposed.

TRA-1: To reduce the impacts associated with temporary loss in parking during construction of the proposed project, the applicant and/or construction contractor will implement the following:

- Prior to construction, the applicant or construction contractor will obtain written agreement from the Wyndham Hotel, or other parking facility with sufficient space, to guarantee parking for construction personnel through the duration of construction of the proposed project.
- During initial site preparation, the construction contractor will post signage at the temporarily displaced parking spaces to direct visitors to nearby available parking.

TRA-2: The applicant will implement the following parking management strategies to mitigate the projected parking deficiency:

- Coordination - On-going daily coordination between the proposed project and ACE parking to identify which surrounding lots have available parking at different times of the day.
- Wayfinding Signage – Provide changeable signage to direct patrons to the parking facilities (as identified by ACE on a weekly basis) that have parking availability.
- Transportation Network Companies – Coordination with companies (such as Lyft, Uber, etc.) to encourage patrons to utilize this mode of transportation as an alternative to driving their personal vehicle.
- Valet Parking – Secure 974 parking spaces and provide a valet service in order to avoid overflow in the immediate surrounding parking areas.
- Water Taxi – Coordination with a water taxi company to encourage patrons to utilize water taxis as an alternative to driving their personal vehicle.
- Bike Racks – Provide bike racks on the project site to encourage employees/patrons to bike to the proposed project.
- Bike Share Stations – Coordinate with companies like DECOBIKE to ensure a bike share station is maintained within walking distance (approximate 1,000 feet) to the proposed project.
- Public Transit – On the applicant's website, promote and encourage employees and patrons to utilize alternative modes of transportation as an alternative to driving their personal vehicle.
- Big Bay Shuttle – Participate in the District's on-going shuttle program.
- Employee Off-Site Parking – Designate an off-site parking lot for employees and provide shuttle service between the off-site facility and the proposed project, such as:
  - Wyndham Hotel: (+400 stalls)
  - Portman Hotel: (+400 stalls)
  - Navy Pier Lot: (+350 stalls)
  - 610 West Ash Street: (+410 stalls)
  - 410 West Ash Street (+510 stalls)
  - 1230 Columbia Street (+228 stalls)

B. Effects Found Not to be Significant

Based on the Initial Study conducted for the proposed project (see Attachment A), the following effects were found not to be significant and no mitigation is required: Aesthetics, Agricultural and Forest Resources, Air Quality, Cultural Resources, Geology and Soils, Greenhouse Gas, Hydrology and Water Quality, Land Use and Planning, Mineral Resources and Energy, Noise, Population and Housing, Public Services, Recreation, and Utilities/Service Systems. A full analysis/discussion of these issue areas is provided in the attached Initial Study.

V. MITIGATION MONITORING AND REPORTING PROGRAM

Potential impacts associated with Biological Resources and Transportation/Traffic (Parking) were identified in the Mitigated Negative Declaration, but were found to be reduced to less than significant levels through the application of those mitigation measures described above and in Table MMRP-1 below.

Table MMRP-1 – Portside Pier Restaurant Redevelopment Project
Mitigated Negative Declaration
Draft Mitigation Monitoring and Reporting Program

Mitigation Measure(s)	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedures
Biological Resources			
BIO-1: If pile removal and driving occur between April 1 and September 15, the contractor shall deploy a turbidity curtain around the pile removal and driving areas to restrict the surface visible turbidity plume to the area of removal and driving. It shall consist of a hanging weighted curtain with a surface float line and shall extend from the surface to 15 feet down into the water column. This measure is intended to minimize the area of the bay in which visibility of prey is obstructed. The applicant shall ensure that this measure is implemented for the duration of the pile-removal or pile-driving activity.	Applicant/ contractor	During all in-water demolition and construction work.	Applicant shall deploy a turbidity curtain during pile driving.
BIO-2: Should vibratory pile-removal or impact hammer pile-driving activities be conducted between April 1 and September 15, a qualified biological monitor shall be retained by the contractor at its expense to conduct California least tern monitoring during the tern	Applicant/ contractor	During all in-water demolition and construction work.	Applicant shall have a biological monitor present when pile driving during the California least tern breeding season and shall implement the mitigation plan.

Table MMRP-1 – Portside Pier Restaurant Redevelopment Project Mitigated Negative Declaration Draft Mitigation Monitoring and Reporting Program			
Mitigation Measure(s)	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedures
breeding season within 500 feet of construction activities. The monitor shall be empowered to delay work commencement and shall do so if terns are actively foraging (e.g., searching and diving) within the work area. Should adverse impacts to terns occur (e.g., agitation or startling during foraging activities), the biological monitor shall be empowered to delay or halt construction and shall do so until least terns have left the project area.			District shall maintain survey reports in project files.
BIO-3: A biological observer or observers shall monitor pile removal, if using a vibratory hammer, and pile driving, if using a vibratory or impact hammer, with the authority to stop work if a green sea turtle or marine mammal approaches or enters the shutdown zones (500 meters for vibratory removal or driving and 317 meters [117 meters plus a 200-meter buffer] for impact driving). The additional buffer is required because a marine mammal or green sea turtle spends much of its time underwater. A buffer gives the observer time to observe the animal before it dives, and allows them to stop construction before it enters the shutdown zone. Prior to the start of pile-removal or pile-driving activities, the biological observers shall monitor the shutdown zones for at least 15 minutes to ensure that green sea turtles and marine mammals are not present. If a green sea turtle or marine mammal approaches or enters the shutdown zone during the pile-removal or driving activities, the biological observer(s) shall notify the construction contractor to stop the activity. The pile-removal or pile-	Applicant/ contractor	During all in-water demolition and construction work.	Applicant shall have a biological monitor present during pile driving and shall implement the mitigation plan. District shall maintain survey reports in project files.

Table MMRP-1 – Portside Pier Restaurant Redevelopment Project Mitigated Negative Declaration Draft Mitigation Monitoring and Reporting Program			
Mitigation Measure(s)	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedures
driving activities shall be stopped and delayed until either the biological observer(s) visually confirm that the animal has left the shutdown zone of its own volition, or 15 minutes have passed without re-detection of the animal. If the on-site biological observer(s) determine that weather conditions or visibility prevent the visual detection of green sea turtles or marine mammals in the shutdown zones, such as heavy fog, low lighting, or sea state, in-water construction activities with the potential to result in Level A Harassment (injury) or Level B Harassment (disturbance) shall not be conducted until conditions change. The following shutdown zones, and buffers, will avoid the potential for impacts. For Demolition (assuming vibratory pile removal): • A shutdown zone consisting of the area within 500 meters of work would be required to avoid potential injury and behavioral effects to green sea turtles, managed fish, and marine mammals. For Construction (assuming impact pile driving): • A shutdown zone consisting of the area within the 160-decibel (dB) root mean square (rms) isopleth (117 meters from source), plus a buffer of 200 meters, would be required to avoid the potential for Level A and B Harassment of green sea turtles, managed fish, and			

Table MMRP-1 – Portside Pier Restaurant Redevelopment Project Mitigated Negative Declaration Draft Mitigation Monitoring and Reporting Program			
Mitigation Measure(s)	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedures
marine mammals (317 meters total). Additional requirements: • Prior to the start of any pile-driving activities, the construction contractor shall implement a soft-start procedure to provide additional protection to green sea turtles, marine mammals, and fish. Soft start provides a warning and/or gives individuals a chance to leave the area prior to the hammer operating at full power. The soft-start procedure would require contractors to activate the impact hammer with an initial set of three strikes at 40 percent or less energy, separated by three 30-second waiting periods. • If at any point pile driving stops for greater than one hour, then the soft start procedure must be conducted prior to the start of further pile driving activities. • Observers will observe for 30 minutes after construction has ended. • Construction activities requiring observers will commence 45 minutes after sunrise, and 45 minutes before sunset to provide the observers with enough visibility to observe marine species in the project area. • Biological monitoring shall be conducted by qualified observers. The observers shall be trained in green sea turtle and marine mammal identification and behaviors, and would have no other construction-related tasks. The observers shall determine the best vantage point practicable to monitor and implement shut-			

Table MMRP-1 – Portside Pier Restaurant Redevelopment Project Mitigated Negative Declaration Draft Mitigation Monitoring and Reporting Program			
Mitigation Measure(s)	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedures
down/notification procedures, when applicable, by notifying the construction superintendent and/or hammer operator. • During all observation periods, observers shall use binoculars and the naked eye to scan continuously for green sea turtles and marine mammals. As part of the monitoring process, the observers shall collect sightings data and behavioral responses to pile-removal and pile-driving from green sea turtles and marine mammals observed within 500 feet of the proposed project site of activity and shutdown zones during the period of construction. The observer shall complete a sighting form (paper or electronic) for each pile-driving day (see Attachment B of Appendix 3). The observer shall submit the completed forms to NMFS and the District within 60 days of the completion of the monitoring with a summary of observations.			
BIO-4: Prior to the commencement of construction activities, the loss of 4,480 square feet of open water associated with the proposed project shall be offset by implementing design modifications, such as incorporating translucent areas, to reduce shading and by deducting an amount from the District's shading credit program established pursuant to Board Policy 735 equivalent to that of the proposed project's final shading total (i.e., less any reductions achieved by design modifications) to the satisfaction of NMFS and USACE.	Applicant/ contractor	Prior to demolition and construction	Applicant shall conduct the required surveys and shall implement the mitigation plan, as appropriate. District shall maintain survey reports in project files.

Table MMRP-1 – Portside Pier Restaurant Redevelopment Project Mitigated Negative Declaration Draft Mitigation Monitoring and Reporting Program			
Mitigation Measure(s)	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedures
Hazards and Hazardous Materials			
HAZ-1: Airport Land Use Commission (ALUC) formal review and determination on the proposed project shall be obtained prior to initiation of project construction.	Applicant/ District	Prior to initiation of construction	Applicant shall obtain ALUC approval.
Transportation/Traffic (Parking)			
TRA-1 To reduce the impacts associated with temporary loss in parking during construction of the proposed project, the applicant and/or construction contractor will implement the following: • Prior to construction, the applicant or construction contractor will obtain written agreement from the Wyndham Hotel, or other parking facility with sufficient space, to guarantee parking for construction personnel through the duration of construction of the proposed project. • During initial site preparation, the construction contractor will post signage at the temporarily displaced parking spaces to direct visitors to nearby available parking.	Applicant/ contractor	Prior to construction	Applicant shall implement mitigation plan.
TRA-2: The applicant will implement the following parking management strategies to mitigate the projected parking deficiency: • Coordination - On-going daily coordination between the proposed project and ACE parking to identify which surrounding lots have available parking at different times of the day. • Wayfinding Signage – Provide changeable signage to direct patrons to the parking facilities (as identified by ACE on a weekly	Applicant/ contractor	Prior to operation	Applicant shall implement mitigation plan.

Table MMRP-1 – Portside Pier Restaurant Redevelopment Project Mitigated Negative Declaration Draft Mitigation Monitoring and Reporting Program			
Mitigation Measure(s)	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedures
basis) that have parking availability. • Transportation Network Companies – Coordination with companies (such as Lyft, Uber, etc.) to encourage patrons to utilize this mode of transportation as an alternative to driving their personal vehicle. • Valet Parking – Secure 974 parking spaces and provide a valet service in order to avoid overflow in the immediate surrounding parking areas. • Water Taxi – Coordination with a water taxi company to encourage patrons to utilize water taxis as an alternative to driving their personal vehicle. • Bike Racks – Provide bike racks on the project site to encourage employees/patrons to bike to the proposed project. • Bike Share Stations – Coordinate with companies like DECOBIKE to ensure a bike share station is maintained within walking distance (approximate 1,000 feet) to the proposed project. • Public Transit – On the applicant's website, promote and encourage employees and patrons to utilize alternative modes of transportation as an alternative to driving their personal vehicle. • Big Bay Shuttle – Participate in the District's on-going shuttle program. • Employee Off-Site Parking – Designate an off-site parking lot for employees and provide shuttle service between the off-site facility and the proposed project, such as:			

Table MMRP-1 – Portside Pier Restaurant Redevelopment Project Mitigated Negative Declaration Draft Mitigation Monitoring and Reporting Program			
Mitigation Measure(s)	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedures
o Wyndham Hotel: (+400 stalls) o Portman Hotel: (+400 stalls) o Navy Pier Lot: (+350 stalls) o 610 West Ash Street: (+410 stalls) o 410 West Ash Street (+510 stalls) o 1230 Columbia Street (+228 stalls)			

Reporting and documentation of implementation of the above mitigation measure shall be performed in accordance with District Administrative Policy No. 750. The project mitigation measures will be made a specific condition of the applicant's CDP for the project issued pursuant to District Administrative Procedure No. 760.

VI. FINDINGS

The project, with the incorporation of mitigation measures and monitoring program, will have no significant impact on the environment with respect to Biological Resources, Hazards and Hazardous Materials, and Transportation/Traffic (Parking) nor would the project otherwise have potentially significant adverse impacts to Aesthetics, Agricultural and Forest Resources, Air Quality, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources and Energy, Noise, Population and Housing, Public Services, Recreation, and Utilities and Service Systems.

VII. DOCUMENTATION

The attached Initial Study (see Attachment A) and additional appendices to the Initial Study document the reasons in support of the above findings.

VIII. RESULTS OF PUBLIC REVIEW OF DRAFT MITIGATED NEGATIVE DECLARATION

☐ No comments were received during the public review period.

☐ Comments were received, but did not address the proposed Mitigated Negative Declaration findings or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.

☐ Comments addressing the proposed findings of the Draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public review period. Responses to these comments follow, and the letters of comment are attached.

[TO BE UPDATED FOLLOWING PUBLIC REVIEW]

IX. CERTIFICATION

The Draft Mitigated Negative Declaration and supporting documents are on file with and may be reviewed during regular business hours in the Office of the District Clerk of the San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101. The District administration offices are open Monday through Thursday and every other Friday from 8:00 a.m. to 5:00 p.m.

Prepared by: Matthew Valerio, Dudek

Draft Report 8/1/16 — Shaun D. Sumner
Date — Shaun D. Sumner, Assistant Vice President, Real Estate Development

Final Report _____ — _____
Date — Shaun D. Sumner, Assistant Vice President, Real Estate Development

X. CITATIONS

National Oceanic and Atmospheric Administration (NOAA). 2012. Nautical Chart 18773. http://www.charts.noaa.gov/OnLineViewer/18773.shtml. Accessed March 2016.

Tierra Data, Inc. 2016. Portside Pier Project Biological Resources Technical Report.

Project Location

FIGURE 1
Regional Location

RECON

M:\JOBS5\8151\common_gis\fig1_NCS.mxd 4/28/2016 ccn

Image Source: USDA FSA (flown May 2014)

Project Boundary

RECON

M:\JOBS5\8151\common_gis\fig2_mnd.mxd 7/6/2016 ccn

FIGURE 2
Project Vicinity

Image source: SANDAG (flown November 2014)

Project Boundary

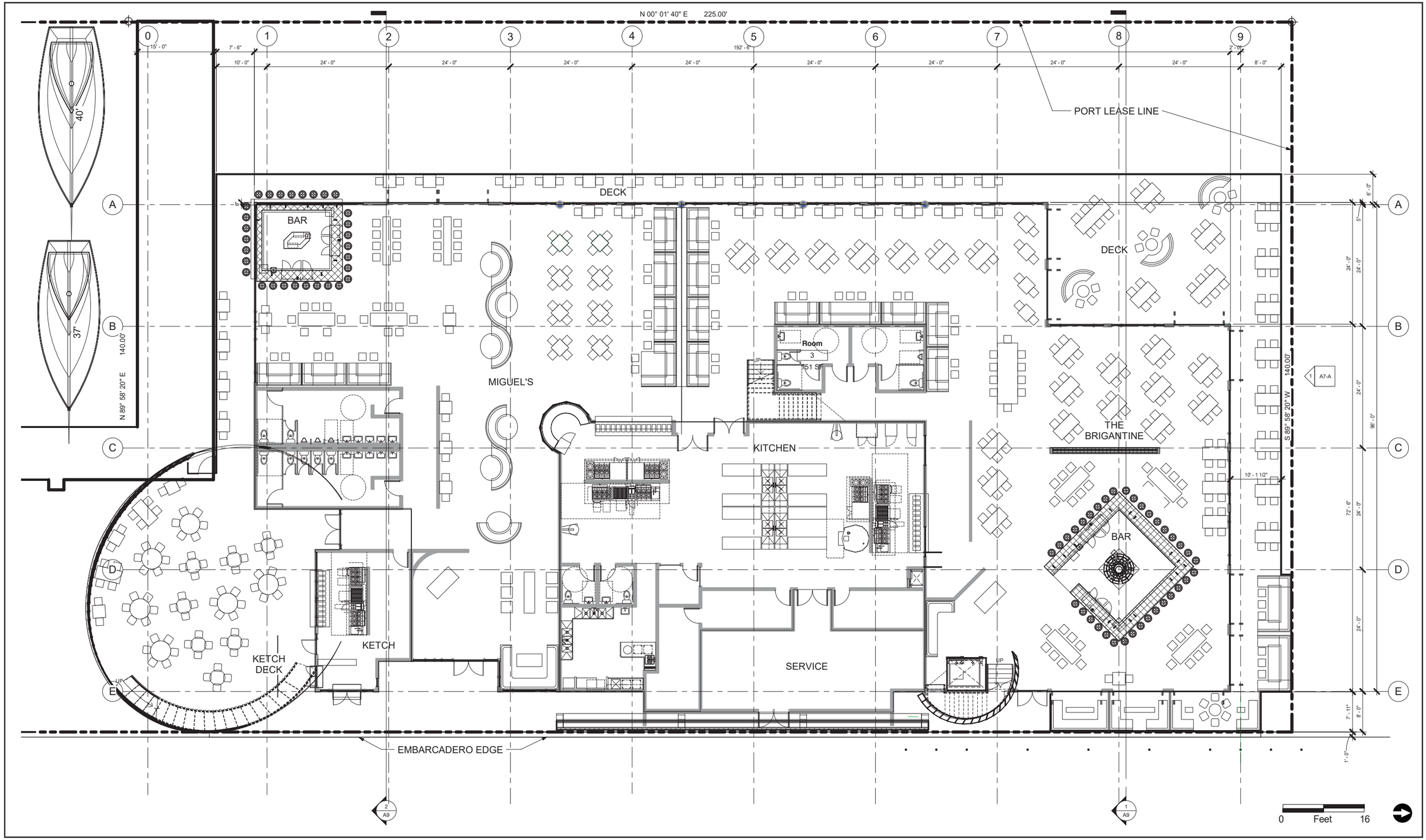
RECON

M:\JOBS5\8151\common_gis\fig3_mnd.mxd 7/25/2016 ccn

FIGURE 3

Project Site

Map Source: Tucker Sadler

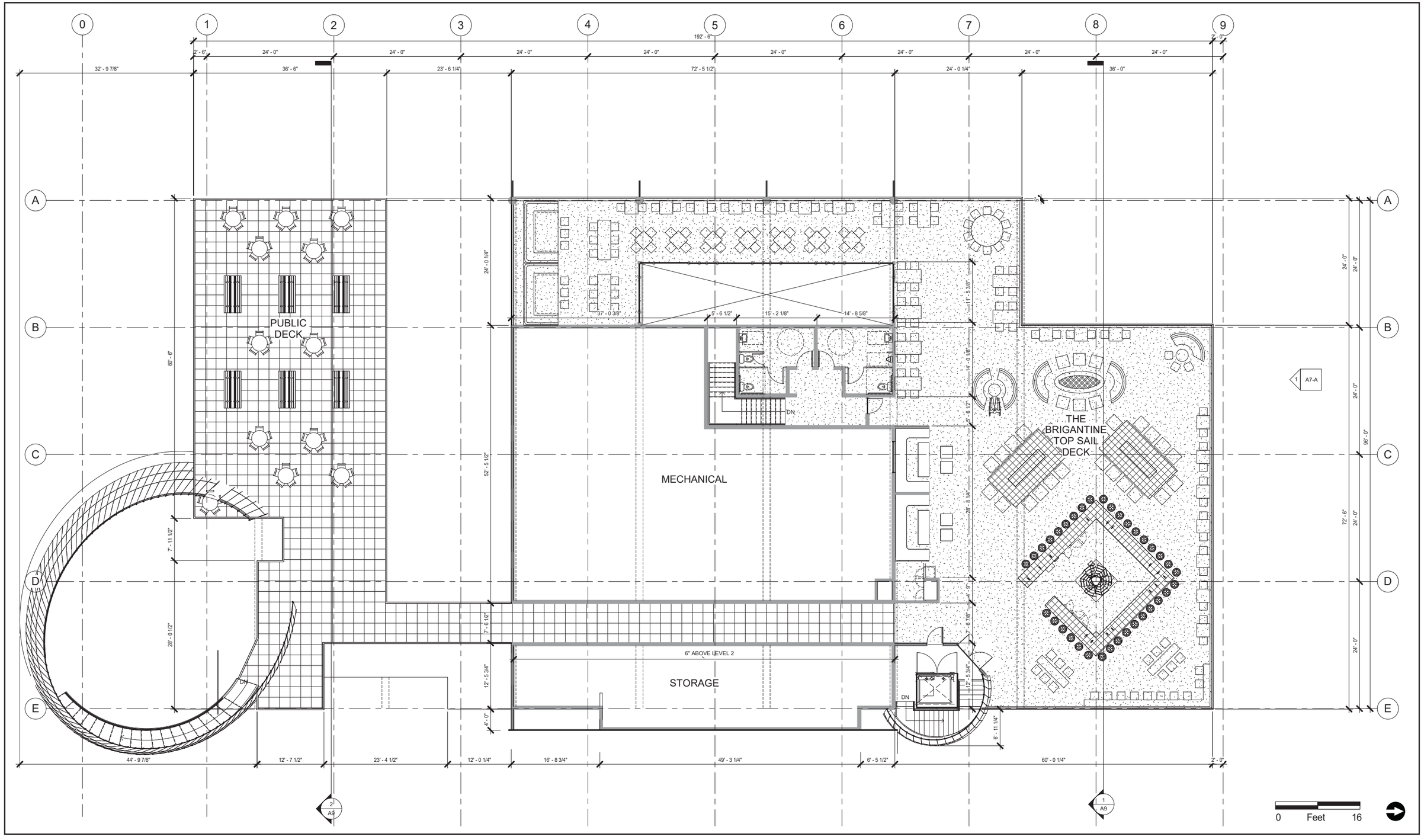


RECON

M:\JOBS5\8151\env\graphics\mnd\fig4a.ai 07/26/16 ccn

FIGURE 4a
Portside Pier Floor Plans (Ground Floor)

Map Source: Tucker Sadler

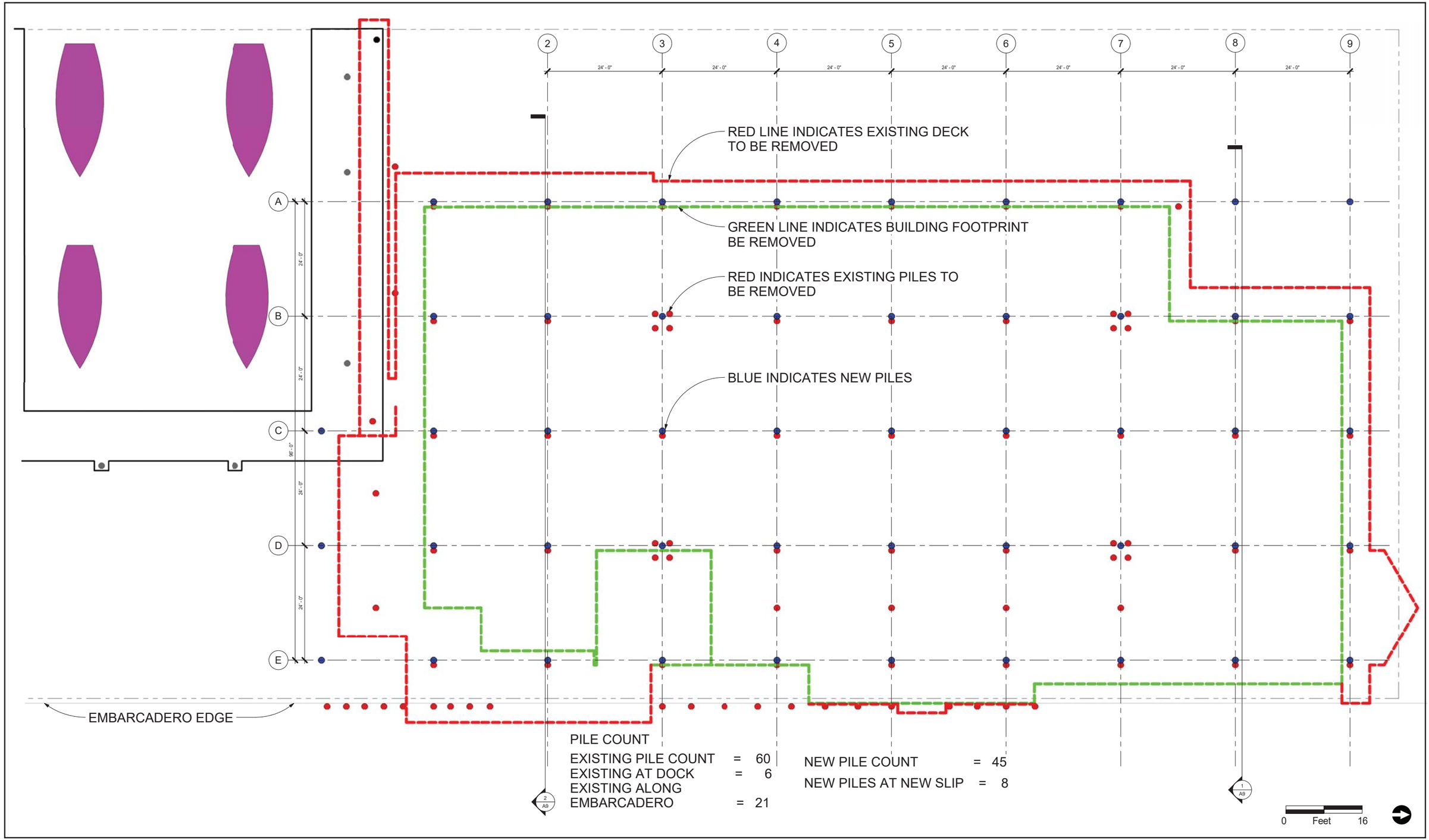


RECON

M:\JOBS5\8151\env\graphics\mnd\fig4b.ai 07/25/16 ccn

FIGURE 4b
Portside Pier Floor Plans (Second Floor)

Map Source: Tucker Sadler



RECON

M:\JOBS5\8151\env\graphics\mnd\fig4c.ai 07/26/16 ccn

FIGURE 4c
Existing and Proposed Piles

Map Source: Tucker Sadler

RECON

M:\JOBS5\8151\env\graphics\mnd\fig5a.ai 07/06/16 ccn

FIGURE 5a
Architectural Renderings: Perspective from Southwest (Water)

Map Source: Tucker Sadler

RECON

M:\JOBS5\8151\env\graphics\mnd\fig5b.ai 07/06/16 ccn

FIGURE 5b
Architectural Renderings: Perspective from Southeast (Elevated)

Map Source: Tucker Sadler

RECON

M:\JOBS5\8151\env\graphics\mnd\fig5c.ai 07/06/16 ccn

FIGURE 5c
Architectural Renderings: Perspective of Northern End (Elevated)

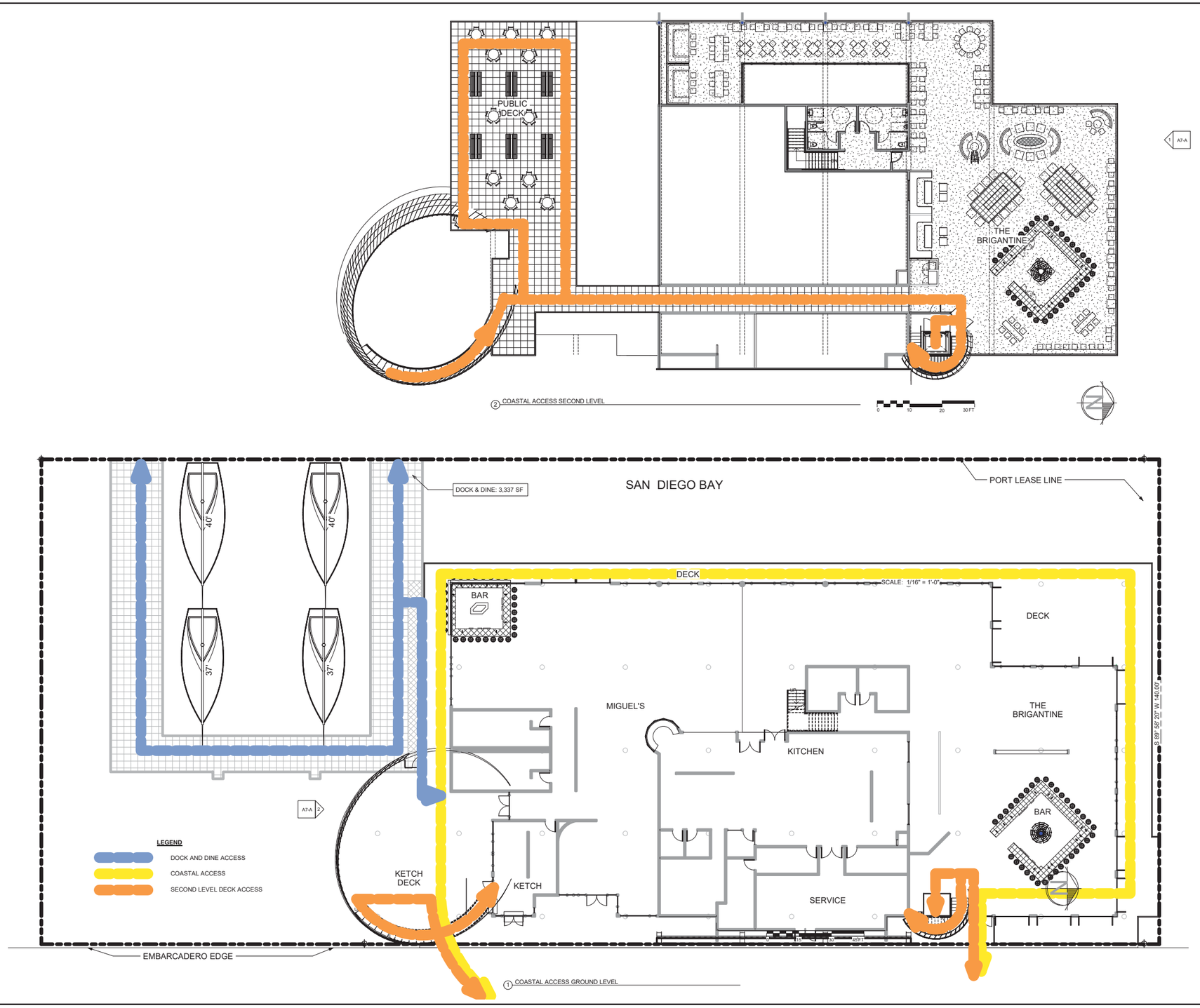
Map Source: Tucker Sadler

RECON

M:\JOBS5\8151\env\graphics\mnd\fig5d.ai 07/25/16 ccn

FIGURE 5d
Architectural Renderings: Perspective from Northeast Promenade (Nighttime)

Map Source: Tucker Sadler

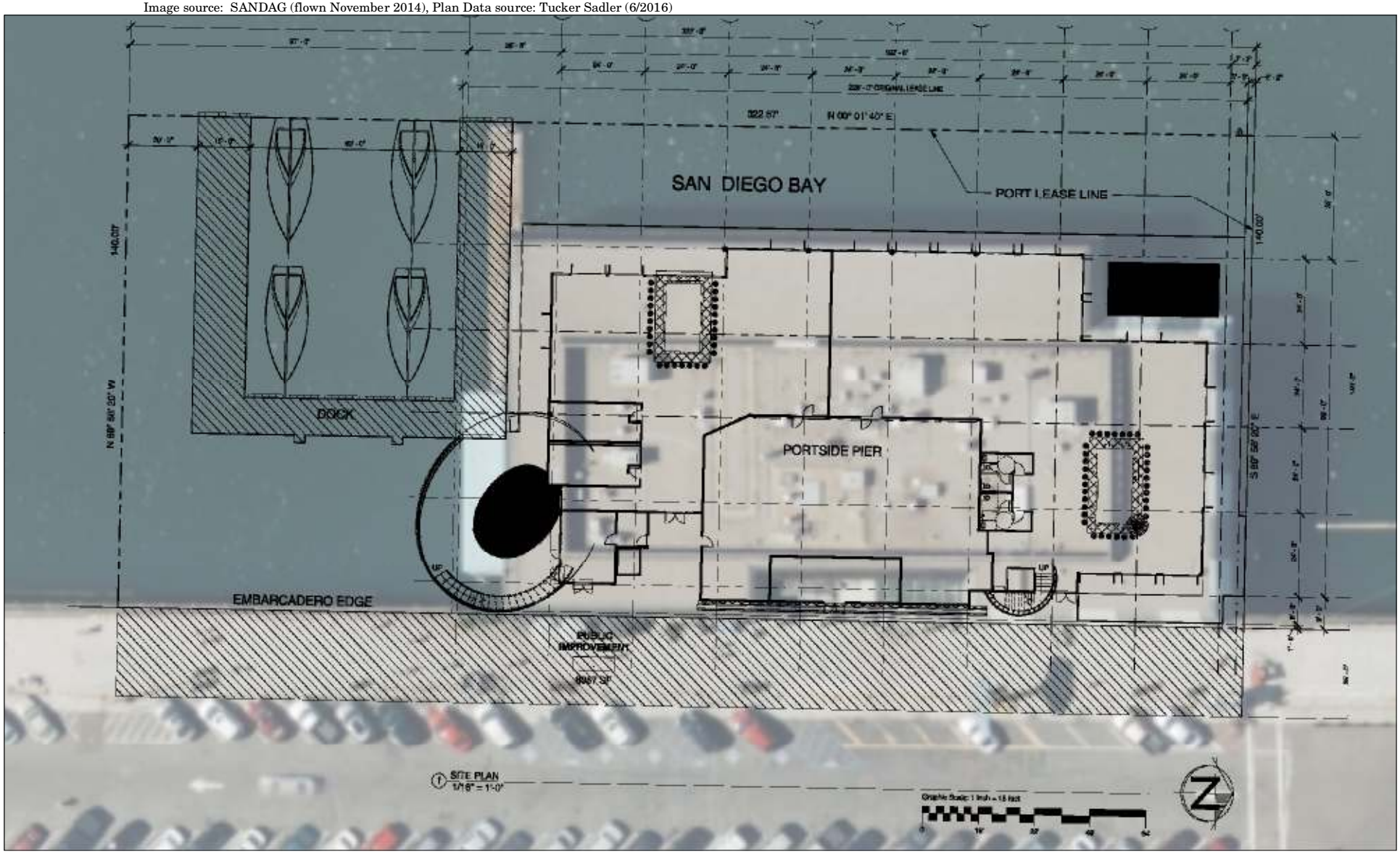


RECON

M:\JOBS5\8151\env\graphics\mnd\fig6.ai 07/26/16 ccn

FIGURE 6
Coastal Access Plans

Image source: SANDAG (flown November 2014), Plan Data source: Tucker Sadler (6/2016)



0 Feet 40

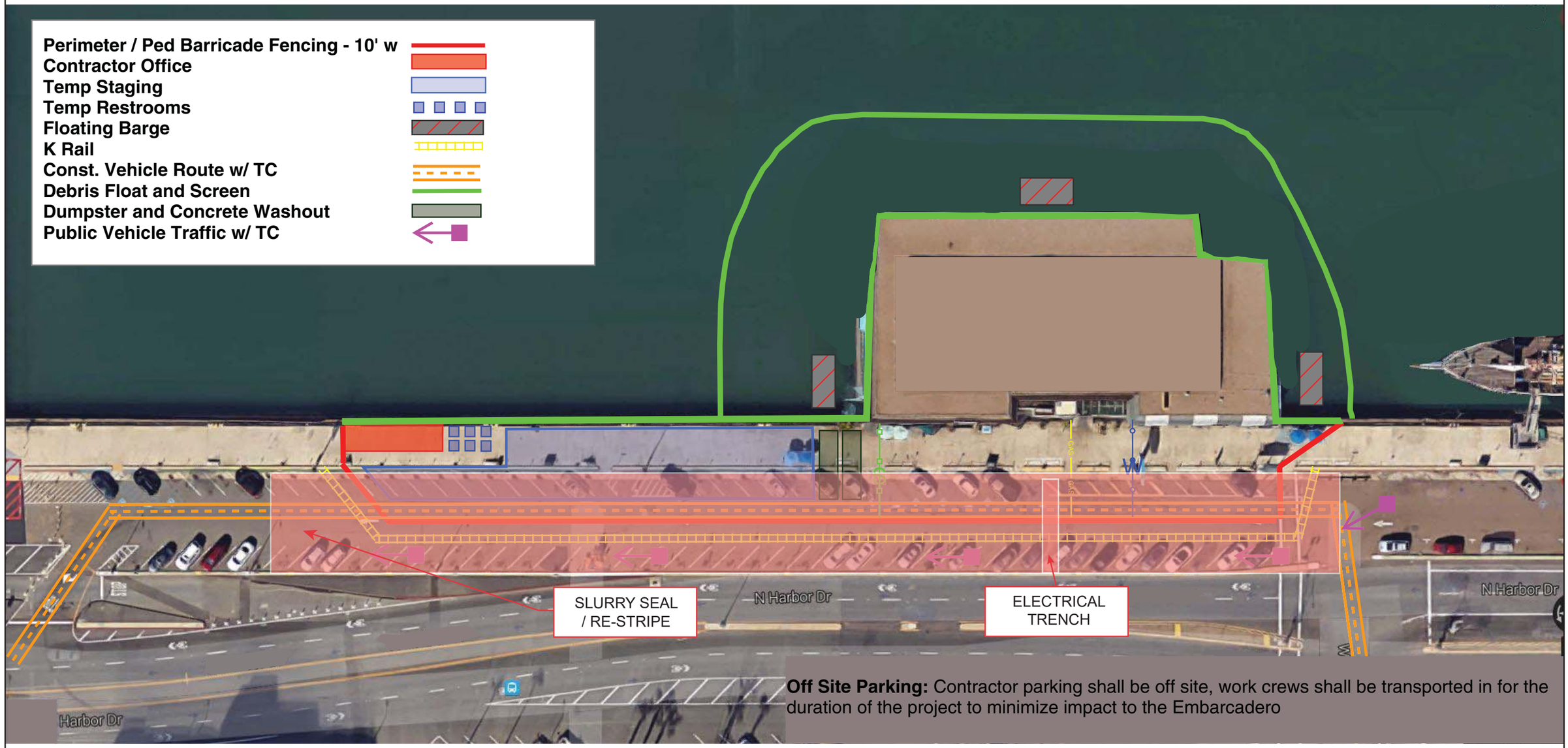
RECON

M:\JOBS5\8151\common_gis\fig7_mnd.mxd 7/8/2016 sab

FIGURE 7

Dock and Dine Layout

Map Source: San Diego Unified Port District



RECON

M:\JOBS5\8151\env\graphics\mnd\fig18.ai 07/18/16 ccn

FIGURE 8
Project Construction Area

Map Source: Fehr & Peers

FIGURE 9

Parking Facilities in the North Embarcadero and Adjacent Areas

RECON

M:\JOBS5\8151\env\graphics\mnd\fig9.ai 05/02/16 ccn

ATTACHMENT A
INITIAL STUDY

DRAFT INITIAL STUDY / CHECKLIST

PORTSIDE PIER
RESTAURANT REDEVELOPMENT PROJECT
SAN DIEGO, CA

Lead Agency:

San Diego Unified Port District
P.O. Box 120488
San Diego, CA 92112-0488

CEQA Consultant:

RECON Environmental, Inc.
1927 Fifth Avenue
San Diego, CA 92101

July 2016

DRAFT INITIAL STUDY / CHECKLIST

PORTSIDE PIER
RESTAURANT REDEVELOPMENT PROJECT
SAN DIEGO, CA

TABLE OF CONTENTS

Tables

Figures

Appendices (contained in Volume II Draft MND Technical Appendices [bound separately])

1: CalEEMod Output Files
2: CO Concentration Modeling
3: Biological Resources Technical Report
4: Historic Resource Evaluation Report
5: Geological Technical Report
6: Phase I Hazardous Materials Report
7a: Operational Noise Levels
7b: Sound Plan Pile Drive Noise Levels
8: Transportation Impact Assessment

San Diego Unified Port District
P.O. Box 120488
San Diego, CA 92112-0488
(UPD #MND-2016-91)

DRAFT INITIAL STUDY / CHECKLIST FOR PORTSIDE PIER RESTAURANT REDEVELOPMENT PROJECT SAN DIEGO, CA

1.	**Project Title:**	Portside Pier Restaurant Redevelopment Project
2.	**Lead Agency Name and Address:**	San Diego Unified Port District P.O. Box 120488 San Diego, CA 92112-0488
3.	**Contact Person and**	Matt Valerio, Dudek (SDUPD Consultant)
	Phone Number	760-479-4145
4.	**Project Location:**	1360 North Harbor Drive San Diego, CA 92101
5.	**Project Sponsor's Name and Address:**	The Brigantine, Inc. 7889 Ostrow Street San Diego, CA 92111-3602

6. Port Master Plan Designation: The project site is located within the North Embarcadero area of Planning District 3, Centre City Embarcadero, of the certified Port Master Plan (PMP). The project site is located in the Civic Zone subarea and designated for Commercial Recreation. The Commercial Recreation category includes hotels, restaurants, and convention centers, recreational vehicle parks, specialty shopping, pleasure craft marinas, and sport fishing. The water area is designated as Ship Anchorage.

7.	**Zoning:**	Not Applicable (see Port Master Plan Designation, above)
8.	**Description of Project:**	See Section II of the MND.
9.	**Surrounding Land Uses and Setting:**	See Section III of the MND.

10. Other Public Agencies Whose Approval is Required:

- U.S. Army Corps of Engineers – Section 10 of the Rivers and Harbors Act
- Regional Water Quality Control Board – Section 401 of the Clean Water Act Certification
- City of San Diego – Building Permit

Environmental Factors Potentially Affected

The environmental factors checked below would potentially be affected by this project (i.e., the project would involve at least one impact that is a "Potentially Significant Impact"), as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agricultural and Forestry	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials	☐ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic (Parking)	☐ Utilities/Service Systems	☐ Mandatory Findings of Significance

Determination

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have an impact on the environment that is "potentially significant" or "potentially significant unless mitigated" but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards and (2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

Shaun D. Sumner — AUGUST 1, 2016

Signature — Date

Shaun D. Sumner

Printed Name

I. INITIAL STUDY

A. Project Description

See Section II of the Mitigated Negative Declaration and Figures 1 through 9 for a detailed project description.

B. Compatibility with Zoning and Applicable Plans

Existing Land Use Designation

The project site is designated Commercial Recreation (Land) and Ship Anchorage (Water) in the certified Port Master Plan. Pursuant to Section 19 of the Port Act, zoning does not apply within the Port's jurisdiction. .

Adjacent Land Use Designations

The immediately adjacent land use designations are Park/Plaza to the west, Ship Anchorage to the west, Commercial Recreation to the north, and Terminal Berthing to the south. The North Embarcadero Promenade passes through the proposed project site and provides access. The San Diego Maritime Museum, including its collection of historic ships, is located within the Ship Anchorage area immediately to the north of the project site. The Wyndham Bayfront Hotel (Commercial Recreation land use designation) is located to the west and across North Harbor Drive from the proposed project.

Identification of Environmental Impacts

Based on the assessment presented in this Initial Study, the project would result in significant environmental impacts to biological resources, hazards and hazardous materials, and transportation/traffic (parking). Potentially significant environmental impacts would be reduced to a level below significance through implementation of the mitigation measure provided and detailed in this draft Initial Study and the draft Mitigated Negative Declaration.

Other Required Public Agency Approvals

U.S. Army Corps of Engineers – Section 10 of the Rivers and Harbors Act Permit
Regional Water Quality Control Board – Section 401 of the Clean Water Act Water Quality Certification
City of San Diego or San Diego Unified Port District – Building Permit

II. INITIAL STUDY / CHECKLIST

The following Initial Study checklist provides an evaluation of the project's potential for significant environmental impacts. This Initial Study has been prepared in accordance with relevant provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and the 2010 State CEQA Guidelines.

Section 15063(c) of the CEQA Guidelines indicates that the purposes of an Initial Study are to:

1. Provide the Lead Agency with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or Negative Declaration;

2. Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration;

3. Assist the preparation of an EIR, if one is required, by:
    a. Focusing the EIR on the effects determined to be significant;
    b. Identifying the effects determined not to be significant;
    c. Explaining the reasons why potentially significant effects would not be significant; and,
    d. Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.

4. Facilitate environmental assessment early in the design of a project.

5. Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;

6. Eliminate unnecessary EIRs; and

7. Determine whether a previously prepared EIR could be used with the project.

Evaluation of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone).

   A "No Impact" answer should be explained if it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off site as well as on site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less than Significant with Mitigation Incorporated" applies when the incorporation of mitigation measures has reduced an effect from a "Potentially Significant Impact" to a "Less-than-Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level. (Mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced.)

5. Earlier analyses may be used if, pursuant to tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration [Section 15063(c)(3)(D)]. In this case, a brief discussion should identify the following:

   (a) Earlier Analysis Used. Identify and state where earlier analyses are available for review.

   (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   (c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, when appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. The explanation of each issue should identify:

   (a) the significance criteria or threshold, if any, used to evaluate each question; and
   (b) the mitigation measure identified, if any, to reduce the impact to less than significant.

A. AESTHETICS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Explanation of Checklist:

The following discussion is based on a review of architectural renderings prepared of the proposed restaurant structure and included as Figures 5a – 5c, as well as site visits and views of the project site from the following six Key Observation Points (KOPs) as shown in on Figure 10: San Diego Maritime Museum's Ferry Boat Berkeley (KOP #1); the North Embarcadero Promenade in front of the San Diego Maritime Museum's Star of India (KOP #2); the gateway to the B Street Pier (KOP #3); the entrance to Ruth's Chris Steak House (KOP #4); the northeast corner of North Harbor Drive and Ash Street (KOP #5); and the Waterfront Park (KOP #6) as shown in Figures 11a – 11f.

a. Would the project have a substantial adverse effect on a scenic vista?

Less than Significant Impact. The proposed restaurant redevelopment would have a similar footprint and development envelope as the existing facility and would be up to approximately 7 feet higher in maximum elevation. The increases in structure size and height are not substantial and are reduced in appearance by the use of glass and variety of building form. While scenic vistas are available at many locations along the North Embarcadero, the closest designated vista point identified in the PMP is on the north side of the San Diego Maritime Museum while the project site is located south of the Maritime Museum and is separated by the museum from the vista point.

Views of San Diego Bay are considered a key component of the San Diego identity and attract residents and visitors alike. For that reason, the proposed project design incorporates the extensive use of clear glass panels to increase building transparency from the North Embarcadero Promenade through the building to the bay and beyond, as compared to the existing solid structure. This open architectural design is also intended to complement the ongoing redevelopment projects such as the Carnitas' Snack Shack and the Lane Field projects that are being undertaken as part of the North Embarcadero Visionary Plan (NEVP) Phase 1. Because the new structure would occupy the same

location as the existing structure and would be of similar footprint, bulk, and scale, and would open up views of the water through the building by the extensive use of large glass panels, as well as provide a public viewing deck, aesthetic impacts would not be substantial or adverse and would be less than significant. As can be seen in the architectural renderings in Figures 5a – 5c, when compared with the KOP photos of the existing conditions, there would not be a degradation in the existing visual environment. In addition, as previously discussed, views of the project from the closest designated scenic vista point are obstructed by the Maritime Museum; therefore, no substantial adverse effect on a scenic vista would occur.

Therefore, the potential impact to aesthetics associated with a scenic vista would be less than significant.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The project site is located on San Diego's 59-mile scenic drive, which passes by the project site on North Harbor Drive and crosses San Diego Bay on the San Diego – Coronado Bridge as State Route 75 (SR-75). However, the proposed project would not damage any scenic resources as there are no trees or rock outcrops on the project site and as it would replace an existing structure, which has been determined not to be historic (see response to question E.a), with a new structure designed to complement and enhance the scenic waterfront setting. As previously discussed, the aesthetics of the North Embarcadero Promenade and parking pavements would be enhanced and the extensive use of clear glass panels would open up views of the bay and beyond from North Harbor Drive as compared to the existing solid building. Additionally, views to the San Diego Bay would be provided on the proposed public viewing deck, which currently does not exist. Therefore, no impacts to scenic resources would result.

c. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

No Impact. The proposed restaurant redevelopment would replace an existing structure with a modern facility of increased size, although building design would have a similar bulk and scale to the existing facility and the proposed structure would be designed to complement the site and its surroundings on the waterfront. The proposed architecture would be compatible with the recently renovated and upgraded North Embarcadero Promenade and associated structures to the south, such as Caritas' Snack Shack and associated pavilion, as well as the recently completed Waterfront Park to the north. The proposed structure would also complement other ongoing improvements being carried out in conformance with the NEVP Phase 1, such as the Lane Field development. The extensive use of clear glass panels would also open up views of the bay and beyond from the North Embarcadero as compared to the existing solid building, and the creative use of colors and textures is also anticipated to attract visitors to the proposed public viewing deck on the second level. Therefore, the proposed project would represent an improvement to the existing visual character and quality of the site and its surroundings. There would be no adverse impacts to the visual character of the project site and its surroundings.

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. The proposed project design features extensive use of non-reflective glass and brushed metal trim that would be much more open than the current structure.

Therefore, light and glare would be increased relative to the light and glare produced by the traditionally built wood and glass existing facility. The project site would be more visible both during the day and night. This is intentional and is designed to be a positive project feature and would not be considered an adverse effect on day- or nighttime views in the area.

As discussed in Section II, Project Description, of the MND, backlit illuminated signage would be located both on the waterside- and promenade-facing frontages of the building and would consist of light-emitting diode (LED) lighting behind acrylic letters and logos to create an illuminated effect. The signs would display the names and/or logos for Miguel's Cocina, Ketch Grill & Taps, Brigantine Seafood and Oyster Bar, Portside Gelato & Coffee, and Portside Pier (see Figures 5a through 5d). The illuminated signage would range in size from 12 to 43 feet in length and from 3 feet 2 inches to 12 feet 11 inches in height. In addition, eight color LED panels would be installed along the North Embarcadero Promenade and along the upper deck on the waterside-facing frontage of the building to display upcoming events, menu specials, and other notifications. The LED panels would be computer operated with automatic dimming to adjust from day to night illumination. The "baskets" of the building, which would be constructed with glass panels, would also be illuminated at night with interior LED lighting (see Figure 5d). The glass panels of the baskets would be constructed of laminated frit glass with an anticipated 65 percent light transmission and an aluminum support system. In addition, blue LED tube light strips would be included on the promenade-facing frontage of the building to accent the faceted metal roofing of the main building (see Figure 5d). On the outdoor bar of the Brigantine's second floor, an internally illuminated sculptural centerpiece would be installed for artistic purposes (see Figures 5c and 5d).

The illumination used in the signage and other features would have a gentle illumination, or soft glow effect, and would not blink, flash, or direct bright light onto the surroundings and are not anticipated to have an adverse effect on surrounding aesthetics. While the proposed project would increase the amount of illumination at the proposed project site compared to the existing building, which does not include similar signage, all exterior lighting would comply with applicable lighting code. The City of San Diego outdoor lighting ordinance Ordinance Number 20186, Chapter 14, Section 142,0740 of San Diego Municipal Code) requires outdoor lighting fixtures to be installed in a manner that minimizes light pollution. The proposed project would comply with this requirement, as it would not direct light outside the proposed project site or otherwise illuminate the surrounding uses. Shields and flat lenses are also required by the City of San Diego's outdoor lighting ordinance on outdoor lighting to control and direct light; however, outdoor illuminated signs are exempt from this requirement. Illuminated on-premises signs for businesses are also allowed to remain lighted past 11:00 P.M., if business operating hours extend past that time.

Both interior and exterior lighting would be designed and operated to enhance the visual character of the building and site, much like the adjacent Star of India, County Administration Building, and Wyndham Bayfront Hotel, which are illuminated at night. The illuminated features of the proposed project are intended to accent the architecture of the building and provide a gentle illumination of exterior areas of the building, as well as provide wayfinding signage at key entry points. This illumination would not create a substantial source of light that would adversely affect the further surrounding area. Additionally, glass utilized in the building façade would be treated with an anti-reflective coating to reduce glare consistent with current Title 24 requirements. Therefore, the proposed project would not create a substantial light or glare that would adversely affect day- or nighttime views in the area, and impacts would be less than significant.

Required Mitigation Measures

The project would not result in significant impacts associated with aesthetics; thus, mitigation measures are not required.

B. AGRICULTURE AND FORESTRY RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g])?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Explanation of Checklist:

The following discussion is based on a site visit and a review of maps prepared by the California Resources Agency Farmland Mapping and Monitoring Program.

a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?

No Impact. The project site is located on pilings over San Diego Bay in an existing urbanized area with no agricultural or forest resources within the vicinity. According to the San Diego County Important Farmland Map (California Department of Conservation 2015) the project site is mapped

as being in San Diego Bay, immediately adjacent to Urban and Built Up Land. The project site is not zoned for agricultural or forestry purposes and there are not any Williamson Act Contracts associated with the site or vicinity. Therefore, the project would not convert Important Farmland, conflict with agricultural zoning, or otherwise cause the conversion of farmland or forest land to non-agricultural/non-forest use, and the District has determined that there would be no impacts to agricultural resources.

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. No agricultural resources or operations exist within the project limits or adjacent areas. The project site is not zoned for agricultural use. No Williamson Act contracts apply to the project site. Therefore, no impact would occur as a result of the project conflicting with existing agricultural zoning or a Williamson Act contract.

c. Conflict with existing zoning for, or cause rezone of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The project site is not zoned for forestland, timberland, or zoned Timberland Protection. There is no timberland present on or adjacent to the project site. Therefore, no impact to forest land or timberland could occur.

d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. No forest land or timberland resources exist on or adjacent to the project site, which is located on an urban waterfront. Therefore, no impact would occur.

e. Would the project involve other changes in the existing environment that due to their location or nature could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

No Impact. No agricultural, forestland, or timberland resources exist on or adjacent to the project site. Therefore, no impact would occur.

Required Mitigation Measures

The project would not result in significant impacts associated with agricultural or forest resources; thus, mitigation measures are not required.

C. AIR QUALITY

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Explanation of Checklist:

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

No Impact. In San Diego County, the San Diego Air Pollution Control District (SDAPCD) is the agency responsible for protecting the public health and welfare through the administration of federal and state air quality laws and policies. The SDAPCD is responsible for the reduction of emissions from stationary sources in the San Diego Air Basin (SDAB), while the California Air Resources Board (CARB) is responsible for regulating mobile source emissions (e.g., vehicles) in the basin. SDAPCD's tasks also include the monitoring of air pollution, the preparation and implementation of the San Diego County portion of the State Implementation Plan (SIP), and the promulgation of Rules and Regulations.

The SIP includes strategies and tactics to be used to attain and maintain acceptable air quality in the County; this list of strategies is called the Regional Air Quality Strategy (RAQS). The SDAPCD Rules and Regulations include procedures and requirements to control the emission of pollutants and prevent significant adverse impacts. The RAQS and Regulations outline plans and control measures

designed to bring the basin into attainment with all National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) (CARB 2015a, 2016a).

The SDAB is currently designated a marginal non-attainment area for the 2008 8-hour ozone (O_3) NAAQS, and was recently redesignated as a maintenance area for the 1997 ozone NAAQS, as approved by the United States Environmental Protection Agency (USEPA) on June 4, 2013 (78 Federal Register Page 33230 (available at http://www.gpo.gov/fdsys/pkg/FR-2013-06-04/html/2013-13064.htm)). SDAB is also considered a federal carbon monoxide (CO) maintenance area (moderate). The basin is designated a federal attainment or unclassified area for all other pollutants. Under state standards, the SDAB is designated a nonattainment area for ozone, particulate matter with an aerodynamic diameter of less than 10 microns (PM_{10}), and particulate matter with an aerodynamic diameter of less than 2.5 microns ($PM_{2.5}$) based on the CAAQS, and is designated attainment or unclassified for all other air pollutants.

Consistency with the RAQS is typically determined by two standards. The first standard is whether a project would exceed assumptions contained in the RAQS. The second standard is whether a project would increase the frequency or severity of existing air quality violations, contribute to new violations, or delay the timely attainment of air quality standards or interim reductions as specified in the RAQS.

The RAQS is developed by the SDAPCD and relies on growth projections from the San Diego Association of Governments (SANDAG), which is used to project future emissions. The SDAPCD then uses this information to determine strategies necessary for the reduction of emissions through regulatory controls to meet the NAAQS and CAAQS. The SANDAG growth projections are based on population, vehicle use trends, and land use plans developed by the cities and the county as part of the development of local general plans or in the case of the Port, the Port Master Plan. As such, projects that propose development that is consistent with the growth anticipated by the relevant land use plans that were used in the formulation of the RAQS and SIP would be consistent with the RAQS and SIP. The PMP is the governing land use document for physical development under the jurisdiction of the District (San Diego Unified Port District and Port Act Section 19 (2015)). Therefore, projects that proposed development consistent with the growth anticipated by the current PMP are considered consistent with the RAQS and SIP.

The proposed project is within the Civic Zone subarea of Planning District 3, Centre City Precise Plan Area, of the PMP. The PMP land use designation for the project site is Commercial Recreation (Land) and Ship Anchorage (Water). The proposed project would be consistent with the existing land use designations because operation of the proposed project would continue to support a restaurant, similar to what exists today, a dock and dine facility and a public viewing deck. The proposed restaurant would be larger than the existing restaurant and as a result would require 30 more permanent employees. Based on the type of jobs created, it is reasonable to assume that these would be filled by the local labor force rather than require relocation of workers from outside the region. The project would not create housing or increase the local population. Redevelopment of the restaurant would result in a slight increase in emissions [refer to C.b below], however, these emissions would be less than SDAPCD thresholds. Additionally, unlike the existing facility, the project would incorporate a number of sustainability project features (refer to G.b) and would be consistent with the U.S. Green Building Council (USGBC) certification under the Leadership in Energy and Environmental Design (LEED) construction program. Because the project would be consistent with the land use designation for the project site and would not increase the local population, the project would be consistent with the growth anticipated by SANDAG and the PMP,

as well as the emissions estimates developed by SDAPCD as part of the RAQS. Therefore, the project would not conflict with or obstruct implementation of the RAQS, and no impact would occur.

b. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant Impact. Air pollutant emissions resulting from implementation of the project would be primarily due to construction and traffic associated with daily operation of the project.

Construction-related pollutants result from dust raised during demolition and emissions from construction equipment and vehicles. Demolition work would primarily occur from two barges. One barge would hold a crane and other demolition equipment and the other would be used to haul the debris to the Tenth Avenue Marine Terminal for unloading and transport to a recycling center or landfill. It is anticipated that demolition of the existing structure and deck, and removal of the existing piles would take 3–4 months. Project construction would take approximately one year, and the work would be accomplished from the waterside using a barge and from the landside via a staging area on the North Embarcadero. Piles would be driven first (1–2 months) followed by construction of the platform deck/surface and improvements to the North Embarcadero Promenade[1] to reconstruct it to its previous condition (1–2 months) and, once complete, the construction of the building upon the deck would commence along with the dock (6–8 months).

Operational emissions include mobile source emissions originating from land and water traffic generated by the project and area source emissions resulting from activities such as the use of consumer products, which are solvents used in non-industrial applications that emit volatile organic compounds (VOCs) during their use (e.g., paint, cleaning supplies, kitchen aerosols, cosmetics, toiletries, etc.). The project would generate 1,123 daily trips. An average regional trip length of 5.8 miles[2] was modeled based on average trip length in the County (SANDAG 2014). Patrons using the dock and dine would arrive in recreational boats. Emissions estimates for the recreational boats are based on an increase of 12 vessels a day over current operations. To be conservative, the modeling origination point was set at the furthest marina, Chula Vista, from the project site at a distance of approximately 8.8 miles. Therefore, a round trip is estimated to be 17.6 miles per boat.

Emissions due to construction and operation of the project were calculated using California Emissions Estimator Model (CalEEMod). Because the District has not adopted its own thresholds, it uses the SDACPD air quality impact analysis trigger levels for determining whether additional analysis is required and potential impacts would occur, which are shown in Table AIR 1, below. The SDAPCD does not provide specific numeric thresholds for determining the significance of air quality impacts under CEQA. However, the SDAPCD does specify Air Quality Impact Analysis trigger levels for new or modified stationary sources (SDAPCD Rules 20.1 through 20.3). For comparative purposes, these levels are used to evaluate the significance of emissions due to the project. SDAPCD Rules 20.1 through 20.3 do not specify maximum daily thresholds for reactive organic gas (ROG).

[1] While the improvements to the North Embarcadero Promenade would be constructed concurrent with construction of the building, the daily emissions were calculated as if the promenade construction would overlap the most intense phase of construction on the restaurant to present a worst-case scenario.

[2] Note that this is a conservative estimate compared to the EMFAC2014 model, which estimates that the current 2016 trip length is 5.6 miles for San Diego.

Therefore, the threshold for ROG is based on Rule 20.1 that includes annual limits for nitrogen oxides (NO_X) and ROG as ozone precursors, which equates ROG and NO_X emissions and applies the same limitation on ROG and NO_X emissions (SDAPCD 2016).

Construction and operations emissions are summarized in Tables AIR-1 and AIR-2, respectively. Detailed modeling files are contained in Appendix 1.

Table AIR-1. Construction Emissions (pounds per day)

Phase	ROG	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Demolition of Existing Structure, Deck, and Piles	3	37	20	0	2	1
Installation of New Piles	5	45	38	0	4	2
Construction of New Deck	5	45	38	0	4	2
Construction of Restaurant	5	45	38	0	4	2
Architectural Coatings	16	2	2	0	0	0
Maximum Daily Construction Emissions	**16**	**45**	**38**	**0**	**4**	**2**
Significance Threshold	*250*	*250*	*550*	*250*	*100*	*67*

ROG = reactive organic gas; NO_x = nitrogen oxide ; CO = carbon monoxide; SO_x = sulfur oxide ; PM_{10} = particulate matter less than 10 microns ; $PM_{2.5}$ = particulate matter less than 2.5 microns.

Table AIR-2. Operations Emissions (pounds per day)

	ROG	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Area Sources	1	0	0	0	0	0
Energy Sources	0	2	1	0	0	0
Mobile Sources	3	3	19	0	2	1
Recreational Boats	1	4	0	0	0	0
Total Daily Operational Emissions[1]	**45**	**59**	**21**	**0**	**2**	**1**
Significance Threshold	*250*	*250*	*550*	*250*	*100*	*67*

ROG = reactive organic gas; NO_x = nitrogen oxide ; CO = carbon monoxide; SO_x = sulfur oxide ; PM_{10} = particulate matter less than 10 microns ; $PM_{2.5}$ = particulate matter less than 2.5 microns.
[1] Totals may vary due to independent rounding.

As shown, construction and operational emissions would be less than the applicable screening thresholds for all criteria pollutants. Impacts would be less than significant.

c. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a non-attainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

Less Than Significant Impact. The SDAB is classified as an attainment area for all criterion pollutants except ozone, PM_{10}, and $PM_{2.5}$. Ozone is not emitted directly but is a result of atmospheric activity on precursors. NO_X and ROG are known as the chief "precursors" of ozone. These compounds react in the presence of sunlight to produce ozone.

As shown in Tables AIR-1 and AIR-2 in Section C.b, emissions of ozone precursors (ROG and NO_X), PM_{10}, and $PM_{2.5}$ from construction and operation would be below the applicable thresholds. Therefore, the project would not generate emissions in quantities that would result in an exceedance of the NAAQS or CAAQS for ozone, PM_{10}, or $PM_{2.5}$, and impacts would be less than significant. A complete list of the NAAQS and CAAQS can be found on the CARB's website, at http://www.arb.ca.gov/ch/handbook.pdf (CARB 2005).

An EIR was prepared for Tenth Avenue Marine Terminal Redevelopment Plan. The EIR includes a discussion of the potential for the Demolition and Initial Rail Component and full Tenth Avenue Marine Terminal Redevelopment Plan buildout to contribute to a cumulative adverse impact on the environment. It was concluded that the Demolition and Initial Rail Component's incremental contribution to cumulative impacts related to air quality and health risk would not be cumulatively considerable. However, at buildout of the Tenth Avenue Marine Terminal, the incremental contribution to cumulative impacts related to air quality and health risk would be cumulatively considerable because, even with incorporation of mitigation, program-level air emissions would remain above the project-level thresholds and there is insufficient information to determine if individual projects within the Tenth Avenue Marine Terminal would exceed the project-level thresholds. As construction and operation of the project would contribute to the cumulative condition in the project area, project emissions would be part of the cumulative impact on air quality. Although the effects from past, present, and reasonably foreseeable future projects, including the Tenth Avenue Marine Terminal Redevelopment Plan, are considered cumulatively significant, as project-related criteria pollutant emissions would be below applicable project-level thresholds for all pollutants and the project would not conflict with the RAQS, the project's incremental contribution from construction and operation emissions would result in a less than cumulatively considerable impact on air quality.

In addition, the project, and other projects in the air basin, would be required to comply with SDAPCD rules and regulations. Specific rules applicable to the project and other construction sites in the air basin include the following: Rule 50 (Visible Emissions), Rule 51 (nuisance), Rule 52 (particulate matter), Rule 55 (Fugitive Dust Control), and Rule 67 (architectural coatings), all of which will be adhered to as required by the SDAPCD. Compliance with these standards would ensure that cumulative impacts would be less than significant.

With compliance with applicable regulations discussed above, which is required pursuant to the law, the project would not cause or result in a cumulatively considerable net increase of any criterion pollutant or increase the frequency or severity of any existing nonattainment status. As a result, the project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation, and project impacts would be less than significant.

d. Would the project expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. Land uses in the area include maritime, commercial, civic and recreation to the north, northeast, east, southeast, and south. These include the San Diego Maritime Museum, the County of San Diego Administration Building and Waterfront Park, the Wyndham San Diego Bayside Hotel, Ruth's Chris Steak House, and the B Street Cruise Ship Terminal. Construction of the project site could generate fugitive dust emissions from demolition and the use of equipment. However, these emissions are temporary and less than the thresholds of significance for all criteria pollutants, and would not generate an ongoing, substantial source of emissions that could adversely affect surrounding sensitive receptors. Additionally, the project would be required to comply with SDAPCD rules and regulations.

Locally, toxic air pollutants are regulated through the SDAPCD's Regulation XII. Of particular concern statewide, are diesel-exhaust particulate matter (DPM) emissions. Following the identification of DPM as a toxic air contaminant in 1998, CARB has worked on developing strategies and regulations aimed at reducing the risk from DPM.

Construction of the project and associated infrastructure would result in short-term diesel exhaust emissions from on-site heavy-duty equipment. Generation of diesel particulate matter (DPM) from construction projects typically occurs in a single area for a short period. Construction of the proposed project would occur over a one-year period and would cease when construction is completed. The dose to which the receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the extent of exposure that person has with the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the Maximally Exposed Individual (MEI). The risks estimated for a MEI are higher if a fixed exposure occurs over a longer period of time. According to the Office of Environmental Health Hazard Assessment (OEHHA), health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 30-year exposure period for residents and 25 years for workers; however, such assessments should be limited to the period/duration of activities associated with the project (OEHHA 2015). Thus, if the duration of proposed construction activities near any sensitive receptor were 1 year, the exposure would be approximately 3 percent of the total exposure period used for health risk calculation. The SDAPCD states that emissions that result in exposure to toxic air contaminants resulting in a maximum incremental cancer risk greater than 1 in 1 million without application of best available control technology (BACT, or 10 in 1 million with BACT, for toxics or a health hazard index greater than 1 would be considered as having an unacceptable risk.

A quantitative assessment of health risk associated with construction of the proposed project was made using the AERScreen model as an area source. The following conservative assumptions were made for the analysis:

- The on-site DPM emissions would occur over a one-year period. Based on construction emission estimates, the project would emit PM_{10} exhaust emission rate would be 1.74 pounds per day.
- An exposure frequency of 305 days per year was assumed. This is equivalent to a 6-day workweek and is conservative compared to a normal 5-day workweek.
- An exposure duration of 12 months was assumed, which is equivalent to the length of the construction period.

The results of the analysis are as follows:

- Maximum 1-hour PM_{10} exhaust concentration at the maximally exposed point of impact (MPI) = 100.4 micrograms per cubic meter (µg/ m^3)
- Annual average PM_{10} concentration at the maximally point of impact = 0.20 µg/m^3
- Maximum Residential Cancer Risk = $5.4x10^{-4}$ in 1 million
- Residential Hazard Index = $2.41x10^{-6}$
- Maximum Worker Cancer Risk = $1.85x10^{-4}$ in 1 million
- Worker Hazard Index = $6.02x10^{-7}$

The cancer risk would be less than the criterion of 1 in 10 million and the hazard index would be less than the criterion of 1. Therefore, the project would not expose people residing or working in the area to unacceptable cancer or health risks. No mitigation would be required. Additionally, with ongoing implementation of USEPA and CARB requirements for cleaner fuels; diesel engine retrofits; and new, low-emission diesel engine types, the DPM emissions of individual equipment would be substantially reduced over the years as the project construction continues.

The overall strategy for achieving these reductions is found in the *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles* (CARB 2000). A stated goal of the plan is to reduce the statewide cancer risk arising from exposure to DPM by 85 percent by 2020. In April 2005, CARB published the *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB 2005). As reflected in the CARB Handbook, there is currently no adopted standard for the significance of health effects from mobile sources. Therefore, the CARB has provided guidelines for the siting of land uses near major emission sources, such as ports, rail yards, and heavily traveled roadways. Of pertinence to this study, the CARB guidelines indicate that siting new sensitive land uses within 500 feet of a freeway or urban roads with 100,000 or more vehicles per day, within 1,000 feet of rail yards, or near ports should be avoided when possible. However, the project does not propose any sensitive receptors and the project is not a source of substantial toxic air contaminants. Therefore, the project operation would not expose sensitive receptors to substantial concentrations of DPM.

Small-scale, localized concentrations of carbon monoxide (CO) above the state and national standards have the potential to occur predominately near congested intersections. Appropriate procedures and guidelines to determine whether a project poses the potential for a CO hotspot are contained in *Transportation Project-Level Carbon Monoxide Protocol* (CO Protocol) (U.C. Davis Institute of Transportation Studies 1997). According to the CO Protocol, projects that increase the percentage of vehicles in cold start modes by 2 percent or more significantly increase traffic volumes over existing volumes, or worsen traffic flow have the potential to result in CO hotspots. Worsening traffic flow is defined for signalized intersections as increasing average delay at intersections operating at level of service (LOS) E or F or causing an intersection that would operate at LOS D or better without the project, to operate at LOS E or F with the project.

Intersection LOS projections were developed in the Traffic Impact Analysis (Chen Ryan 2016). The intersection of Harbor Drive and Grape Street would operate at LOS E and peak hour intersection volumes would reach up to 4,670 vehicles per hour. All other proximate intersections would operate at LOS D or better. It was calculated that maximum future 1-hour and 8-hour CO concentrations at the intersection of Harbor Drive and Grape Street would be 6.6 and 4.6 parts per million (ppm), respectively. For full modeling output, see Appendix 2. Modeled 1-hour CO concentrations are less than the federal standard of 35 ppm and less than the state standard of 20

ppm. Modeled 8-hour concentrations are less than the federal standard of 9 ppm and the state standard of 9.0 ppm. Therefore, the project would not result in substantial CO concentrations that would expose sensitive receptors to substantial pollutant concentrations and localized air quality, and impacts from CO would be less than significant.

e. Would the project create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. The project would involve the use of diesel-powered construction equipment. Diesel exhaust may be noticeable temporarily at adjacent properties; however, construction activities would be temporary and diesel-powered vessels are common on San Diego Bay. The project does not include heavy industrial or agricultural uses that are typically associated with objectionable odors. Restaurants can produce noticeable odors through the preparation of food. However, odors associated with the project would be similar to the existing use and similar to the land uses in the area, and the surrounding land uses are not considered sensitive to odors. Additionally, restaurant kitchens are required to install ventilation systems that would decrease odor impacts. Therefore, odors from the project would be less than significant.

Required Mitigation Measures

The project would not result in significant impacts associated with air quality; thus, mitigation measures are not required.

D. BIOLOGICAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS?	☐	☐	☒	☐
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	☐	☐	☐	☒
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

Explanation of Checklist:

The following discussion is based on a Biological Resources Technical Report prepared for the proposed project by Tierra Data, Inc. (TDI) and included as Appendix 3.

a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (now California Department of Fish and Wildlife) or U.S. Fish and Wildlife Service?

Less Than Significant With Mitigation Incorporated. The project site and surrounding land is currently developed and does not contain natural terrestrial habitat. No vegetation communities considered sensitive by the USFWS, CDFW, the regional conservation plans, or local ordinances occur at the site. No federal or state-listed terrestrial plant or animal species were observed within the proposed project site or in the vicinity, and none are expected to occur in this developed, highly disturbed setting. Therefore, the proposed project could not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

No plant species considered rare by the state, i.e., California Rare Plant Rank (CRPR) List 1, 2, 3 or 4 species, were observed and none are expected to occur. The proposed project site consists of a building over Deep Bay with no native terrestrial vegetation. Marine algal and invertebrate animal species are present on the pilings supporting the existing restaurant, but no sensitive plant species were observed at or near the project site during the survey conducted for the Biological Resources Technical Report (Appendix 3).

One sensitive animal species, California brown pelican (*Pelecanus occidentalis californicus*), was detected flying near the project site. This species was at one time listed under the federal and California Endangered Species acts (ESAs) but was delisted in 2009. It remains Fully Protected under the California Fish and Game (CFG) Code. The species is a resident of southern California's coast, breeding on Santa Barbara and Anacapa islands. It is often seen flying along the shoreline individually or in groups. They hunt by diving spectacularly into the water to grab fish. Some individuals have become habituated to humans and persist around docks and piers scrounging scraps from sport and commercial fishermen. The individual detected was seen flying over the project area "passing through," from a north to south direction, with no evidence of foraging behavior.

Boat and barge activity and pile-removal and pile-driving activities would result in potential localized pressure waves and increases in turbidity that could result in the temporary emigration of prey fish species from the project vicinity. In addition, underwater noise from construction could affect fish behavior and California least tern *(Sternula antillarum browni*), a federally and state-listed endangered species, foraging. While no net change in prey abundance would result, temporary changes in distribution of prey fish caused by the construction activities would likely occur. The species is known to forage within 2 miles and up to 5 miles of its colony (Appendix 3). Two known California least tern colonies are located near the proposed project site; one approximately 0.75 mile from the proposed project (San Diego International Airport), and one approximately 2 miles from the proposed project (Naval Air Station North Island). Because turbidity during construction could reduce foraging success rate, a significant impact to California

least terns would result. However, mitigation measures BIO-1 and BIO-2 are proposed to reduce potential impacts to the California least tern and other sensitive foraging species to less than significant through the use of a turbidity curtain and biological monitoring during pile-removal and pile-driving activities.

Underwater sound levels resulting from pile removal and installation could have adverse direct or indirect effects on special status marine species. California sea lions (*Zalophus californianus*) and California coastal bottlenose dolphins (*Tursiops truncatus*) are the only marine mammals species expected to occur within the proposed project area and both are protected by the Marine Mammals Protection Act. California sea lions are most commonly seen hauled out on the bait dock near the mouth of the bay and on buoys in the North Bay. California coastal bottlenose dolphins occur throughout the bay and move opportunistically to forage for preferred prey. Green sea turtles (*Chelonia mydas*) are not expected to occur in the proposed project area, given the lack of forage habitat; however, green sea turtles have been known to occur in the San Diego Bay and are listed under the federal ESA.

Potential impacts to these marine mammals from physical contact with construction activities (pile-driving equipment, barge movements, etc.), though unlikely, are possible and would be significant if they occurred. Although increases in sound pressure levels generated from pile-driving activities would be short term and localized, they are anticipated to result in a significant impact to marine species, including fish, green sea turtles, and marine mammals. However, BIO-3 would require a biological monitor with the authority to stop construction to be present prior to the start of and during all pile-driving activities. In addition, the construction contractor would be required to implement a soft-start procedure that would provide time for any present marine mammals to leave the area prior to full-power pile-driving operations. Therefore, with mitigation measures, temporary impacts to special-status species would be mitigated to a less-than-significant level.

Fish species occurring in the immediate area of the proposed project site could be temporarily and indirectly affected and displaced during construction. Fish would be expected to move away from areas of high turbidity and would avoid areas as long as sediment suspension persists. Species observed in the area are mostly schooling fish such as topsmelt and anchovies, which are not special status and are not provided additional protection by wildlife and marine resource agencies. Managed fish species are not anticipated to be present. Additionally, mitigation measure BIO-3 would require a soft start procedure to minimize impacts related to underwater sound. Therefore, impacts to sensitive fish species would be less than significant.

Once constructed, the additional 4,480 square feet of over-water coverage would result in the permanent loss of open water foraging habitat for marine avian species such as the California least tern and brown pelican. However, this represents less than 1/1000 of one percent of the bay and there is no evidence that foraging area is limiting productivity of the species. Therefore, impacts would be less than significant. Likewise, marine mammal species would not be affected by the additional water coverage. By contrast, the shading of 4,480 square feet of harbor bottom would be significant if managed fish are impacted. Therefore, mitigation measure BIO-4, which would mitigate or offset the increase in water coverage, is proposed to mitigate impacts to a less than significant level.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less Than Significant. The project site is located above San Diego Bay with no sensitive land-based biological resources and limited aquatic resources present. There would be no potential for impacts to sensitive biological resources on land. However, as previously discussed construction would result in temporary, localized increases in water turbidity from the re-suspension of sediments. Turbidity can negatively impact filter-feeding organisms by impairing respiration and feeding. If turbidity is severe, sedentary organisms may be buried by suspended sediments; mobile species may be displaced to other areas. Water quality may also be impacted by decreases in concentrations of dissolved oxygen and increases in levels of any chemical contaminants released from the re-suspension of sediments. Bottom-dwelling organisms, as well as organisms that attach to pilings and riprap, would be affected by localized deterioration of water quality and increased levels of contamination. While the proposed project would result in a short-term increase in turbidity, there would not be any sensitive plant or animal species present, and the District is required to comply with all applicable requirements of the U.S. Army Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB); therefore, impacts would be less than significant.

Eelgrass (*Zostera marina*) is considered to be a sensitive natural community that can be found in San Diego Bay. However, no eelgrass beds were observed at or near the project site. In addition, eelgrass is not expected to occur at the depth of water at the proposed project site. A review of maps of eelgrass beds within San Diego Bay from 1999 through 2014 show the closest eelgrass to be located to the south in the water adjacent to Tuna Harbor Park, south of the USS Midway Museum, and to the north, north of the San Diego Maritime Museum and its collection of historic ships. Therefore, impacts to eelgrass would be less than significant.

Although not currently known to occur within San Diego Bay or the proposed project site, the green alga (also known as Caulerpa) (*Caulerpa taxifolia*) is an invasive species of concern in the region. This species may be spread inadvertently by construction activities by fragments breaking free or by picking materials up on equipment and then transferring it to other sites. As a requirement of the USACE permit, a surveillance-level survey for green alga would be completed not more than 90 days before the initiation of construction to determine the presence/absence of this species within the project area. If green alga is identified during a survey or at any other time before, during, or within 120 days following completion of authorized activities, both National Marine Fisheries Service (NMFS) and CDFW would be contacted within 24 hours of first noting the occurrence. In the event green alga is detected, all disturbing activity shall cease until such time as the infestation has been isolated and treated or the risk of spread from the disturbing activity is eliminated in accordance with the green alga Control Protocol. Therefore, impacts related to Caulerpa would be less than significant.

Since the bay floor in the project area is generally soft-bottomed and non-vegetated, composed of soft mud and silt, the increase in filled area (approximately 74 square feet) and shading (approximately 4,480 square feet) would not affect sensitive habitat. Additionally, eelgrass has not been observed at the project site during previously conducted surveys, and due to the depth of water is not expected to occur. Therefore, impacts would be less than significant.

As discussed above, implementation of the proposed project would enable more vessels to moor at the dock and dine facility, which would cause temporary increases in coverage of open water area.

Since eelgrass does not occur at the project site, the additional shading would not impact sensitive habitat. The additional area covered by the vessels would also reduce potential foraging habitat for sensitive avian species, such as the California least tern. However, vessels would only be docked temporarily at the proposed project site. Impacts would be less than significant.

Based on all of the conclusions listed above and anticipated USACE and RWQCB permit conditions, the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Therefore, impacts would be less than significant.

c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than Significant Impact. No federally protected wetlands are within the project area; therefore, the proposed project would not result in any impacts to federally protected wetlands as defined by Section 404 of the Clean Water Act. A Clean Water Act Section 401 Water Quality Certification from the RWQCB would be required; conditions associated with the permit typically include best management practices (BMPs), such as silt curtains, equipment fueling limitations, and site cleanup procedures, that would offset impacts so they would be less than significant. A 401 certification is required in support of a permit from the USACE pursuant to Section 10 of the Rivers and Harbors Act, which regulates dredge, fill, and placement of structures in Traditional Navigable Waters. Because the proposed project would be required to obtain these permits, which include conditions to reduce impacts to waters, impacts would be less than significant.

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?

Less Than Significant Impact. During construction, equipment such as marine construction barges and small supply vessels would be located within the project area to install concrete piles to support the restaurant and dock and dine structures. Fish are expected to temporarily avoid the area during construction. Green sea turtles (*Chelonia mydas*) and marine mammals known to inhabit San Diego Bay are not known to frequent the project area and would also be expected to avoid the area during construction. Sufficient open water areas exist within the bay and specifically surrounding the proposed project site to allow for unrestricted movement of fish and other wildlife species. Impacts are anticipated to be less than significant.

During operation, the project site would return to conditions very similar to those that exist today underneath the existing restaurant facility. The proposed new pilings would not result in an obstruction to marine species or interfere with the movement of resident or migratory fish species, green sea turtles, or marine mammals. The project would not be located in a wildlife nursery site. Although the large expanse of glass in the proposed project design could present a bird-strike risk, the structure is designed with appropriate features to deter birds or avoid bird strikes. Specifically, the glass “baskets”, though curved, are made of flat panels that distort or fragment reflections, making it appear more like a physical structure than surrounding habitat. In addition, the materials would not be clear or reflective and the supporting framework of the baskets would add to the solid appearance. As such, potential impacts related to bird strikes would be less than significant.

There would be an increase (less than 20 percent) in water coverage by the proposed project. The proposed building deck would extend 6 feet beyond the limit of the current facility, and the dock and dine dock would be increased in size. The net result would be an increase of approximately 4,480 square feet of bay water coverage (1,675 square feet of shading from installation of the restaurant and deck, and 2,805 square feet from the new expanded dock and dine facility). The proposed project would also remove 66 16-inch diameter piles having 92.2 square feet of footprint but replace them with 53 24-inch diameter piles with 166.5 square feet of footprint, a 74.3-square-foot increase. The increased bottom coverage by piles and shading by the deck structure would not inhibit movement of marine species traveling north–south in San Diego Bay because the B Street Pier, the Broadway Pier, the Midway, and the Tuna Harbor Park to the south already force marine species outwards from the waterfront. Therefore, impacts would be less than significant.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. There is no tree preservation policy or ordinance in effect for the proposed project site. The PMP provides for the protection of biological resources and states that the District will remain sensitive to the needs of and cooperate with communities and other agencies in both bay and tideland development. Impacts to biological resources from the construction and operation of the proposed project would be reduced to less than significant with mitigation (see response to question D.a). Therefore, the proposed project would be consistent with the PMP policies pertaining to biological resources.

The proposed project involves the replacement of an existing facility within a heavily used area of the bay and does not involve a change of land use nor does it require a PMP amendment. Therefore, the proposed project would be consistent with the PMP, and no impact would occur.

f. Would the project conflict with the provisions of an adopted habitat conservation plan; natural communities conservation plan; or any other approved local, regional, or state habitat conservation plan?

Less Than Significant Impact. No adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state HCP is in place that includes the project site or surrounding vicinity; however, the San Diego Bay Integrated Natural Resources Management Plan (INRMP) is a relevant plan that applies to the project area. The INRMP was prepared to guide planning, management, conservation, restoration, and enhancement of the Bay ecosystem and to "ensure the long-term health, restoration, and protection of the Bay ecosystem in concert with the Bay's economic, naval, navigational, recreational, and fisheries needs" (USDN 2013). The INRMP includes a vision for San Diego Bay, a detailed description of the current state of the ecosystem, and a pathway to change for proceeding toward the goal and vision. The proposed project is not expected to substantially change the ecosystem composition or result in a net loss of resources for birds, green sea turtles, fish, and marine mammals. Therefore, the proposed project would not impede implementation of the INRMP and is consistent with the plan.

Six species of fish identified in the project area are managed by the NMFS under the Coastal Pelagics Fishery Management Plan (FMP) and Pacific Coast Groundfish FMP. These plans identify Essential Fish Habitat (EFH) for each of the species covered by the plan. While the project site is located in an area identified as EFH for both plans, no sensitive habitats, including estuaries, eelgrass, canopy kelp, rocky reefs, or seamounts, exist on the project site; therefore, construction and operation of

the proposed project would not conflict with the provisions of either plan. Impacts would therefore be less than significant.

Required Mitigation Measures

The following mitigation measures are designed to reduce or keep potentially significant impacts to California least terns, green sea turtles, marine mammals, and sensitive natural communities to levels below significance. These measures are consistent with in-water construction procedures and mitigation measures previously implemented in the bay and throughout southern California to reduce significant impacts to fish, turtles, marine mammals, and California least terns. The mitigation measures would also be consistent with typical USACE permit conditions. USACE typically requires the activities to utilize silt curtains to minimize dispersion of turbidity away from the immediate construction area and minimize dispersion of prey species, as required by mitigation measure BIO-1. USACE permit conditions would also require the previously discussed green alga survey.

BIO-1: If pile removal and driving occur between April 1 and September 15, the contractor shall deploy a turbidity curtain around the pile removal and driving areas to restrict the surface visible turbidity plume to the area of removal and driving. It shall consist of a hanging weighted curtain with a surface float line and shall extend from the surface to 15 feet down into the water column. This measure is intended to minimize the area of the bay in which visibility of prey is obstructed. The applicant shall ensure that this measure is implemented for the duration of the pile-removal or pile-driving activity.

BIO-2: Should vibratory pile-removal or impact hammer pile-driving activities be conducted between April 1 and September 15, a qualified biological monitor shall be retained by the contractor at its expense to conduct California least tern monitoring during the tern breeding season within 500 feet of construction activities. The monitor shall be empowered to delay work commencement, and shall do so if terns are actively foraging (e.g., searching and diving) within the work area. Should adverse impacts to terns occur (e.g., agitation or startling during foraging activities), the biological monitor shall be empowered to delay or halt construction and shall do so until least terns have left the project area.

BIO-3: A biological observer or observers shall monitor pile removal, if using a vibratory hammer, and pile driving, if using a vibratory or impact hammer, with the authority to stop work if a green sea turtle or marine mammal approaches or enters the shutdown zones (500 meters for vibratory removal or driving and 317 meters [117 meters plus a 200-meter buffer] for impact driving). The additional buffer is required because a marine mammal or green sea turtle spends much of its time underwater. A buffer gives the observer time to observe the animal before it dives, and allows them to stop construction before it enters the shutdown zone. Prior to the start of pile-removal or pile-driving activities, the biological observers shall monitor the shutdown zones for at least 15 minutes to ensure that green sea turtles and marine mammals are not present. If a green sea turtle or marine mammal approaches or enters the shutdown zone during the pile-removal or driving activities, the biological observer(s) shall notify the construction contractor to stop the activity. The pile-removal or driving activities shall be stopped and delayed until either the biological observer(s) visually confirm that the animal has left the shutdown zone of its own volition, or 15 minutes have passed without re-detection of the animal. If the on-site biological observer(s) determine that weather conditions or visibility, prevent the visual detection of green sea turtles or marine mammals in the

shutdown zones, such as heavy fog, low lighting, or sea state, in-water construction activities with the potential to result in Level A Harassment (injury) or Level B Harassment (disturbance) shall not be conducted until conditions change. The following shutdown zones, and buffers, will avoid the potential for impacts.

For Demolition (assuming vibratory pile removal):

- A shutdown zone consisting of the area within 500 meters of work would be required to avoid potential injury and behavioral effects to green sea turtles, managed fish, and marine mammals.

For Construction (assuming impact pile driving):

- A shutdown zone consisting of the area within the 160-decibel (dB) root mean square (rms) isopleth (117 meters from source), plus a buffer of 200 meters, would be required to avoid the potential for Level A and B Harassment of green sea turtles, managed fish, and marine mammals (317 meters total).

Additional requirements:

- Prior to the start of any pile-driving activities, the construction contractor shall implement a soft-start procedure to provide additional protection to green sea turtles, marine mammals, and fish. Soft start provides a warning and/or gives individuals a chance to leave the area prior to the hammer operating at full power. The soft-start procedure would require contractors to activate the impact hammer with an initial set of three strikes at 40 percent or less energy, separated by three 30-second waiting periods.
- If at any point pile driving stops for greater than one hour, then the soft start procedure must be conducted prior to the start of further pile driving activities.
- Observers will observe for 30 minutes after construction has ended.
- Construction activities requiring observers will commence 45 minutes after sunrise, and 45 minutes before sunset to provide the observers with enough visibility to observe marine species in the project area.
- Biological monitoring shall be conducted by qualified observers. The observers shall be trained in green sea turtle and marine mammal identification and behaviors, and would have no other construction-related tasks. The observers shall determine the best vantage point practicable to monitor and implement shut-down/notification procedures, when applicable, by notifying the construction superintendent and/or hammer operator.
- During all observation periods, observers shall use binoculars and the naked eye to scan continuously for green sea turtles and marine mammals. As part of the monitoring process, the observers shall collect sightings data and behavioral responses to pile removal and driving from green sea turtles and marine mammals observed within 500 feet of the proposed project site of activity and shutdown zones during the period of construction. The observer shall complete a sighting form (paper or electronic) for each pile-driving day (see Attachment B of Appendix 3). The observer shall submit the completed forms to NMFS and the District within 60 days of the completion of the monitoring with a summary of observations.

BIO-4: Prior to the commencement of construction activities, the loss of 4,480 square feet of open water associated with the proposed project shall be offset by implementing design modifications, such as incorporating translucent areas, to reduce shading and by deducting an amount from the District's shading credit program established pursuant to Board Policy 735 equivalent to that of the proposed project's final shading total (i.e., less

any reductions achieved by design modifications) to the satisfaction of NMFS and USACE.

E. CULTURAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c. Disturb human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Explanation of Checklist:

The following discussion is based on a historic resource evaluation report prepared by Cardno for the proposed project and included as Appendix 4.

a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in State CEQA §15064.5?

No Impact. The existing building was constructed in 1965, making it approximately 50 years old and therefore, eligible for consideration as a historical resource. The existing building has been inventoried and evaluated by an architectural historian under the criteria of the California Register of Historical Resources (CRHR) and National Register of Historic Places (NRHP) in order to determine if the proposed project has the potential to cause a substantial adverse change to historical resources under CEQA. The results are documented in the Historic Resource Evaluation Report provided in Appendix 4. A building may be designated as a historic resource on the CRHR and NRHP if it meets one of the following criteria:

- Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States
- Associated with the lives of persons important to local, California, or national history
- Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic value
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation

The evaluation concluded that although the property is associated with a locally prominent restaurant, the building itself is not an important representative of a significant development theme that has shaped local or state history. The building was constructed as the fourth establishment in a chain of restaurants, constructed 20 years after the opening of the original Anthony's Fish Grotto (established 1946). The building emulated many elements found in the three precursor locations,

but in 2006, went through a significant remodel that removed the defining vaulted archways, wood shingling, and New England nautical decorative elements on prominent portions of the building. Though the location was the flagship and busiest of the Anthony's Fish Grotto restaurants, it lacks overall significance because of substantial remodel that has effaced the original design continuity. The building is not an important example of any type, period, region, or method of construction as plenty of similar buildings exist in San Diego, nor is it significant for its association with any person who has made significant contributions to history at the local, state, or national level. The evaluation also found that the building is not a significant source or likely source of important information of history, building materials, construction techniques, or advancements in design or engineering. The results of the evaluation were documented in compliance with Section 15064.5(a)(2)-(3) of the CEQA Guidelines, using the criteria outlined in Section 5024.1 of the California Public Resources Code.

The existing building has been found ineligible for listing as a historical resource, as it does not meet the criteria for listing in the CRHR and NRHP, and does not meet the definition of a historical resource pursuant to CEQA due to a lack of significance and compromised physical integrity that precludes direct association to the historic period. Therefore, no existing historical or other cultural resources would be affected by implementation of the proposed project and no impact would occur.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA §15064.5?

No Impact. The existing building was constructed on concrete piles over San Diego Bay in an area that has been dredged. Therefore, the new building would be constructed in an area that has been previously disturbed and would be atop 53 24-inch diameter pre-stressed concrete piles over the San Diego Bay. No archaeological resources have previously been identified at the project site. The project site is located on a previously developed site that has undergone substantial underwater soil disturbance, which likely precludes the existence of intact archaeological resources. As a result, the project would have no impact on archaeological resources as defined in CEQA §15064.5. No impact would occur.

c. Would the project disturb any human remains, including those interred outside of formal cemeteries?

No Impact. As is noted above, the project is constructed on piles over water in an area that has been dredged. There are no known human remains or burial sites on the project site. In addition, the proposed project would be constructed on no more than 53 24-inch diameter pre-stressed concrete piles over San Diego Bay; therefore, the project would not cause or contribute to the disturbance of any human remains. Thus, the proposed project would have no impact on human remains, including those interred outside formal cemeteries. No impact would occur.

Required Mitigation Measures

The proposed project would not result in significant impacts associated with cultural resources; thus, mitigation measures are not required.

F. GEOLOGY AND SOILS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☒	☐
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

Explanation of Checklist:

The following discussion is based on a geological technical report prepared by the Bodhi Group, Inc. (Bodhi) for the proposed project and included as Appendix 5.

a. Would the project expose people, or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less Than Significant Impact. The project site is located in a seismically active region of southern California. However, ground surface rupture due to active faulting is not considered likely at the project site due to the absence of known active faults underlying the site. However, lurching or cracking of the ground surface adjacent to the project site as a result of nearby seismic events is possible.

Surface rupture is the result of movement on an active fault reaching the surface. Figure 12 shows the Site in relation to nearby known active faults, of which the Rose Canyon Fault is the most significant. The Rose Canyon Fault is capable of producing a magnitude 7.2 earthquake (Cao et al. 2003). Active portions of the Rose Canyon Fault are located approximately one half mile both east and west of the Site. Since there are no known active faults underlying, or projecting toward, the project site and it is not located within a State of California Earthquake Fault Zone (California Geological Survey 2007), the potential for the Site to overlie an active fault is low.

The proposed project would be designed and constructed consistent with the California Building Code, which accounts for geotechnical factors affecting a site. The new structure would be built to more modern codes that employ a greater understanding of countering seismic impacts. Therefore, the proposed project would not result in substantial increased risk of loss, injury, or death due to rupture of a known earthquake fault. Impacts would be less than significant.

ii. Strong seismic ground shaking?

Less Than Significant Impact. As with all properties in the seismically active southern California region, the project site would be susceptible to ground shaking produced by local faults during earthquakes. Specifically, the project site has a high potential for strong ground motions to affect the marine sediments underlying the project site during earthquakes. Structural improvements would need to be designed and constructed to withstand the potential ground accelerations.

While it is likely that the project area would experience seismic events by future earthquakes produced in southern California, the proposed project would be designed and constructed consistent with the California Building Code, which accounts for geotechnical factors affecting a site. The new structure would be 52 years newer than the one that it replaces and would be built to more modern codes that employ a greater understanding of countering seismic impacts. As a result, there would be a less-than-significant impact due to risks from seismic ground shaking.

iii. Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Ground shaking during an earthquake can vary depending on the overall magnitude, distance to the fault, focus of earthquake energy, and the type of geologic material underlying the area. The composition of underlying soils, even those relatively distant from faults, can intensify ground shaking. Areas that are underlain by bedrock tend to experience less ground shaking than those underlain by unconsolidated sediments. As noted, the Site is located on San Diego Bay with deep foundations extending through unconsolidated marine sediments. These sediments will be subject to shaking hazards caused by earthquakes on regional active faults. The potential for ground motion at the project site is high.

The sediments on the bay floor have been found to have the potential for liquefaction. Based on the anticipated loose nature of the bay sediment materials underlying the project site and their saturated condition, the potential for liquefaction should be considered high. Remedies for ground motion and liquefaction include ground modification, or in this case, the use of deep foundations in the form of concrete piles. The proposed project would be designed and constructed consistent with the California Building Code, which accounts for geotechnical factors affecting a site. As with the existing restaurant facility, an expansion joint between the restaurant structure and the North Embarcadero Promenade would allow for independent movement, reducing the potential for structural damage to both structures. This and other seismic safety design features would be in accordance with the California Building Code, which accounts for geotechnical factors affecting a site. Thus, this risk is relatively low and there would be a less than significant impact due to the risks of ground failure and liquefaction.

iv. Landslides?

No Impact. The project site is located on flat terrain beneath the water that is not subject to landslides. The Rain Induced Landslide Map of the *County of San Diego Multi-Jurisdictional Hazards Mitigation Plan* (County of San Diego 2010) does not identify the project site as a landslide area. Therefore, no impact related to landslides would occur.

b. Would the project result in substantial soil erosion or the loss of topsoil?

No Impact. The project site is completely developed on pre-stressed concrete piles over San Diego Bay. The soil on the bay floor consists of silty sand beneath the water. Therefore, the proposed project would not result in soil erosion or the loss of topsoil. No impact would occur.

c. Is the project located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less Than Significant Impact. The bay sediments underlying the project site may be subject to static settlement or liquefaction during a nearby seismic event. A remedy for these soils is the use of deep foundations.

See discussions above under Sections F.a.iii and F.a.iv regarding liquefaction and landslide hazards. In addition, the structure is to be constructed on pre-stressed concrete piles, not on a poured

concrete slab foundation. Impacts related to unstable soil or geologic units would be less than significant.

d. Is the project located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Less Than Significant Impact. The soils located on the bay floor at the project site consist of silty sand, which has a low potential for expansion as defined by Table 18-1-B of the Uniform Building Code.

e. Would the project have soils that are incapable of supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The proposed project would not entail the use of septic tanks or alternative disposal systems as no septic tanks or alternative wastewater disposal systems are proposed as part of the project. The project site is serviced by the City of San Diego's sanitary sewer system. Therefore, no impact would occur.

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact. No paleontological resources have previously been identified at the project site. Furthermore, the project is located within a previously developed site that has undergone substantial soil disturbance of marine sediments through pile driving and dredging, which likely precludes the existence of paleontological resources. As a result, the proposed project would have no impact on paleontological resources as defined in CEQA §15064.5. No impact would occur.

Required Mitigation Measures

The proposed project would not result in significant impacts associated with geology or soils; thus, mitigation measures are not required.

G. GREENHOUSE GAS EMISSIONS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Explanation of Checklist:

a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. The Port of San Diego has not established thresholds of significance for greenhouse gas (GHG).

The California Air Pollution Control Officers Association (CAPCOA) published various screening thresholds to assist Lead Agencies in determining how to assess the significance of GHG impacts (CAPCOA 2008). Utilizing this guidance, new development projects emitting less than 900 metric tons of carbon dioxide equivalent (MT CO_2E) GHG annually would not contribute considerably to cumulative climate change impacts and additional analysis for CEQA purposes is not required. According to CAPCOA, the 900 MT CO_2E screening criterion is low enough to capture a substantial fraction of future residential and non-residential development that will be constructed to accommodate future statewide population and job growth, and high enough to exclude small development projects that will contribute a relatively small fraction of the cumulative statewide GHG emissions. These small projects will still be required to reduce their GHG emissions, because they must comply with state and local regulations that require energy efficiency and a reduction in water use.

The project site is currently occupied by Anthony's Fish Grotto, Fishette, and Anthony's Star of the Sea Room and is a current source of GHG emissions. To evaluate the project's net increase in GHG emissions, emissions associated with construction and operation of the project, as well as the existing use were estimated using the CalEEMod (CAPCOA 2013). In brief, the model estimates criteria air pollutants and GHG emissions by multiplying emission source intensity factors by estimated quantities of emission sources based on the land use information. All CalEEMod estimates are in terms of total MT CO_2E.

The primary sources of direct and indirect GHG emissions have been calculated as summarized below:

Construction – Construction activities emit GHGs primarily though combustion of fuels (mostly diesel) in the engines of off-road construction equipment, including in-water equipment, and through combustion of diesel and gasoline in on-road construction vehicles and the commute vehicles of construction workers Demolition and construction would occur as described in Section C, Air Quality. Emissions were amortized over 30 years, the approximate lifetime of a project, and added to operational emissions in order to provide annual emission rate over the lifetime of a project (South Coast Air Quality Management District 2009). This is a very conservative estimate as the proposed project includes approval of a up to 50-year lease agreement and the proposed structure would be expected to last at least 50 years.

Vehicles – The existing use generates approximately 796 daily trips and the project would generate a projected 1,123 daily trips. An average regional trip length of 5.8 miles was modeled (SANDAG 2014, CARB 2015b). Vehicle emission calculations took into account Pavley I (Clean Car Standards), Low Emission Vehicles III, and the Low Carbon Fuel Standard, and the Tire Pressure Program. CalEEMod accounts for Pavley I and the Low Carbon Fuel Standard (CARB 2014). The emissions from mobile sources calculated by CalEEMod were reduced by an additional 3 percent to account for implementation of Low Emission Vehicles III and the Tire Pressure Program. The project includes eight additional "dock and dine" slips. Based on a daily increase of 12 recreational boats, the project would result in an annual increase of approximately 4,380 boats accessing the dock and dine facility (12 x 365=4,380). Given a two-way travel distance of 17.6 miles and assuming the average speed would be 20 knots, each boat would require approximately 50 minutes to travel to and from the project site, with approximately 5 minutes of maneuvering during arrival and departure, and be operational for approximately 1 hour. Fuel consumption is estimated based on the fuel efficiency in pounds of fuel used per horsepower (HP) developed per hour (i.e. the fuel required to generate a specific HP). For purposes of estimating fuel consumption, an average of 150 HP per hour was used. Additionally, based on a survey conducted by the CARB of recreational boating in the state, approximately 75 percent of the recreational vessels over 20 feet that are stored at marinas are diesel driven (CARB 2009).

Energy Use – GHGs are emitted as a result of activities in buildings for which electricity and natural gas are used as energy sources. Energy consumption values are based on the California Energy Commission (CEC) sponsored California Commercial End Use Survey and Residential Appliance Saturation Survey studies, which identify energy use by building type and climate zone. Because these studies are based on older buildings, adjustments have been made in CalEEMod to account for changes to Title 24 building codes. For the existing restaurant, energy emissions were calculated using historical energy use data. For the proposed project, as identified by the CEC, the 2013 Energy Code requires various improvements in the built environment that would achieve a 21.8 percent increase in electricity efficiency and a 16.8 percent increase in natural gas efficiency in non-residential buildings when compared to the 2008 Energy Code (CEC 2013). It should be noted that the 2016 Energy Code will be in effect when the project is constructed. The 2016 Energy Code will result in even greater energy efficiencies, but for the purpose of this analysis it was assumed that the 2013 code was in effect. Calculations for the existing restaurant and the proposed project also took into account the continuing effects of Renewables Portfolio Standard (RPS).

Area Sources – Typical area sources include GHG emissions that would occur from the use of landscaping equipment. However, the project site is located on a pier over the water and would not include landscaping that would require maintenance equipment. There would be no area sources of GHG emissions associated with the project.

Water – The amount of water used and wastewater generated by a project has indirect GHG emissions associated with it. These emissions are a result of the energy used to supply, distribute, and treat the water and wastewater. In addition to the indirect GHG emissions associated with energy use, wastewater treatment can directly emit both methane and nitrous oxide. The indoor and outdoor water use consumption data for each land use subtype comes from the Pacific Institute's *Waste Not, Want Not: The Potential for Urban Water Conservation in California* 2003 (as cited in CAPCOA 2013). For the existing restaurant, water emissions were calculated using this consumption data. However, the proposed project would be subject to 2013 Title 24 Part 11 standards, known as CalGreen. Thus, in order to demonstrate compliance with CalGreen, a 20 percent increase in indoor water use efficiency was included in the water consumption calculations for the project. Because emissions are a result of the energy used to supply, distribute, and treat water and wastewater, calculations for the existing restaurant and the proposed project also took into account the continuing effects of RPS.
Solid Waste – To calculate the GHG emissions generated by disposing of solid waste for the existing restaurant and the proposed project, the total volume of solid waste was calculated using waste disposal rates identified by California Department of Resources Recycling and Recovery.

Table GHG-1 summarizes the total annual GHG emissions associated with the existing restaurant and the proposed project. CalEEMod output files are contained in Appendix 1. As demonstrated, the proposed project would result in a net increase of 363 MT CO_2E annually. The increase in emissions is projected to be less than the 900 MT CO_2E annual screening level. Therefore, the project's direct and indirect GHG emissions would have a less than significant impact on the environment.

Table GHG-1. Year 2020 GHG Emissions (MT CO_2E per Year)

Emission Source	Existing Restaurant	Proposed Project	Net Increase
Vehicles	280	396	116
Recreational Boats	*	224	224
Energy use	469	625	156
Area sources	0	0	0
Water use	32	38	5
Solid waste disposal	135	182	47
Construction	0	39	39
TOTAL	**916**	**1,504**	**587**

Note: Total may vary due to independent rounding.
* Existing boats were not considered in the analysis on the project's increase.

As shown in Table GHG-1, the modeled GHG emissions associated with the project energy use are calculated to be greater than the GHG emissions associated with the existing restaurant's energy use. However, this is a worst case scenario, as the proposed building is anticipated to use less energy than the existing building with the proposed sustainable elements of the project intended to achieve a LEED Silver certification (Tucker Sadler 2016a, 2016b). The sustainability measures that the project would incorporate (refer to G.b) were not included in the GHG emission calculations due to model restrictions and because the level of detail needed to calculate the reductions is not available. As a result, the GHG emissions associated with energy use for the proposed project constitute a worst case scenario as these sustainability measures were not included in the modeling, but if included, would reduce impacts below those calculated above. Sustainability measures are discussed in greater detail in the following section.

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact. There are local, state and federal plans, policies, and regulations that have been adopted for the purpose of reducing the emissions of greenhouse gases. The following describes how the proposed project conforms with those plans, polices, and regulations.

State Plans, Policies, and Regulations

Executive Order (EO) S-3-05 established the following GHG emission reduction targets for the State of California:

- by 2010, reduce GHG emissions to 2000 levels;
- by 2020, reduce GHG emissions to 1990 levels;
- by 2050, reduce GHG emissions to 80 percent below 1990 levels.

EO B-30-15 established an interim GHG emission reduction goal for the state of California by 2030 of 40 percent below 1990 levels. This EO also directed all state agencies with jurisdiction over GHG-emitting sources to implement measures designed to achieve the new interim 2030 goal, as well as the pre-existing, long-term 2050 goal identified in EO S-3-05.

In response to EO S-3-05, the California Legislature passed Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006. The heart of AB 32 is its requirement that CARB establish an emissions cap and adopt rules and regulations that would reduce GHG emissions to 1990 levels by 2020. AB 32 also required CARB to adopt a plan by January 1, 2009 indicating how emission reductions would be achieved from significant GHG sources via regulations, market mechanisms, and other actions. As directed by AB 32, in 2008, CARB adopted the *Climate Change Scoping Plan: A Framework for Change* (2008 Scoping Plan). The 2008 Scoping Plan identifies the main strategies the State of California will implement to achieve the GHG reductions necessary to reduce statewide forecasted business as usual (BAU) GHG emissions in 2020 to the state's historic 1990 emissions level.

EO S-3-05 established GHG emission reduction targets for the state, and AB 32 codified the 2020 goal of EO S-3-05 and launched the Climate Change Scoping Plan that outlined the reduction measures needed to reach the target of achieving 1990 GHG emission levels by 2020. The project would not result in a net increase of 900 MT CO_2E annually. The 900 MT CO_2E screening threshold was established so that small projects would not conflict with the state's AB 32 mandate for reducing GHG emission (CAPCOA 2008). As the project is below the screening threshold, it would not conflict with the AB 32 mandate for reducing GHG emissions at the state level.

EO S-3-05 establishes an executive policy of reducing GHG emissions to 80 percent below 1990 levels by 2050. Additionally, EO B-30-15 establishes an interim GHG emission reduction policy by the executive branch for the state of California to reduce GHG emissions 40 percent below 1990 levels by 2030. The 2020 GHG emission policy of EO S-3-05, to reduce GHG emissions to 1990 levels by 2020, was codified by the Legislature's adoption of AB 32. As discussed above, the project would be consistent with the reduction goals of AB 32. The 2050 goal of EO S-3-05 was not codified by the Legislature. Similarly, EO B-30-15's goal to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030 has not been codified by the Legislature. Nonetheless, because these two EOs represent a GHG reduction policy in the context of CEQA and the strong interest in California's post-

2020 climate policy, this analysis renders a determination as to whether the project would conflict with or impede substantial progress towards the statewide reduction policies established by EO B-30-15 for 2030 and by EO S-3-05 for 2050.

Considering EO S-3-05 and EO B-30-15, the 900 MT CO2E screening criterion used for 2020 emissions may not be representative of the state's goals for post-2020 emission target. However, the exact reductions the state envisions from various sectors are unknown at this time as well as the effects of future planned regulations. While a specific reduction target is not known, it is assumed that a project with an increasing rate of GHG emissions after 2020 would have a more difficult time demonstrating it was consistent with the state's post-2020 GHG emissions targets, which indicates a reduction is necessary to meet the state's goal. Therefore, this analysis considers a downward trajectory from the highest GHG emission levels, in 2020, is consistent with the state's post-2020 GHG targets that are also on a downward trajectory, if not the specific reduction requirement. Additionally, based on this diminishing rate of increase created primarily by the phasing in of federal, state, and regional regulations, the project would become more and more GHG-efficient over time. The effect of regulations aimed at reducing GHG emissions indicates that the project's GHG emission impacts would not be cumulatively considerable after 2020.

Post-2020 GHG Emissions

Post-2020 GHG reductions would result from an increase in vehicle efficiency, the development of alternative fuel vehicles and technologies, and an increased RPS goal of 50 percent renewables by 2030. Future (2030 and 2050) vehicle emission factors and an RPS goal of 50 percent were taken into account for calculating post-2020 GHG emissions. Thus, all future reductions are the result of the continuing effects of statewide programs, rather than project-specific features.

Tables GHG-2 and GHG-3 summarize the 2030 and 2050 GHG emissions associated with the proposed project and existing restaurant. As demonstrated, by year 2030, the proposed project would result in a net increase of 494MT CO_2E annually over the existing use. This represents an approximate 45 percent reduction from the 900 MT CO_2E screening criterion. Similarly, by year 2050, the proposed project would generate a net increase of 415 MT CO_2E annually over the existing use. This represents an approximate 53 percent reduction from the 900 MT CO_2E screening criterion. It can also be seen that year 2030 and 2050 GHG emissions associated with the proposed project would be less than year 2020 GHG emissions, thereby demonstrating a downward trajectory of GHG emissions over time. Therefore, post-2020 project emissions are considered less than significant.

Table GHG-2. Year 2030 GHG Emissions (MT CO_2E per Year)

Emission Source	Existing Restaurant	Proposed Project	Net Increase
Vehicles	280	366	86
Recreational Boats	*	224	224
Energy use	469	566	97
Area sources	0	0	0
Water use	32	33	1
Solid waste disposal	135	182	47
Construction	0	39	39
TOTAL	**916**	**1,410**	**494**
Note: Total may vary due to independent rounding.			

Table GHG-3. Year 2050 GHG Emissions (MT CO_2E per Year)			
Emission Source	Existing Restaurant	Proposed Project	Net Increase
Vehicles	280	327	47
Recreational Boats	*	224	224
Energy use	469	566	97
Area sources	0	0	0
Water use	32	33	1
Solid waste disposal	135	182	47
Construction	0	0	0
TOTAL	**916**	**1,331**	**415**
Note: Total may vary due to independent rounding.			

As illustrated above, the proposed project would result in a net increase in GHG emissions less than 900 MT CO_2E annually and would not conflict with the state's AB 32 mandate for reducing GHG emissions. Further, the project's 2020 emissions represent the maximum emissions inventory for the project; as project emissions would continue to decline from 2020 through at least 2050 based on regulatory forecasting. Vehicle emissions would continue to decline past 2020 due to regulations that increase vehicle efficiency, and the development of alternative fuel vehicles and technologies. GHG emissions associated with energy and the transportation and treatment of water would continue to decrease, as SDG&E continues to increase renewable sources of energy in accordance with RPS goals. GHG emissions associated with solid waste disposal would also continue to decrease as the City implements its Zero Waste Plan, an established a goal of 75 percent diversion by 2020, 90 percent diversion by 2035, and "zero" by 2040 by identifying potential diversion strategies for future action. Additionally, GHG emissions would be reduced through implementation the Port's and the City's Climate Action Plans (CAPs), discussed in further detail below. Given the reasonably anticipated decline in project emissions, due to existing regulatory programs, once the project is fully constructed and operational, the project emissions would continue to decline in line with the GHG reductions needed to achieve the EOs' interim (2030) and horizon-year (2050) goals. Therefore, the project would not conflict with the long-term GHG policy goals of the state. As such, the project's impacts with respect to the state's post-2020 GHG emissions goals under EO B-30-15 and EO S-3-05 would be less than significant.

Local Plans, Policies, and Regulations

In December 2013 the Board of Port Commissioners approved a CAP to reduce GHG emissions on District tidelands. The CAP includes and inventory of baseline (2006) GHG emissions and projected emissions in 2020, 2035, and 2050. The CAP includes a variety of potential GHG reduction policies and measures selected to help meet the District's GHG reduction goals of 10 percent less than 2006 levels by 2020 and 25 percent less than 2006 levels by 2035. The CAP's 2020 projections and reduction targets for each activity are based on the growth projections specific to each tenant and activity type. Non-maritime related growth was not included in the future project inventories unless specific projects were anticipated. Standalone restaurant uses, like the proposed project, accounted for 2.6 percent of the baseline (2006) inventory and are projected to account for 3.6 percent, 3.1 percent, and 3.0 percent of the year 2020, 2035, and 2050 emission projections, respectively (San Diego Unified Port District 2013).

Table GHG-4 summarizes the CAP's 2006 baseline, projected future year (2020) GHG emissions, and future GHG emission targets (1990 levels) by activity within the District's jurisdiction. Restaurant uses fall under the "other" category. As shown, in order to meet the CAP's target of achieving 1990 levels, land uses that fall in the "other" category would need to reduce GHG emissions by 20 percent below 2020 BAU levels. To achieve the CAP reduction goals, the CAP includes various reduction measures related to transportation and land use, alternative energy generation, energy conservation, waste reduction and recycling, and water conservation and recycling.

Table GHG-4. GHG Emissions by Activity (MT CO_2E per Year)

		GHG Emissions by Category and District Activity Type			Percentage Reduction to Achieve 1990 Levels – Specific to the District	
Category	Activity	2006 Baseline	2020 BAU	1990 Levels	2006 Baseline	2020 BAU
Port Operations	Port Operations	37,164	38,930	33,533	10%	14%
Maritime	Ocean Going Vessels	55,162	72,786	49,773	10%	32%
	Recreational Boating	80,441	118,252	72,583	10%	39%
	Other Terminal Activity	89,242	109,859	80,524	10%	27%
	Total Maritime	224,845	300,897	202,880	10%	33%
Other	Industrial	137,426	138,258	124,001	10%	10%
	Shipbuilding	123,725	123,545	111,638	10%	10%
	Lodging	137,429	249,852	124,004	10%	50%
	Other	**165,840**	**188,217**	**149,639**	**10%**	**20%**
	Total Other	564,420	699,872	509,282	10%	27%
Total Port-wide		826,429	1,039,699	745,695	10%	28%

Source: San Diego Unified Port District 2013, Table ES-2

The CAP's reduction targets parallel the state's commitment to reducing GHG emissions in AB 32 and identify targets for a specific location based on projected emissions specific to the Port of San Diego's geographic location as well as specific activity types and their associated sources. Therefore, because the CAP targets align with statewide goals, the CAP is consistent with AB 32.

The project's consistency with the applicable CAP reduction measures is summarized in Table GHG-5.

Table GHG-5. Project Consistency with Applicable CAP Reduction Measures			
Category	No.	Measure Description	Project Consistency Analysis
Transportation	TR1	Implement traffic and roadway management strategies to improve mobility and efficiency, and reduce associated emissions on general roadways within Port tidelands.	The project is located in an area served by high-frequency transit and has uses such as hotels, recreation, a cruise ship terminal, and visitor attractions, all of which reduce the reliance on single-occupancy automobiles by customers. The project is located adjacent to the North Embarcadero Promenade, which experiences a high level of pedestrian and bicycle traffic. Once complete, the project will likely draw existing North Embarcadero Promenade visitors to the establishment. Additionally, delivery trucks would be subject to idling restrictions. State regulations require manual or automatic shutdown of engines after idling for five minutes. Additionally, trucks must meet CARB emissions standards.
	TR3	Vehicle Idling: Enforce state idling laws for commercial vehicles, including delivery and construction vehicles.	
	TL1	Promote greater linkage between land uses and transit, as well as other modes of transportation.	
	TL2	Increase bicycling and walking opportunities (safe infrastructure to priority destinations) as an alternative to driving.	
Building Energy Use	EB1	Establish green building standards and/or policy for new construction.	Increased energy efficiency would result in reduced energy usage by the new proposed project compared to the existing facility. The project would be registered with the USGBC to be certified under the LEED construction program. Under this program, credits would be earned for sustainable practices during design, construction, and operation of the building. These features would provide energy efficiency in excess of that required by California's Energy Efficiency Standards (Title 24, Part 6 of the California Code of Regulations). Overall, the building would use less energy than the existing building, and the proposed sustainable elements would potentially achieve a LEED Silver certification (Tucker Sadler 2016a, 2016b). Specific features that would be incorporated into the building design as discussed at the end of this section.
	EB3	Develop energy efficiency performance standards that achieve a greater reduction in energy use than otherwise required by state law.	
	EB6	Replace light fixtures in non-Port facilities with lower energy bulbs such as fluorescent, light emitting diodes (LEDs), or compact fluorescent lights (CFLs).	

Table GHG-5. Project Consistency with Applicable CAP Reduction Measures			
Category	No.	Measure Description	Project Consistency Analysis
Heat Gain and Shading	EH1	Adopt a Heat Island Reduction Plan that uses cool roofs, cool pavements, and strategically placed shade trees, and actively inspect and enforce state requirements for cool roofs on non-residential re-roofing projects.	Light-colored roofing materials would be used to reduce heat buildup in the building and reduce the heat island effect. Additionally, hardscape would include light-colored paving to reduce heat island effect.
	EH3	Evaluate existing landscaping and options to convert reflective and impervious surfaces to landscaping, and install or replace vegetation with drought-tolerant, low-maintenance native species that can also provide shade and reduce heat island effects.	
Lighting	EL1	Develop and implement performance standards for exterior lighting of commercial and industrial buildings and parking lots, which include minimum and maximum lighting levels while providing a safe environment.	The proposed project would implement a lighting design that includes the following features: • Incorporation of automatic lighting management controls to save energy; • Use of a daylight-harvesting system that senses the amount of incoming daylight and reduces the electrical lighting accordingly; • Installation of occupancy sensors in offices and restrooms to turn off lights in unoccupied spaces; • Individual light-dimming controls throughout; • Use of high-efficiency, shielded lighting for all nighttime lighting fixtures.

Table GHG-5. Project Consistency with Applicable CAP Reduction Measures			
Category	No.	Measure Description	Project Consistency Analysis
Water Conservation	WC1	Adopt a Water Conservation Strategy.	The project would be subject to 2013 Title 24 Part 11 standards, known as CalGreen, which requires a 20 percent increase in indoor water use efficiency. In addition, the project would incorporate the following landscape water conservation strategies: • Landscape design would specify low-water-use plants and drip irrigation to reduce water usage; • Landscape design would be designed to minimize irrigation and runoff, and to promote surface infiltration where appropriate; • Plants that are tolerant of saturated soil conditions would be used where landscaped area retains or detains storm water; • Landscape irrigation control would be employed to allow for shutoff after a rain event to prevent irrigation after precipitation.
Alternative Energy Generation	EA11	Implement a program to install technologies for generating energy from renewable sources such as solar power, wind power, and/or wave power on Port Tidelands. Establish progressively more ambitious production goals for the years 2020, 2035, and 2050.	The project would include rooftop photovoltaics.
Solid Waste	SW1	Increase the diversion of solid waste from landfill disposal.	The City of San Diego's Construction and Demolition Debris Deposit Ordinance requires that the majority of new projects that require building, combination, and demolition permits
	SW2	Adopt a Construction and Demolition Recycling Ordinance.	

Table GHG-5. Project Consistency with Applicable CAP Reduction Measures			
Category	No.	Measure Description	Project Consistency Analysis
	SW3	Develop policy to reduce the generation of solid waste.	divert their debris by 65% through recycling (at a certified recycling facility), reusing, or donating usable materials. Although the project will not require one of these permits from the City of San Diego, the applicant would still recycle demolition and construction debris to the extent feasible. Upon completion, the proposed project would contribute to the City's waste reduction efforts by offering both recyclable and landfill waste bins for patrons; in addition, it is standard practice by the restaurant operation to recycle and compost to the extent feasible.

As illustrated above, the project would be consistent with the District's CAP and would result in a net increase in GHG emissions less than 900 MT CO_2E annually. The 900 MT CO_2E screening threshold was established so that small projects would not conflict with the state's AB 32 mandate for reducing GHG emissions (CAPCOA 2008). In addition, as summarized in Table GHG-5, the project would be consistent with applicable CAP GHG reduction measures. Implementation of the District's CAP would reduce District-wide emissions through and beyond 2020, including emissions associated with the proposed project. A complete list of sustainable project features that the project would incorporate is provided below. Therefore, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, and impacts would be less than significant.

1. Building
    a. High-efficiency, clear, non-reflective Low E glass;
    b. Light-colored roofing materials would be used to reduce heat buildup in the building and reduce the heat island effect;
    c. Photovoltaics at rooftop;
    d. It is anticipated that the proposed project would exceed the minimum energy efficiency standards dictated by the California Title 24 Building Code requirements;
    e. Ducts within the proposed building would be sealed during construction and cleaned out during commissioning to promote indoor air quality by minimizing dust and mold accumulation;
    f. Hardscape would include light-colored paving to reduce heat island effect;
    g. Water fixtures, including toilets, sinks, and kitchen equipment within the proposed building, would be low-flow and would reduce water use.

2. Materials & Resources
   a. Adhesives, sealants, and paints would conform to the guidelines for low- and no- VOC products;
   b. Carpets would conform to the product requirements for the Carpet and Rug Institute Green Label program;
   c. During demolition, materials would be separated and recycled. During construction, solid waste would be recycled;
   d. The proposed project would use recycled materials and materials that are produced in the Southern California area for construction.
3. Mechanical Systems
   a. A variable-flow primary chilled-water loop would be incorporated in the proposed building, which would reduce cooling energy use;
   b. Larger mechanical and plumbing equipment, such as pumps, air handlers, exhaust fans, and kitchen hoods, would use variable-speed drives, which reduce energy use to the minimum amount required to satisfy the immediate demand.
4. Lighting
   a. The proposed project would implement a lighting design that includes the following features:
      - Incorporation of automatic lighting management controls to save energy;
      - Use of a daylight-harvesting system that senses the amount of incoming daylight and reduces the electrical lighting accordingly;
      - Installation of occupancy sensors in offices and restrooms to turn off lights in unoccupied spaces;
      - Individual light-dimming controls throughout;
      - Use of high-efficiency, shielded lighting for all nighttime lighting fixtures.
5. Landscape and Water Quality
   a. Landscape design would specify low-water-use plants and drip irrigation to reduce water usage;
   b. Landscape design would be designed to minimize irrigation and runoff, and to promote surface infiltration where appropriate;
   c. Plants that are tolerant of saturated soil conditions would be used where landscaped area retain or detain storm water;
   d. Landscape irrigation control would be employed to allow for shutoff after a rain event to prevent irrigation after precipitation.

Required Mitigation Measures

No significant impacts have been identified. Therefore, no mitigation measures would be required for GHG emissions.

H. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☒	☐	☐
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Explanation of Checklist:

The following discussion is based on a Phase I Hazardous Materials Assessment prepared for the proposed project by Bodhi, which is included as Appendix 6.

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. No known chemical releases have been identified on or immediately adjacent to the proposed project site. However, the existing restaurant building was constructed in 1965 and is believed to contain lead-based paints and asbestos-containing materials. As standard practice, tests would be conducted during the demolition of the existing structure, and any hazardous materials, such as lead and asbestos-containing materials, would be handled and disposed of according to all applicable regulations. If asbestos is found in the existing structure, the applicant will comply with Rule 40, Code of Federal Regulations 61, Subpart M, which is enforced by the SDAPCD (Regulation XI, Subpart M – Rule 361.145 and 361.150). The rule requires the owner or operator of a demolition to notify the SDAPCD at least 10 days prior to demolishing any structure containing asbestos. All materials from demolition would be transported by barge to the Tenth Avenue Marine Terminal for sorting and proper handling and disposal in a permitted landfill in accordance with existing permitting requirements. Therefore potential impacts associated with hazardous materials disposal would be less than significant.

The construction and operation of the new restaurant facility would not use or dispose of hazardous materials any differently than the existing conditions. Substances such as cooking oils, cleaning products, and other chemicals used in the construction and operation of the restaurant facility would be transported, used, and disposed of in accordance with all applicable regulations. The potential impact would be less than significant.

b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact: The proposed project would be required to comply with all applicable Fire, Building, and Health and Safety codes, which would eliminate any potential risk of upset. No hazardous materials, other than possibly standard building cleaning and maintenance products, would be used or stored on the project site, just as they are today. Upset and accident

conditions involving these materials are not reasonably foreseeable as they would be used, stored, and disposed of in accordance with manufacturer's instructions and applicable regulations. The potential impact would be less than significant.

c. Would the project emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

No Impact. The closest school is the Bright Horizons Kids on Broadway preschool at 475 West Broadway, a distance of approximately 0.5 mile. Because the proposed project would replace an existing facility that does not emit hazardous emissions or handle acutely hazardous materials, substances, or waste and because there are no existing or proposed schools within 0.25 mile, no impact would occur.

d. Is the project located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. There are no hazardous materials sites on the project site, as shown in the California Department of Toxic Substances EnviroStor database (2014). No significant hazard to the public or the environment would occur from an existing hazardous materials site. Therefore, no impact would occur.

e. For a project located within an airport land use plan area or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

Less Than Significant with Mitigation Incorporated. The project site is located less than a mile from San Diego International Airport (SDIA) and Naval Air Station North Island (NASNI) Halsey Field. As shown in Figures 13a and 13b, the project site is also within Review Area 1 of the Airport Influence Area of SDIA. Review Area 1 is a combination of the 60-dB community noise equivalent level (CNEL) noise contour, the outer boundary of all safety zones, and the Threshold Siting Surfaces. Review Area 1 also requires the disclosure of the proximity to SDIA during real estate transactions and an Airport Land Use Commission (ALUC) consistency determination. The project site is not within the Air Installations Compatible Use Zones for NASNI or within 2 miles of a private airstrip.

As is noted above, the project site is located within the SDIA Airport Influence Area, Review Area 1 (San Diego County Regional Airport Authority 2014), which identifies this area as an area where the Airport Land Use Compatibility Plan (ALUCP) contains the combination of the 60 dB CNEL noise contour, the outer boundary of all safety zones, and the Threshold Siting Surfaces. ALUC review is required for all land use plans, regulations, and projects located in Review Area 1. ALUC staff may make a consistency determination for any land use plan, regulation, or project that is compatible with ALCUP noise and safety compatibility policies. The project or construction does not include components that exceed 200-foot above ground level or meet any of the items under 14 Code of Federal Regulations Part 77.9 that would result in a safety hazard.

The ALUCP policies provide for a review of land use plans that propose increase in height limits and would create a hazard resulting from glare; lighting; electromagnetic interference; dust, water vapor, and smoke; thermal plumes; and bird attractants. The proposed project is within the 100:1

Zone, which refers to notice being required for structures penetrating a 100:1 surface rising from the closest runway. The proposed project, at approximately 34 feet maximum height, increases the maximum height of an existing 27-foot-tall restaurant facility by up to 7 feet and does not penetrate that surface. Therefore, the project would not represent a safety hazard for people working in the project area. However, in accordance with the ALUCP noticing and review requirements, necessary forms have been submitted for formal review and determination as to whether the project would be a hazard or obstruction to air navigation. To ensure impacts would be less than significant, mitigation measure HAZ-1 requires ALUC review to be completed and approval obtained from ALUC prior to proposed project construction. The ALUCP also identifies Safety Compatibility Zones, none of which overlap the project site.

The NASNI Air Installations Compatibility Use Zones Update (NASNI 2011) indicates that the project site is not located within the plan area and is not within an Accident Potential Zone. Therefore, the proposed project would be compatible with NASNI operations resulting in a less than significant safety hazards impact due to nearby airport operations. The proposed project would not result in a safety hazard for people residing or working in the project area. As such, there would be no potential airport-related safety impacts.

f. For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The proposed project is not within the vicinity of a private airstrip. Therefore, no impact would occur.

g. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The District also has an emergency preparedness plan related to emergencies on District Tidelands to be followed in the event of an emergency. The proposed project would not cause or contribute to any change in the existing emergency access to the project site and would not interfere with any adopted emergency response plan or emergency evacuation plan. Therefore, the proposed project would have no impact on an emergency response plan, and no impact would occur.

h. Would the project expose people or structures to the risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The project site is located above water within an existing urban environment dominated by concrete and asphalt, well removed from wildlands. Therefore, there is no impact related to wildland fire hazard.

Required Mitigation Measures

The following mitigation measure is proposed to ensure impacts related to airport land use hazards are less than significant:

HAZ-1: Airport Land Use Commission (ALUC) formal review and determination on the proposed project shall be obtained prior to initiation of project construction.

I. HYDROLOGY AND WATER QUALITY

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?	☐	☐	☐	☒
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☐	☒
e. Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f. Otherwise substantially degrade water quality?	☐	☐	☒	☐
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐
j. Contribute to inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐

Explanation of Checklist:

a. Would the project violate any water quality standards or waste discharge requirements?

Less Than Significant Impact. The project site is located above San Diego Bay and the runoff from the existing structure drains directly into the San Diego Bay via sheet flow. The proposed project is not connected to the City's storm drain system, which discharges to the bay. The proposed project applicant would be responsible for adhering to all applicable regulatory storm water requirements, including the application of BMPs under the Municipal Separate Storm Sewer System (MS4) permit system, and complying with all other applicable environmental requirements and restrictions.

The proposed project would reduce runoff that drains directly to the bay, as storm water runoff would be collected on-site and directed through large planter boxes designed to naturally filter the water before it is discharged. The planter boxes would be made of concrete and would contain plants and sand and gravel beneath the soil that would naturally filter runoff for low and medium flow events, which contain the greatest level of contaminants, and would allow the uptake of water into the plants. Therefore, this permanent BMP would reduce the discharge of storm water pollutants over existing conditions. In addition, temporary construction water quality BMPs would be implemented in accordance with the Clean Water Act Section 401 Water Quality Certification. The following BMPs would be proposed in the Water Quality Certification application for the proposed project:

- If any part of the project site is used for the handling of wet material such as demolished docks, or material from demolished structures, the contractor shall place gravel bag filters and oil-absorbent rolls across the area to trap and filter any released water prior to drainage into the bay. The contractor shall remove sediment and debris trapped by the filter for landfill disposal on a regular basis to ensure that the filter remains functional. The filter is not required when demolition is not occurring or wet materials are not being managed; however, the oil-absorbent rolls shall remain in place during the entire construction period to prevent potential petroleum or fuel spills from reaching the bay.
- The contractor shall maintain staff near or on the water to collect and remove any debris that breaks free from the docks and prevent it from drifting away from the work areas. The contractor shall remove all loose debris as quickly as possible, but no later than the end of the day.
- The contractor shall develop and implement a spill prevention and control plan that addresses the potential for an accidental release of fuel or petroleum products. The plan

shall include the use of floating booms and absorbent materials to recover released hazardous materials, as well as provisions for containment, removal, and disposal of spilled materials. An emergency spill and reporting contact list shall be part of the plan.

- The contractor shall visually inspect all vehicles and equipment operating within or adjacent to the bay for fuel or waste releases before the beginning of the work day. The contractor shall note and record if spillage or leaks occur during the work day , and shall take immediate action to clean up and dispose of waste material.

With implementation of BMPs and satisfaction of regulatory requirements through the RWQCB and USACE permitting processes, impacts would be less than significant.

b. Would the project substantially deplete groundwater supplies or 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 (i.e., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

No Impact. No groundwater would be withdrawn as part of project construction or operation and the structure would be on piles above San Diego Bay, thereby eliminating any potential to deplete or interfere with groundwater recharge. Therefore, the proposed project would not deplete groundwater supplies. No impact would occur.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-site or off-site?

No Impact. There are no streams or rivers at or near the project site, which is immediately adjacent to and above San Diego Bay. The project site is flat and completely covered with impervious surfaces, which drain directly to San Diego Bay around the perimeter of the building. Implementation of the proposed project would not result in any change in surface materials or drainage patterns, except that storm water and other runoff would be directed through planter boxes for filtration prior to discharge directly into San Diego Bay. Therefore, no substantial changes to surface drainage patterns would occur that could cause substantial erosion, either on-site or off-site. There would be no impacts.

Regarding the potential for the proposed project to result in substantial erosion or siltation, please also see the discussion above under Section F. Geology and Soils, b., which indicates that there would no impact related to substantial soil erosion or siltation.

d. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or off-site?

No Impact. As indicated above, there are no streams or rivers at the project site, and the site has been previously developed as a structure on a building deck supported by pre-stressed concrete piles above San Diego Bay. The proposed project would not introduce new impervious surfaces that may have the ability to increase runoff acceleration. Therefore, implementation of the proposed project would not result in an increase in the rate or amount of surface runoff that would result in flooding. No impact to surface drainage volumes would occur.

e. Would the project create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

No Impact. See discussions above under Sections I.a. and I.d. The proposed project would not contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. While rainwater from the current structure drains directly into San Diego Bay, the proposed project would include planter boxes that would filter the collected water prior to discharge. The proposed project would not connect to any existing storm drain systems, several of which discharge into San Diego Bay. Therefore, the proposed project would have no impacts.

f. Would the project otherwise substantially degrade water quality?

Less Than Significant Impact. See discussion above under Section I.a. Potential impacts to water quality would be less than significant.

g. Would the project place housing within a 100-year flood plain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact. Pursuant to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FEMA 2012). Since the proposed project does not entail the construction of housing and the project site is not located within a flood zone, no impact would occur.

h. Would the project place within a 100-year flood plain structures that would impede or redirect flood flows?

No Impact. See discussion above under Section I.g. The project site is not located within a 100-year flood plain. Therefore, no impact would occur.

i. Would the project expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam, or as a result of rising sea level?

Less than Significant Impact. According to the Final Draft San Diego County Multi-Jurisdiction Hazard Mitigation Plan (County of San Diego 2010), the project site is located in an area with a low risk of flooding from dam or levee failure. The closest reservoir to the project site is the Chollas Reservoir, which is approximately 6 miles east of the project site. The project site is also not located within a levee failure flood area. Finally, as indicated above in Section I.g., the project site is not located within a flood zone. Therefore, the proposed project would not expose people or structures to a significant risk or loss, injury, or death resulting from flooding. Impacts would be less than significant.

The proposed project is located on the waterfront of San Diego Bay, an area subject to the effects of anticipated sea level rise. CEQA does not require a lead agency to analyze the potential impact of projected sea level rise on a proposed project. Specifically, CEQA requires an agency to analyze the impacts of a proposed project on the existing environment and generally does not require that public agencies analyze the impact that existing environmental conditions might have on a project's

future users or residents unless the project itself might worsen existing environmental hazards (*Ballona Wetland Foundation v. City of Los Angeles (2011) 201 Cal. App. 4th 455*; *California Building Industry Association v Bay Area Air Quality Management District* (S213478, December 17, 2015). However, pursuant to the Coastal Act and the California Coastal Commission's Sea Level Rise Policy Guidance document, a project in the California Coastal Zone, like the proposed project, must address sea-level rise and resiliency of the project and coastal resources.

As discussed above in Section G. Greenhouse Gas Emission, b., the Board of Port Commissioners approved a CAP to reduce GHG emissions on District tidelands. The CAP includes a variety of potential GHG reduction policies and measures selected to help meet the District's GHG reduction goals but does not discuss potential sea level rise scenarios or adaptation to potential sea level rise scenarios. Since the CAP does not address potential sea level rise scenarios at this time, this analysis relies on the *Climate Change Related Impacts in San Diego Region by 2050* study for sea level rise analysis (California Climate Change Center 2009). The *Climate Change Related Impacts in San Diego Region by 2050* study modeled three scenarios to develop a range of potential long-term sea level rise values in San Diego County. The projected sea level rise values range from approximately 12 to 18 inches by the year 2050.

The State Legislature has stated in Assembly Bill 52 that global climate change may have a number of adverse effects on the environment in California, including causing or contributing to rising sea levels. The Intergovernmental Panel on Climate Change (IPCC) stated that rising sea levels are consistent with the observed warming of the atmosphere (IPCC 2007). According to the California Climate Change Center's White Paper entitled Projected Future Sea Level (March 2006), a historical rate of sea level rise approaching 0.08 inch per year was recorded for California tide gages, similar to the rate estimated for global mean sea level. The Center's White Paper concluded that ". . .sea level rise was likely to exceed that which has been observed during the last 100 years or so at tide gages along the California coast, so that historical coastal structure design criteria would more often be exceeded, the duration of events would increase, and these events would become increasingly frequent as sea level rise continues."

Since the Projected Future Sea Level white paper, numerous reports have been published with regards to projected sea level rise in San Diego Bay. The most widely used guidance for considering sea level rise along the California coastline is now the previously mentioned California Coastal Commission's Sea Level Rise Policy Guidance adopted August 12, 2015 (California Coastal Commission 2015). The Sea Level Rise Policy Guidance provides sea level projections for the bench mark years of 2030, 2050, and 2100. The project life is expected to be 30 to 50 years based on the proposed project lease with the District and the life expectancy of materials in the marine environment. Assuming a 50-year lifespan as the worst-case scenario and that construction is complete in 2018, the project life would extend to approximately 2068. According to Appendix A of the Sea Level Rise Policy Guidance: Sea Level Rise Science and Projections for Future Change the sea level rise projections for the California coast south of Cape Mendocino are between 5 and 24 inches in 2050 and between 17 and 66 inches in 2100 (California Coastal Commission 2015). Because the worst-case scenario does not fall on either of these benchmarks, the guidance document recommends using either linear interpolation or "best fit" equation methods of Appendix B of the Sea Level Rise Policy Guidance: Developing Local Hazard Conditions Based on Regional or Local Sea Level Rise Using Best Available Science. Using the linear interpolation method, in 2068 (the worst-case/maximum project life scenario), the sea level would rise between 9.3 and 39.1 inches.

The elevation of the North Embarcadero, including the project site, is approximately 10 feet (120 inches) above Mean Lower Low Water (MLLW). The highest high tide recorded for San Diego Bay was 7.79 feet (93.5 inches) above MLLW. Assuming a conservative sea level rise of 30.7 inches by 2058, the maximum water line of the San Diego Bay is estimated to range between 8.57 feet (102.8 inches) and 11.05 feet (132.6 inches) above MLLW in 2068. Because the elevation of the project site is 10 feet (120 inches) above MLLW, projected sea level rise would not affect the proposed project by 2068 if the lowest end of the range (100.4 inches) is realized, but would be affected if the highest end of the range (132.6 inches) is realized. The highest end of the range would represent a worst-case scenario at the maximum project life, and the sea level would be approximately 12.6 inches above the base level of the proposed project.

Though sea level rise has the potential to effect the proposed project past 2050, the proposed project's Coastal Development Permit (CDP) would require that the applicants either incorporate accommodation strategies into the final design of the proposed project (such as constructing the glass panels of the bottom floor to be water tight) or retrofit the structure before the MLLW rises to the level of the proposed project. Current proposed project design already includes pier materials that allow for flood inundation. In addition, by 2058, adaptive management policies would be expected to be developed by that time and would apply to any redevelopment, renewal, or upgrades along the waterfront to address the sea level rise paradigm at that time. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury, or death resulting from sea level rise. Impacts would be less than significant.

j. Would the project contribute to inundation by seiche, tsunami, or mudflow?

Less Than Significant Impact. Tsunamis are long seismic sea waves (long compared to ocean depth) generated by sudden movements of the sea floor caused by submarine earthquakes, landslides, or volcanic activity. The project site lies within the tsunami inundation zone mapped by the California Geologic Survey Tsunami Inundation Map for the Point Loma Quadrangle (California Emergency Management Agency 2009) as shown on Figure 14. Therefore, the potential for tsunami inundation at the project site is high when compared to areas outside the mapped inundation zone. However, the proposed project will be built at the same elevation at the North Embarcadero, which is outside of the tsunami inundation zone. Should a tsunami occur, it is likely that the proposed project site would not be inundated. Fatalities and injuries from tsunami inundation can be reduced through implementation of a tsunami early warning system, and public education and signage of actions to take in the event of a tsunami arriving at the project site.

A strong earthquake lasting 20 seconds or more near the coast may generate a tsunami. A noticeable rapid rise or fall in coastal waters is also a sign that a tsunami is approaching. The West Coast & Alaska Tsunami Warning Center is responsible for issuing warnings of potential tsunamis along the west coast of the United States. The County of San Diego Office of Emergency Services also issues tsunami warnings and provides guidelines for what to do during and after a tsunami warning, and the Port Harbor Police have a tsunami early response/warning protocol. The West Coast/Alaska Tsunami Warning Center (WC/ATWC) and the Pacific Tsunami Warning Center (PTWC) may issue the following bulletins:

- **WARNING:** A tsunami was or may have been generated, which could cause damage; therefore, people in the warned area are strongly advised to evacuate.

- **WATCH:** A tsunami was or may have been generated, but is at least 2 hours travel time to the area in watch status. Local officials should prepare for possible evacuation if their area is upgraded to a warning.

- **ADVISORY:** An earthquake has occurred in the Pacific basin, which might generate a tsunami. WC/ATWC and PTWC will issue hourly bulletins advising of the situation.

- **INFORMATION:** A message with information about an earthquake that is not expected to generate a tsunami. Usually only one bulletin is issued.

Based on the above discussion, sufficient tsunami warning and response systems are in place in the San Diego Bay. The proposed project is also in close proximity to the waterfront and tsunami evacuation routes to the east. Additionally, there would be no change in exposure to this hazard from the existing conditions, because the proposed project would be replacing an existing restaurant facility. As previously discussed, the tsunami inundation zone stops at the project boundary with the North Embarcadero and the proposed project would be an elevated structure. Because of these factors, the potential impact related to tsunami inundation would be less than significant.

Regarding seiche waves and mudflows, the proposed project would be constructed at the same, or slightly raised, elevation as the existing structure, which is at the same level as the North Embarcadero. The project site is flat and is not located adjacent to any unstable slopes that may be subject to mudflows during large storm events. In addition, the project site would not be subject to inundation by seiche as this phenomenon is typically associated with land-locked bodies of water, none of which occur near the project site. The closest inland water body is Sweetwater Reservoir, which is located approximately 10 miles east of the project site. Therefore, the proposed project would not be susceptible to inundation by seiche or mudflow.

Required Mitigation Measures

The proposed project would not result in significant impacts associated with hydrology or water quality; thus, mitigation measures are not required.

J. LAND USE AND PLANNING

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?	☐	☐	☐	☒
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Explanation of Checklist:

a. Would the project physically divide an established community?

No Impact. The proposed project would not physically divide an established community because it would occur on essentially the same site as an existing restaurant on the San Diego Bayfront, and there are no residential uses or established communities on three sides, which are surrounded by water. Moreover, the new dock and dine facility is minor in size and is set in the water as to not impact existing surrounding development and may allow waterborne visitors additional access to this part of the bay. Therefore, no impact would occur.

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The project site is located on tidelands (within the historic mean high tide line) and is within the land use jurisdiction of the District. The proposed project is within the Civic Zone subarea of Planning District 3, Centre City Precise Plan Area, of the certified PMP. The PMP calls for improvements to the North Embarcadero through the NEVP Phase 1, and there are ongoing improvements to the waterfront in the project vicinity. The proposed project has been designed to be compatible with and to complement the ongoing NEVP Phase 1 improvements. Table LUP-1 lists the goals and objectives from the PMP that are applicable to the proposed project and provides a discussion on the proposed project's consistency with each applicable goal and objective.

The PMP land use designation for the project site is Commercial Recreation, which includes restaurant use. A restaurant is not a water-dependent or water-linked use, but is a waterfront enhancing and visitor-serving use consistent with the Public Trust Doctrine; however, the proposed dock and dine portion of the proposed project is a water-dependent use.

The proposed project is consistent with the current use and the Commercial Recreation use of the project site for a waterfront restaurant, which commenced in 1965. In addition, the proposed expanded dock and dine area is compatible with the Ship Anchorage water designation and would not interfere with cruise ship use of the B Street Pier and Cruise Ship Terminal to the south.

The project site also lies within the boundary of the Coastal Zone and is subject to the requirements of the California Coastal Act (Coastal Act). The District would issue a non-appealable CDP for the proposed project consistent with the PMP as certified by the California Coastal Commission. The proposed development type is not listed as 'appealable' per Chapter 8 Ports (§30715)[3] of the California Coastal Act. As such the proposed project is subject to a non-appealable CDP, and a PMP amendment is not required to add the proposed project to the project list.

The proposed project is a redevelopment of the same use that includes restaurant(s) on the land side, which is an allowable use within the Commercial Recreation designation, and a dock and dine on the water side, which is compatible with the Ship Anchorage designation. Because the proposed project involves the replacement of the existing uses with the same uses, the proposed project would not require a PMP amendment. The project site is within the Civic Zone Subarea (33) of Planning District 3 Centre City Embarcadero and is identified as Commercial Recreation land use in the PMP, which would not change as part of the project, as it replaces like use for like use. The Commercial Recreation category includes restaurants, which are also included in the Class III Public Access to the Shoreline as defined in Section III of the PMP. The redevelopment would replace the existing platform and building with a new platform and building. The replacement platform would increase the water coverage area by approximately 1,135 square feet. The new building would be of a height increased from the existing by approximately 4.5 feet. The restaurant floor space would increase by 8,722 square feet, or approximately 33 percent compared to the existing space. Seating in the restaurant would almost double from the 536 seats available in the existing facility to approximately 1,000 seats in the proposed Portside Pier. The increase also includes an additional 3,648 square feet of public view deck with approximately 108 seats on the second story of the building affording elevated views across the bay. No changes to the existing promenade or street parking are proposed. The existing promenade and parking configuration would be restored upon completion of construction, with pavement treatment in line with the NEVP Phase 1 improvements. The increase platform and building size is accommodated entirely within the Commercial Recreation designation illustrated on Precise Plan 11 for the Center City Embarcadero (Planning District 3, subarea 33 Civic Zone) of the PMP.

The water area surrounding the project site on three sides is Public Facilities "Ship Anchorage", which provides anchorage opportunities for ocean going vessels with the responsibilities for marine sanitation, safety, and security of each vessel to the owner or operator. The existing and proposed additional boat dock for increased dock and dine is compatible with the Ship Anchorage as it accommodates vessels allowing owners/operators to dock at shore and dine at the restaurants. In addition, the dock would not interfere with vessel passage as it is sufficient distance from the B Street pier cruise ship terminal to allow for security and maneuvers of those vessels and

[3] §30715 of the California Coastal Act lists the following development categories as appealable: (1) developments for the storage, transmission, and processing of liquefied natural gas and crude oil; (2) waste water treatment facilities; (3) roads or highways not principally used for internal circulation within the port boundaries; (4) office and residential buildings not principally devoted to port administration; 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. Restaurants are not listed as appealable and the dock and dine is an accessory use to the restaurant and is not a small craft marina-related facilities.

would be adjacent to the restaurant facility and North Embarcadero Promenade such that its location would not present an obstacle to smaller vessels on the bay. The expanded dock increases shading and water coverage by approximately 4,480 square feet. The existing and increased dock and dine is accommodated entirely within the existing designated Shipping Anchorage water area.

The increased water coverage for the replacement platform and the expanded dock and dine would total approximately 4,480 square feet. Because the reduction in water area would be approximately one tenth of an acre and the use would remain a water use (boat docking) consistent with the ship anchorage designation, the acres listed in Table 10 of the PMP would not be affected.

The proposed development is consistent with Chapter 3 of the California Coastal Act (CCA) Article 2 Public Access, specifically §30210, §30211, and §30214 due to the public viewing deck that will provide bayfront views to the public at no cost. The expanded dock and dine is also consistent with Article 3 Recreation and Article 4 Marine Environment specifically §30220, §30224, and §30234. The expanded dock and dine enables recreational water users to access the water and the shore at the project where opportunities for meals and refreshments are available in a fashion that does not interfere with the commercial fishing industry.

The proposed development is also consistent with Article 6 Development, specifically §30250 and §30251. The project includes redevelopment of an existing developed site, contiguous with existing developed areas along the San Diego Bay waterfront. The project is designed with an architecture that includes a substantial glass component increasing transparency compared to the existing building. The design also includes a 3,648-square-foot public viewing deck that would have up to 108 seats and be clearly signed and directly accessible through the restaurant and no purchase or use of the commercial facilities necessary for the public to enjoy the deck. The public viewing deck would provide views across the bay. Justification for the proposed project's consistency with these California Coastal Act policies, along with the full policy text, is provided in table LUP-1.

As is discussed in the Hazards and Hazardous Materials section of this document, the proposed project site is located within the SDIA ALUCP area. ALUC review by the SDIA is required for all land use plans, regulations, and projects located in Review Area 1, where the proposed project is located. ALUC staff will review the proposed project and make a consistency determination for any land use plan, regulation, or project that is compatible with SDIA ALCUP compatibility policies. As discussed in the Hazards and Hazardous Materials section, the proposed project would not represent a safety hazard for people working in the project area and does not overlap with an identified Safety Compatibility Zone. The proposed project is also an allowed use within the applicable noise contour range (i.e., 60-56 dB CNEL) specific by the SDIA ALUCP; therefore, the proposed project is consistent with SDIA ALUCP noise and land use compatibility policies.

In addition to the above discussion, Table LUP-1 provides an analysis of the proposed project's consistency with the applicable policies of Chapter 3 and Chapter 8 of the California Coastal Act Chapter, as well as the applicable PMP policies, goals, and objectives. Therefore, there would be no conflicts with applicable land use plans, policies, or regulations, and no impact would occur.

Table LUP-1. Plan and Policy Consistency Analysis		
Policy, Goal, or Objective	**Discussion**	**Finding**
California Coastal Act Chapter 3		
Section 30210: 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.	The proposed project would include a public viewing deck of the bay, at which no purchase or use of the commercial property would be required. Clear wayfinding signage indicating the path to the viewing deck will be placed to direct members of the public to the area. The deck will encompass approximately 3,648 square feet and will have up to 108 seats.	Consistent
Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.	The proposed project would not interfere with existing public access; rather, it would provide increased public access to the bayfront through the public viewing deck.	Consistent
Section 30214 Implementation of public access policies; legislative intent (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution. (c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.	As previously discussed, the proposed project would provide increased public access opportunity compared to the existing site through the public viewing deck. The deck would provide elevated views of the bayfront and would not require any purchase from the restaurant or other use of the commercial property. In addition, the deck would be accessible from the North Embarcadero Promenade, from which wayfinding signage will be clearly placed to attract members of the public to use the deck. The Applicant would be responsible for maintaining the public viewing deck, would not hold any private events in the deck, and would keep the deck access open to the public during restaurant business hours.	Consistent

Table LUP-1. Plan and Policy Consistency Analysis		
Policy, Goal, or Objective	**Discussion**	**Finding**
Section 30220 Protection of certain water-oriented activities Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.	The expanded dock and dine included with the proposed project would enable recreational water users to access the water and the shore at the project where opportunities for meals and refreshments are available in a fashion that does not interfere with the commercial fishing industry.	Consistent
Section 30224 Recreational boating use; encouragement; facilities Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.	As previously discussed, the expanded dock and dine would provide additional moorings for motorized and non-motorized boats and other watercraft than existing conditions. The dock and dine would encourage recreational water users in the bay near the proposed project area.	Consistent
Section 30234 Commercial fishing and recreational boating facilities Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. 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. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.	As previously discussed, the expanded dock and dine would provide additional moorings and would provide an increased opportunity for recreational water users to access the shore and utilize the restaurant.	Consistent
Section 30250 Location; existing developed area (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.	The proposed project includes redevelopment of an existing developed site, contiguous with existing developed areas along the San Diego Bay waterfront, and would not result in a change in land use. As previously discussed, a public viewing deck would be maintained with clear wayfinding signage, and would be open to the public at no charge during restaurant business hours.	Consistent

Table LUP-1. Plan and Policy Consistency Analysis		
Policy, Goal, or Objective	**Discussion**	**Finding**
Section 30251 Scenic and visual qualities The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.	The project is designed with an architecture that includes a substantial glass component increasing transparency compared to the existing building. The proposed project design incorporates the extensive use of clear glass panels to increase building transparency from the North Embarcadero Promenade through the building to the bay and beyond, as compared to the existing solid building. This open architectural design is also intended to complement the ongoing and proposed redevelopment projects such as the Lane Field projects that are being undertaken as part of the North Embarcadero Visionary Plan Phase 1.	Consistent
California Coastal Act Chapter 8		
Section 30715 Permit authority; appealable approvals (a) Until such time as a port master plan or any portion thereof has been certified, the commission shall permit developments within ports as provided for in Chapter 7 (commencing with Section 30600). After a port master plan or any portion thereof has been certified, the permit authority of the commission provided in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the commission over any new development contained in the certified plan or any portion thereof and shall at that time be delegated to the appropriate port governing body, except that approvals of any of the following categories of development by the port governing body may be appealed to the commission: (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. A development which has a significant impact shall be defined in the master plans. (2) Waste water treatment facilities, except for those facilities which process waste water 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	The project constitutes "development" as defined in Chapter 2 of the California Coastal Act. The project involves restaurant redevelopment, which is not included in the listed development types subject to appeal per Chapter 8 Port, Article 3 Implementation: Master Plan §30715 of the California Coastal Act. Therefore, a non-appealable Coastal Development Permit pursuant to the District's authority under Chapter 8 of the California Coastal Act is required.	Consistent

Table LUP-1. Plan and Policy Consistency Analysis		
Policy, Goal, or Objective	**Discussion**	**Finding**
goods utilized for water-oriented purposes; commercial fishing facilities; and recreational small craft marina related facilities. (5) Oil refineries. (6) Petrochemical production plants. (b) If maintenance dredging is part of, or is associated with, any category of development specified in paragraphs (1) to (6), inclusive, of subdivision (a), the commission shall not consider that maintenance dredging in its review and approval of those categories.		
Port Master Plan Section II: Planning Goals		
I. Provide for the present use and enjoyment of the Bay and tidelines in such a way as to maintain options and opportunities for future use and enjoyment.	The proposed project would provide increased opportunity for public enjoyment of the bay through the incorporation of a public viewing deck, dock and dine facility, and transparent glass design that provides increased views of the bay.	Consistent
II. The Port District, as trustee for the people of the state of California, will administer the tidelines so as to provide the greatest economic, social, and aesthetic benefits to present and future generations. - Consider the entire San Diego Bay as a complete system when promoting the multi-purpose development of the Port District.	The proposed project is a redevelopment of the same use that includes restaurant(s) on the land side that is intended to compliment planned or ongoing improvements throughout the San Diego Bay, such as the projects undertaken in the NEVP Phase 1. In addition, the proposed project is anticipated to both improve public access to the bay while also maximizing the revenue potential of the site.	Consistent
VIII. The Port District will enhance and maintain the bay and tidelines as an attractive physical and biological entity. - Each activity, development and construction should be designed to best facilitate its particular function, which function should be integrated with and related to the site and surroundings of that activity. - Views should be enhanced through view corridors, the preservation of panoramas, accentuation of vistas, and shielding of the incongruous and inconsistent. - Establish guidelines and standards facilitating the retention and development of an aesthetically pleasing tideland environment free of noxious odors, excessive noise, and hazards to the health and welfare of the people of California. - Establish and foster an artworks program to promote, enhance, and enliven the waterfront experience through the public and private placement of works of art.	The proposed project has integrated increased views of the bay and public access opportunity into the building design. This provides increased functionality from the existing restaurant, which does not include public access opportunity. In addition, the proposed project is intended to enhance the scenic quality of the North Embarcadero Promenade by incorporating a transparent design that opens views of the bay compared to the existing solid building. The proposed project design is also intended to compliment other improvements in the San Diego Bay, such as those in NEVP Phase 1. Once complete, the proposed project will likely draw visitors to the establishment as surrounding North Embarcadero Promenade.	Consistent

Table LUP-1. Plan and Policy Consistency Analysis		
Policy, Goal, or Objective	**Discussion**	**Finding**
IX. The Port District will insure physical access to the bay except as necessary to provide for the safety and security, or to avoid the interference with waterfront activities. - Provide "windows to the water" at frequent and convenient locations around the entire periphery of the bay with public right-of-way, automobile parking and other appropriate facilities. - Provide access along the waterfront wherever possible with promenades and paths where appropriate, and elimination of unnecessary barricades which extend into the water.	The proposed project would provide increased public access of the Bay and "windows to the water" through the incorporation of a public viewing deck, dock and dine facility, and transparent glass design that provides increased views of the bay.	Consistent
Port Master Plan Land Use Objectives		
Each commercial area on District lands should have: • convenient access from major arterials or transportation terminals and ample on-site parking for patrons. • a unifying design theme enhancing the overall aesthetical qualities of the site and insuring compatible land and water uses benefiting the unique aspect of commercial activities at bayside locations. • a minimization of the competitive hazard to existing or potential business in the general vicinity. • a clustering of commercial activities enhancing cumulative attraction wherein complementary and similar units have high incidence of customer interchange and draw more business by being together.	The proposed project site is located on the waterfront along North Harbor Drive, which is easily accessible by vehicle from Pacific Coast Highway or Interstate 5. The North Embarcadero runs parallel to the San Diego Harbor and North Harbor Drive, through the project site, providing pedestrian and bicycle access. While no designated site parking would be provided, parking mitigation has been incorporated into the proposed project and sufficient parking has been identified in the vicinity. As previously discussed, the aesthetic design of the proposed project is intended to enhance the scenic quality of the North Embarcadero Promenade by incorporating a transparent design that opens views of the bay. Once complete, the proposed project is anticipated to attract visitors to the commercial/restaurant amenities as well as to the public viewing area and North Embarcadero Promenade.	Consistent
Parks, plazas, public accessways, vista points and recreational activities on Port lands and tidelands should: • provide a variety of public access and carefully selected active and passive recreational facilities suitable for all age groups including families with children throughout all seasons of the year. • enhance the marine, natural resource, and human recreational assets of San Diego Bay and its shoreline for all members of the public. • provide for clear and continuous multilingual information throughout	The proposed project would provide increased public access of the bay through the incorporation of a public viewing deck, dock and dine facility, and transparent glass design that provides increased views of the bay. Clear wayfinding signage will be placed to direct the public to the viewing deck, and the dock and dine will attract visitors via watercraft, thus encouraging waterborne recreational activities. The design of the	Consistent

Table LUP-1. Plan and Policy Consistency Analysis		
Policy, Goal, or Objective	**Discussion**	**Finding**
Port lands and facilities to and about public accessways and recreational areas.	proposed project will also enhance the overall aesthetics of the North Embarcadero Promenade and will compliment other improvements in the San Diego Bay, such as those in NEVP Phase 1.	

c. Would the project conflict with any applicable habitat conservation plan or natural communities conservation plan?

No Impact. The project site is disturbed and covered with an existing structure. The proposed project involves the redevelopment of an existing restaurant site. No habitat conservation plan or natural communities conservation plan is located on or adjacent to the project site. As discussed above in Section D.f, the San Diego Bay INRMP sets forth a long-term strategy to provide direction for the good stewardship of natural resources in the bay. The goal of the INRMP is to ensure the long-term health, restoration, and protection of San Diego Bay's ecosystem in concert with the bay's economic, naval, navigational, recreational, and fisheries needs. Therefore, the proposed project would not conflict with the goals or intent of the INRMP or affect sensitive habitats. There would be no impact related to habitat conservation plans.

Required Mitigation Measures

The proposed project would not result in significant impacts associated with land use and planning; thus, mitigation measures are not required.

K. MINERAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or in the inefficient use of energy resources?	☐	☐	☒	☐
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Explanation of Checklist:

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or in the inefficient use of energy resources?

Less Than Significant Impact. The project site is fully developed and is not known to contain mineral resources that would be of future value to the region or state. As shown on Figure CE-6 in the Conservation Element of the City of San Diego's General Plan, the project site is mapped as Mineral Resource Zone 1 (MRZ-1), an area where adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence (City of San Diego 2008). The proposed project is located within a highly visible and active pedestrian area currently used for marine-related restaurant activities where the potential for viable extraction of minerals is limited. Therefore, no mineral resources would be lost as a result of the proposed project.

It is not anticipated that the proposed project would result in a substantial increase in electricity consumption associated with the existing restaurant facility. While the new restaurant facility will have more square footage and seats to accommodate diners, the heating, air conditioning, lighting, and appliances would likely be more efficient than those in use today. The proposed project is also consistent with adopted energy planning documents for the San Diego region, including the SDG&E long-term energy resources plans. Therefore, the proposed project would not result in the inefficient use of energy, and the impact would be less than significant.

b. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. See the discussion provided above in Section K.a.

Required Mitigation Measures

The proposed project would not result in significant impacts associated with mineral resources; thus, mitigation measures are not required.

L. NOISE

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b. Expose persons to or generate excessive ground borne vibration or ground borne noise levels?	☐	☐	☒	☐
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project?	☐	☐	☒	☐
e. For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☒	☐
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Explanation of Checklist:

The noise descriptors used for this study are the one-hour equivalent noise level (L_{eq}) and the CNEL. The CNEL is a 24-hour A-weighted equivalent sound level. The CNEL calculation applies an additional 5 A-weighted decibels (dB(A)) penalty to noise occurring during evening hours, between 7:00 P.M.. and 10:00 P.M., and a 10 dB(A) penalty is added to noise occurring during the night, between 10:00 P.M. and 7:00 A.M. These increases for certain times are intended to account for the added sensitivity of humans to noise during the evening and night.

Since the District does not maintain significance criteria for noise impacts, the applicable standards for the proposed project are the City of San Diego's standards, including its CEQA Significance Determination Thresholds (CEQA thresholds), and Noise Ordinance.

The City's Noise Element of the General Plan specifies compatibility standards for different categories of land use. According to the General Plan, eating and drinking establishments are compatible up to 65 CNEL and conditionally compatible up to 75 CNEL provided interior noise levels do not exceed 50 CNEL (City of San Diego 2015a).

Additionally, the City's CEQA thresholds identify 65 CNEL as the traffic noise significance threshold for residential exterior useable space and parks; 70 CNEL for offices, churches, business, and professional uses; and 75 CNEL for commercial, retail, industrial, and outdoor spectator sport uses. The proposed use is considered a and eating and drinking commercial service. The exterior compatibility level for commercial services is 65 CNEL. This is also consistent with the City's Noise Element compatibility standards. For the purposes of this analysis, an exterior compatibility level of 65 CNEL and an interior compatibility level of 50 CNEL were applied.

Pursuant to the City's Noise Ordinance, stationary noise sources are regulated by Section 59.5.0401 of the City's Noise Abatement and Control Ordinance, and construction noise is regulated by Section 59.5.0404.

Section 59.5.0401 of the City's Noise Abatement and Control Ordinance states that:

A. It shall be unlawful for any person to cause noise by any means to the extent that the one-hour average sound level exceeds the applicable limit.

B. The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts…

The applicable noise limits are summarized in Table NOISE-1.

Table NOISE-1. Stationary Source Noise Level Limits

Land Use	Time of Day	Sound Level [dB(A) L_{eq}]
Single-family Residential	7:00 A.M. to 7:00 P.M.	50
	7:00 P.M. to 10:00 P.M.	45
	10:00 P.M. to 7:00 A.M.	40
Multi-family Residential (up to a maximum density of 1 unit/2,000 square feet)	7:00 A.M. to 7:00 P.M.	55
	7:00 P.M. to 10:00 P.M.	50
	10:00 P.M. to 7:00 A.M.	45
All Other Residential	7:00 A.M. to 7:00 P.M.	60
	7:00 P.M. to 10:00 P.M.	55
	10:00 P.M. to 7:00 A.M.	50
Commercial	7:00 A.M. to 7:00 P.M.	65
	7:00 P.M. to 10:00 P.M.	60
	10:00 P.M. to 7:00 A.M.	60
Industrial or Agricultural	Anytime	75

Section 59.5.0404 of the City's Noise Abatement and Control Ordinance states that:

A. It shall be unlawful for any person, between the hours of 7:00 P.M. of any day and 7:00 A.M. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and

Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise.

B. …it shall be unlawful for any person, including the City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 A.M. to 7:00 P.M.

a. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?

Less Than Significant Impact.

Existing Noise Environment

The sources of noise at the project site are vehicle traffic, aircraft operations from the SDIA and NASNI, train and trolley operations on the railroad tracks located approximately 1,000 feet to the east, harbor activities, and pedestrians.

Noise levels were measured in the project vicinity on Wednesday, April 13, 2016. Five 15-minute measurements were taken, as described below. The locations of the measurements are shown on Figure 16.

Measurement 1 was taken at the southwestern corner of Waterfront Park, approximately 50 feet east of Harbor Drive and 100 feet north of Ash Street. Noise levels were measured from 1:33 P.M. to 1:48 P.M. The main source of noise at this location was vehicle traffic on Harbor Drive. Vehicle traffic on Ash Street and aircraft taking off from SDIA were also audible. The average measured noise level during Measurement 1 was 62.4 dB(A) L_{eq}.

Measurement 2 was taken at the southeastern corner of Waterfront Park, approximately 50 feet west of Pacific Highway. Noise levels were measured from 1:57 P.M. to 2:12 P.M. The main source of noise at this location was vehicle traffic on Pacific Highway. Aircraft taking off from SDIA, train and trolley traffic on the railroad tracks to the east, and people in the park were also audible. The average measured noise level during Measurement 2 was 60.9 dB(A) L_{eq}.

Measurement 3 was adjacent to the Wyndham Bayfront Hotel, east of the project site and approximately 50 feet east of Harbor Drive. Noise levels were measured from 1:44 P.M. to 1:59 P.M. The main source of noise at this location was vehicle traffic on Harbor Drive. Vehicle traffic on Ash Street and pedestrians were also audible. The average measured noise level during Measurement 3 was 62.4 dB(A) L_{eq}.

Measurement 4 was taken across from the nearest residential uses at approximately 25 feet west of Pacific Highway. Noise levels were measured from 2:07 P.M. to 2:22 P.M. The main source of noise at this location was vehicle traffic on Pacific Highway and construction activities located at the southwest corner of Ash Street and Kettner Boulevard. The average measured noise level during Measurement 4 was 64.6 dB(A) L_{eq}.

Measurement 5 was taken in the courtyard/pool area of the Wyndham Bayfront Hotel. Noise levels were measured from 2:42 P.M. to 2:57 P.M. The main source of noise at this location was music and

mechanical equipment. Vehicle traffic on area roadways and aircraft taking off from SDIA were also audible. The average measured noise level during Measurement 5 was 58.8 dB(A) L_{eq}.

Noise/Land Use Compatibility

As discussed previously, the District does not maintain significance criteria for noise impacts and relies on standards established by the City of San Diego. The applicable exterior and interior noise compatibility standards are 65 and 50 CNEL, respectively. The main source of noise at the project site is vehicle traffic on Harbor Drive. The project site is also exposed to aircraft noise from SDIA and NASNI. Secondary sources of noise that would not affect the ambient noise environment include boats, pedestrians, and general activities associated with visitors to the area, as well as aircraft noise from NASNI. However, the project is approximately 3,000 feet northeast of the 60 CNEL contour for NASNI and is not exposed to significant noise from this airport. Because these secondary sources of noise do not contribute substantially to the noise environment, they are not included in the compatibility analysis. A discussion of vehicle and aircraft noise from SDIA is provided below.

As discussed, noise measurement were taken adjacent to Harbor Drive, and the existing noise level in the project vicinity was measured to be 62.4 dB(A) L_{eq}. The segment of Harbor Drive adjacent to the project has an existing traffic volume of 14,090 average daily trips (ADT) and a speed of 25 miles per hour (mph). The project site is approximately 100 feet west of the centerline for Harbor Drive. Using these parameters and the Federal Highway Administration (FHWA) Traffic Noise Model it was calculated that existing noise levels at the project site are 62 CNEL, which is consistent with the measured noise level. The segment of Harbor Drive adjacent to the project has future (year 2035 plus project) traffic volume of 22,933 ADT. With this traffic volume, it was calculated that future exterior noise levels at the project site would be 64 CNEL. Standard construction would provide an exterior to interior noise reduction of 20 dB(A) (FHWA 2011). Therefore, interior noise levels would be 44 CNEL or less. These exterior and interior noise levels due to vehicle traffic are compatible with City standards.

The 60 CNEL contour for SDIA cross the project site. When added to the future vehicle traffic noise level of 64 CNEL, the total exterior noise level would be 65 CNEL and a total interior noise level of 45 CNEL. These exterior and interior noise levels due to vehicle traffic are compatible with City exterior and interior noise standards of 65 CNEL and 50 CNEL, respectively. Thus, the project would not expose persons to noise levels in excess of standards established in the General Plan, and impacts would be less than significant.

On-Site Generated Noise

On-site noise sources associated with the proposed project would include rooftop heating, ventilation, and air conditioning units and exhaust fans, and typical noise associated with restaurants. This mechanical equipment would be newer than what currently exists, and newer equipment would generally be quieter than old equipment. As with the existing restaurant facility, there would be outdoor speakers for music and private parties, weddings, and other special events would be held in both indoor and outdoor restaurant areas. The public viewing deck would also attract outdoor spectators and gatherings. However, on-site generated noise would not be substantially louder than existing conditions as indoor and outdoor eating areas currently exist at the proposed project site, as well as the adjacent North Embarcadero Promenade.

Noise levels due to on-site sources were calculated using SoundPLAN (Navcon Engineering 2015). It is not known at this time which manufacturer, brand, or model of ventilation and heating,

ventilation, and air conditioning (HVAC) units would be selected for use in the project. The equipment would be larger than what is currently at the existing restaurant; however, the equipment would be quieter because new units are generally quieter than older units. Additionally, larger units are generally quieter as they are equipped with more insulations and structure to control noise. Six units were modeled on the roof of the proposed restaurant. For modeling purposes, the units were conservatively modeled based on noise level data for units with a capacity of 93,900 cubic feet per minute and a sound power level of 92.9 dB. The noise level spectrum for the units is summarized in Table NOISE-2.

Table NOISE-2. HVAC Equipment Sound Data

Equipment	dB by Octave Band								dB
	63	125	250	550	1000	2000	4000	8000	
93,900 AHU	91	83	85	82	70	64	61	55	92.9
SoundPLAN data for operational noise levels can be found in Appendix 7a.									

Noise levels due to the outdoor eating areas and public viewing deck were also modeled using SoundPLAN. Typical restaurant activities with conversations generate a sound power level of 75 dB (Navcon Engineering 2015). This noise level was modeled as an area source at the outdoor eating areas and patios, the two bar areas, and the public viewing deck.

Noise levels were modeled at five receivers located adjacent to the restaurant on the promenade. The receiver locations and noise contours for on-site generated noise sources are shown in Figure 17, and results are summarized in Table NOISE-3. As shown, the project would not generate noise levels in excess of Noise Ordinance limits (see Table NOISE-1).

Table NOISE-3. Noise Levels due to On-Site Sources

Receiver	Modeled Noise Level [dB(A) L_{eq}]
1	40
2	42
3	38
4	43
5	42
SoundPLAN data for operational noise levels can be found in Appendix 7a	

The project would increase the vessel capacity from two to 12 boat slips. The boat slips would support smaller private recreational boats and yachts. Noise would be generated by engines as boats arrive at, idle, and depart from the dock and dine area. Two noise measurements were taken in the Harbor Island marina in support of the EIR prepared for the Sunroad Harbor Island Hotel Project and East Harbor Island Subarea PMP Amendment (ICF 2013). This marina supports vessels similar to those that would access the dock and dine area. The two measurements taken on the marina slips measured ambient noise levels of approximately 54 dB(A) L_{eq} over a 16-minute duration. Pedestrians, birds, and aircraft overflights were the major noise sources, rather than marina operations. As indicated in the discussion of existing noise measurements, the dominant sources of noise in the project vicinity include vehicle traffic, aircraft, train and trolley pass-bys, and pedestrians, rather than existing boat activity in the harbor. The ambient noise level in the vicinity

of the project is greater than the measured ambient noise level at the Harbor Island marina. The proposed project would include significantly fewer boat slips than the Harbor Island marina. As such, though the increased dock and dine area would have vessel capacity, any additional noise generated from vessels traveling to and from the proposed project would be negligible and would not increase existing ambient noise levels by a measureable amount. Thus, the project would not generate noise levels in excess of standards established in the noise ordinance (see Table NOISE-1). Impacts would be less than significant.

b. Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. While groundborne vibration is sometimes noticeable in outdoor environments, groundborne vibration is almost never annoying to people who are outdoors (Federal Transit Administration [FTA] 2006). The primary concern from vibration is the ability to be intrusive and annoying to local residents and other vibration sensitive land uses. It should be noted, while it is possible for vibrations from construction projects to cause building damage, the vibrations from construction activities are almost never of sufficient amplitude to cause more than minor cosmetic damage to buildings (FTA 2006). The focus of this analysis is land-based vibration receptors, such as people and buildings, vibration impacts to biological resources are addressed in Section D, Biological resources.

Groundborne vibration generated by construction projects is usually highest during pile driving, soil compacting, jackhammering, and demolition-related activities. Therefore, potential vibration impacts would be primarily related to demolition of the existing structure and construction of the new structure, including replacement of the piles. The exact pile-driving method that would be used for the project is not known at this time. Types of pile drivers that would be used include an impact pile driver, a vibratory pile driver, or a water jet. An impact pile driver includes a heavy weight that is raised and then dropped onto the top of the pile. Vibratory pile drivers contain a system of rotating eccentric weights in a gear case that create vertical vibration and cancel horizontal vibration. The vertical vibration drives the pile into the ground. The vibratory pile driver is held by a crane. A vibration suppresser is attached to the top of the gear case to prevent excessive vibration from transferring to the crane. Water jet piling driving applies a concentrated jet of water at the pile tip during placement.

Pile drivers generate ground-borne vibrations. Because neither the District nor the City maintains regulatory standards for vibration sources, potential structural damage and human annoyance associated with vibration from construction activities were evaluated based on California Department of Transportation (Caltrans) vibration limits. A vibration threshold of 0.1 inch per second peak particle velocity (PPV)) was used to evaluate impacts to nearby receptors because this level represents the boundary between barely perceptible and distinctly perceptible vibration (Caltrans 2013; County of San Diego 2009).

Pile-driving vibrations may be felt as far as two to three blocks away, even within enclosed buildings. Based on the upper vibration range of an impact pile driver (1.518 in./sec. PPV) (FTA 2006). Pile-driving vibration levels would exceed 0.1 inch per second PPV within 200 feet of impact pile driving. However, the nearest occupied building, the Wyndham San Diego Bayside, is 215 feet east of the nearest potential pile driving locations within the water.. At this distance, under a worst-case scenario of impact pile driving, vibrations from pile drive would reach 0.092 in./sec. PPV. All other structures are further than 200 feet from the locations where potential pile driving will occur

in conjunction with proposed improvements, pile-driving groundborne vibration would be a less-than-significant impact.

No substantial vibration sources are associated with the proposed project. Operational groundborne noise and vibration would be similar to what is generated at the project site today as there would not be a change in land use. Operation of the project would not generate excessive groundborne vibration or noise levels. Vibration and groundborne noise impacts would be less than significant.

Underwater noise impacts to biological resources are addressed in Section D, Biological resources.

c. Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact. The proposed project would replace an existing restaurant facility with a new, larger restaurant facility, a dock and dine facility and a public viewing platform. Noise levels due to these sources were calculated and are discussed in Section L.a. There would not be a substantial permanent increase in ambient noise levels due to the many existing sources of noise in the project vicinity such as watercraft, aircraft, motor vehicles, trains, and trolleys. In addition, while the new restaurant facility would be increased in size and would contain more open deck seating areas, no live music events would be held. As with the existing restaurant facility, there would be outdoor speakers for music and private parties, weddings, and other special events would be held in both indoor and outdoor restaurant areas. However, these would not result in noise levels that would exceed the City's Noise Abatement and Control Ordinance standards (see Table NOISE-3), and would not result in an increase in the existing noise environment associated with the existing restaurant.

The additional vehicle trips associated with the project would increase noise levels on area roadways. A noise increase of 3 dB or more would be considered significant because 3 dB is the level at which an increase in noise is perceptible to a person. A doubling of traffic volumes would result in a 3 dB(A) increase in noise levels (FHWA 1995). As demonstrated in the traffic analysis, the project would not result in a doubling of traffic volumes on an area roadway, therefore, the increase in noise associated with project traffic would be less than 3 dB(A). As a result, the project would not result in a permanent increase in ambient noise levels in the project vicinity, and impacts would be less than significant.

d. Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact. Section 59.5.0404 of the City's Noise Abatement and Control Ordinance would apply to the construction of the project because the District has not adopted such an ordinance. Demolition and construction of the proposed project would involve in-water work for the removal of the existing platform and supporting piles and the installation of a new platform and supporting piles. Demolition work would be conducted from barges on the water. Project construction would take approximately one year and most of the work would be accomplished from the waterside using a barge, and a staging area on the Embarcadero temporarily displacing the North Embarcadero Promenade and parking, which would be restored to existing configurations upon completion of construction. There would be a short-term increase in ambient noise levels associated with demolition and construction activities. Noise from construction would be temporary and intermittent, and would cease once construction is complete.

Demolition equipment would include a barge, jet pump, vibratory hammer, diesel hammer, a harbor tug, and skiff. Building construction equipment would include a barge, excavator, loader, dump trucks, crane, forklifts, generators, compressors, jet pump, and deck winch. In addition, the installation of new piles would require the use of an impact pile driver, a vibratory pile driver, or a water jet. The greatest increase in ambient noise levels would be during pile-driving activities. Noise levels generated during demolition and building construction phases would be less than noise levels generated during pile-driving activities. Noise levels due to impact piling driving, vibratory pile driving, and water jet pile driving were calculated using SoundPLAN (Navcon Engineering 2015). Reference noise levels for impact pile drivers, vibratory pile drivers, and water jets, as well as a power pack that was modeled adjacent to each pile driver, are summarized in Table NOISE-4. As shown, an impact pile driver generates the loudest sound power level, followed by the vibratory pile driver and then the water jet.

In addition to a pile driver, other construction equipment would be operating on the barge. A study prepared by the Port of Los Angeles indicates that barge equipment can generate a noise level of 79 dB(A) L_{eq} at 100 feet (Port of Los Angeles 2007). This is equivalent to a sound power level of approximately 117 dB(A). In order to account for equipment that may operate simultaneously with the pile driver, this sound level was modeled along with the pile driver.

Sensitive receptors include residential uses, parks and hotels (which are sensitive at night). Other receptors in the vicinity of the project include the Star of India, restaurants, and cruise ships, however, these receptors are not sensitive to construction noise and were not consider in this analysis. Pedestrians utilizing the North Embarcadero Promenade for recreation purposes could also be considered a sensitive receptor; however, these pedestrians would not be exposed to construction noise levels for extended periods of time as they would be traveling through the proposed project site to the north or south. The City's construction noise levels limits are applied to residential land uses. Park uses are located 210 feet to the northeast and hotels are located as close as 180 feet to the east and southeast. There are no residential uses located immediately adjacent to the project site. The nearest residential uses are located east of Pacific Highway, approximately 780 feet east of the project site. Noise levels due to pile-driving activities were modeled at the sensitive receptor locations listed below in Table NOISE-5.Pile driving would occur at locations throughout the footprint of the proposed restaurant and dock and dine area. To determine the worst-case noise level, pile drivers and power packs were modeled at two pile locations closest to the sensitive receivers: one at the northern project footprint at the edge of the water and one at the southern project footprint at the edge of the water. Noise levels due to pile driving at other locations would be less than noise levels at these locations at the edge of the water because they would be further from the sensitive receptors. Modeled receiver locations and noise contours for impact pile driving at a northern and southern location are shown in Figures 18a and 18b, respectively. Vibratory pile driving and water jet pile driving are quieter than impact pile driving, therefore, the impact pile driving noise contours shown in Figures 18a and 18b represent the worst case scenario. The results are summarized in Table NOISE-5.

Table NOISE-4. Pile Driver Sound Data										
Equipment	Sound Pressure and Sound Power Levels	dB by Octave Band								dB
		63	125	250	550	1000	2000	4000	8000	
Impact Pile Driver	Sound Pressure Level (at 10 meters)	87.0	93.0	85.0	87.0	83.0	80.0	75.0	72.0	95.6
	Sound Power Level	105.0	111.0	103.0	105.0	101.0	98.2	93.7	91.9	113.7
Vibratory Pile Driver	Sound Pressure Level (at 10 meters)	83.0	82.0	79.0	82.0	84.0	82.0	77.0	67.0	90.3
	Sound Power Level	101.0	100.0	97.0	100.0	102.0	100.2	95.7	86.9	108.3
Water Jet	Sound Pressure Level (at 10 meters)	75.0	75.0	62.0	58.0	55.0	54.0	48.0	40.0	78.2
	Sound Power Level	93.0	93.0	80.0	76.0	73.0	72.2	66.7	59.9	96.2
Power Pack	Sound Pressure Level (at 10 meters)	80.0	75.0	69.0	67.0	61.0	55.0	49.0	43.0	81.7
	Sound Power Level	98.0	93.0	87.0	85.0	79.0	73.2	67.7	62.9	99.6
SOURCE: Department of Environmental, Food and Rural Affairs 2006										

Table NOISE-5. Pile-Driving Noise Levels (within the hours of 7A.M. – 7P.M.)							
		Average Hourly Noise Level [dB(A) L_{eq}]					
		Impact Pile Driving		Vibratory Pile Driving		Water Jet Pile Driving	
Receiver	Location	Pile at North	Pile at South	Pile at North	Pile at South	Pile at North	Pile at South
1	Park	68	65	65	64	64	63
2	Wyndham Hotel	69	68	67	67	66	66
3	Wyndham Hotel	69	69	68	68	67	67
4	Wyndham Hotel	67	69	66	67	65	66
5	Wyndham Hotel Pool	45	46	44	45	44	44
6	Wyndham Hotel	61	64	61	62	60	60
7	Residential	48	54	48	51	48	48
8	Residential	53	54	53	53	53	53
9	Residential	53	39	49	38	42	38
10	Residential	57	55	55	55	55	54
NOTE: Noise levels shown are for ground floor receivers. Noise levels for higher floors of the hotel and residential uses were also modeled and the detailed results are contained in Appendix 7b.							

As shown, noise levels at the adjacent sensitive receivers would not exceed 75 dB(A) L_{eq} at the adjacent uses. Noise levels would be less than significant per the requirements established in Section 59.5.0404 of the City's Noise Abatement and Control Ordinance at the nearest residential uses. Pursuant to the City Noise Ordinance, all outdoor demolition and construction activities including but not limited to pile driving, is limited to Monday through Saturday, between 7 A.M. and 7 P.M. Some interior work may occur outside these hours, but would be limited to activities that would not include the use of machinery that would result in an exceedance of noise thresholds. Noise levels generated during other phases of construction would be less than the pile-driving noise levels summarized in Table NOISE-5. Because noise levels would not exceed 75 dB(A) L_{eq} at the adjacent sensitive receptors and because proposed construction would take place during daytime hours between 7 A.M. and 7 P.M. per the requirements established in Section 59.5.0404 of the City's Noise Abatement and Control Ordinance, the impact at these uses is considered less than significant.

e. For a project located within an airport land use plan area or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Less Than Significant Impact. The project site is located less than a mile from SDIA and NASNI, but is not located within the flight path of either airport. The 60 CNEL contour for SDIA cross the project site. The project site is approximately 3,000 feet outside the 60 CNEL contour for NASNI. The proposed project would replace an existing restaurant complex with a new restaurant complex. While aircraft from SDIA and NASNI are audible from the project site, the noise levels from aircraft are not excessive and would not exceed compatibility standards. Additionally, as discussed in L.a, standard construction techniques would provide an exterior to interior noise reduction of 20 dB (FHWA 2011), and exterior and interior noise levels would be compatible with City standards. Therefore, impacts due to aircraft operations would be less than significant.

f. For a project located within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The proposed project is not within the vicinity of a private airstrip; therefore, no impact would occur.

Required Mitigation Measures

The proposed project would not result in significant impacts associated with aircraft noise; thus, mitigation measures are not required.

M. POPULATION AND HOUSING

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Explanation of Checklist:

a. Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The proposed project consists of the redevelopment of an existing restaurant site. A daily peak of 12 workers during the demolition phase and 130 workers during the construction phase of the proposed project would be required. The majority of construction workers is anticipated to commute from within San Diego County and would likely not require temporary housing. Therefore, there will be a negligible temporary increase in local and regional population during demolition and construction. The proposed project would not involve the development of new homes or businesses that would directly or indirectly induce population growth. The increase in employees (approximately 250 jobs would be created) associated with the proposed project would likely draw from the existing labor pool within the San Diego region and therefore, would not indirectly induce substantial population growth. In addition, the proposed project does not include the extension of roads or other infrastructure that would indirectly induce substantial population growth and no impacts would occur.

b. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact. The proposed project would occur on an existing restaurant site on the San Diego bayfront where no housing exists; therefore, no housing would be displaced by the proposed project. No impact would occur.

c. Would the project displace a substantial number of people, necessitating the construction of replacement housing elsewhere?

No Impact. See the discussion above under Sections M.a and M.b.

Required Mitigation Measures

The proposed project would not result in significant impacts associated with population and housing; thus, mitigation measures are not required.

N. PUBLIC SERVICES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☒	☐
iv. Parks?	☐	☐	☒	☐
v. Other public facilities?	☐	☐	☒	☐

Explanation of Checklist:

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Less Than Significant Impact. Fire protection services are provided to the project site by the City of San Diego Fire – Rescue Department. Fire Station 1 (1222 1st Avenue) is located approximately 0.7 mile east of the project site and provides fire and medical/rescue services. The new structure requiring fire protection would replace an existing structure with a similar footprint and height increase of 7 feet. Although the new building would have an increased capacity, it would not require additional fire protection services than what is required for the existing building as exit routes would be maintained in accordance with Occupational Safety and Health standards. In addition, an existing fire lane would be maintained in front of the restaurant. Thus, no new or physical altered fire protection facilities would be required, and response times would remain acceptable.

Marine vessel firefighting within the District is primarily provided by the San Diego Harbor Police Department, who partners with the District's member cities – San Diego, Chula Vista, National City,

and Imperial Beach, and San Diego federal fire departments. The San Diego Harbor Police department cross-trains all officers as marine firefighters, who patrol 22 square miles of the harbor at all hours with a fleet of firefighting vessels, such as the Metal Craft Marine Firestorm 36. During emergencies involving docked vessels, the San Diego Harbor Police would coordinate fire-fighting activities with the City of San Diego Fire – Rescue Department. Therefore, impacts on fire protection services associated with the proposed project would be less than significant, because no new or altered facilities would be required to serve the project site.

Police protection?

Less Than Significant Impact. Police protection services are provided to the project area by the San Diego Harbor Police, which provides police protection services in the San Diego Bay, at the San Diego International Airport, and on all tidelands around the bay. The Harbor Police are headquartered at 3380 North Harbor Drive, approximately 2.0 miles from the project site. The proposed project would result in an increase in the number of diners, which may result in a slight increase in the need for police protection services due to the potential for crime to increase as a result of the increased activity on the project site. However, this increase would be very minor relative to the overall activities occurring on all tidelands. Thus, no new or physical altered police protection facilities would be required, and response times would remain acceptable. Therefore, the proposed project would have a less-than-significant impact on police protection services because no new or altered facilities would be required to serve the project site.

Schools?

Less Than Significant Impact. The proposed project would add additional employees (approximately 250 jobs would be created) when compared to the existing restaurant, and these employees may have school-aged children. However, the additional employees would be drawn from the San Diego region; therefore, their children would already be enrolled in area schools near their existing homes. The proposed project would not construct residential units, generate enrollment, or induce growth. Additionally, the proposed project would not physically impact any schools. Therefore, the proposed project would result in a less-than-significant impact on schools, because no new or altered facilities would be required to serve the project site.

Parks?

Less than Significant Impact. While an increased number of employees and diners could correlate with increased usage of Waterfront Park and Lane Field Setback Park and Plaza, this impact would be less than significant. See discussion below in Section O, Recreation.

Other public facilities?

Less than Significant Impact. The proposed project would add approximately 250 employees; however, the employees would be drawn from the San Diego region and would already be using libraries and other public facilities located near their existing homes. The proposed project would not involve the construction of housing units or other employment-generating development that would create the demand for other public facilities, such as libraries. Therefore, the proposed project would have a less-than-significant impact on other public facilities, because no new or altered facilities would be required to serve the project site.

Required Mitigation Measures

The proposed project would not result in significant impacts associated with public services; thus, mitigation measures are not required.

O. RECREATION

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. 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?	☐	☐	☒	☐
b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☒	☐

Explanation of Checklist:

a. Would the project 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?

Less Than Significant Impact. Though an increase in approximately 30 employees per day and approximately 1,120 visitors per day would result from the proposed project, these increases would not occur at the same time (e.g., employees and visitors would be spread out throughout the day). As such, the additional employees and visitors from existing conditions are anticipated to have a negligible effect on regional recreational facilities. The proposed project would not involve the construction of new residential units or employment-generating development that would increase the use of this park or other recreational facilities. Though the proposed project would require the North Embarcadero Promenade to be rerouted through the proposed project site during construction, it would not require closure and pedestrian access will be maintained throughout the duration of construction. The portion of the North Embarcadero Promenade that runs through the proposed project site would be improved and reopened once construction is complete. Accordingly, the proposed project would not cause or contribute to an increase in the use of recreation facilities and would not require the construction of new or expanded recreation facilities in the project area. Therefore, a less-than significant impact would occur to parks and recreation facilities as a result of the proposed project.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

Less Than Significant Impact. See the discussion above under Section O.a.

Required Mitigation Measures

The proposed project would not result in significant impacts associated with recreation; thus, mitigation measures are not required.

P. TRANSPORTATION / TRAFFIC (PARKING)

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e. Result in inadequate emergency access?	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐
g. Result in inadequate parking capacity?	☐	☒	☐	☐

Explanation of Checklist:

The following information is based on the Transportation Impact Analysis (Appendix 8), which was prepared in accordance with the City of San Diego Traffic Impact Study Manual and with the CEQA. Because the District does not have adopted thresholds or standards related to transportation and traffic, the City of San Diego's Significance Determination Thresholds were used to determine significance in the Traffic Impact Analysis and the analysis presented here. The City of San Diego Significance Determination Thresholds considers a significant impact to be a degradation of a roadway or intersection from an acceptable LOS (e.g., LOS D or better) to an unacceptable LOS (e.g., LOS E or F). Potential impacts to pedestrian, bicycle, and transit circulation would be considered significant if the proposed project would substantially increase hazards due to a design feature, or would conflict with adopted policies, plans, or programs supporting alternative transportation. In addition to transportation and traffic issues, impacts on parking availability were also analyzed.

a. Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Less Than Significant Impact. The project site is located on the waterfront along North Harbor Drive. The North Embarcadero runs parallel to the San Diego Harbor and North Harbor Drive, past the project site, providing pedestrian and bicycle access. The District provides the Big Bay Shuttle that serves the waterfront from the Sheraton on Harbor Island to the Hilton Bayfront, southeast of the San Diego Convention Center, during spring and summer (May through September). The project site is also served by the 280, 290, 923, and 992 local and Bus Rapid Transit bus routes, with bus stops at West Ash Street and North Harbor Drive and Broadway and North Harbor Drive. Amtrak, the San Diego Trolley, COASTER Commuter Train, shuttle buses, taxis, sightseeing trams, and ride sharing services such as Lyft and Uber all serve the project area. In addition, car2go short-term car shares and DECOBIKE San Diego bike shares are available in the project area as well as the Coronado Ferry docks by the Broadway Pier less than a quarter of a mile south of the project site.

No permanent changes are proposed to the configuration of the North Embarcadero or North Harbor Drive as part of the proposed project. To assess transportation-related impacts associated

with implementation of the proposed project, the Transportation Impact Analysis (Appendix 8) analyzed the following key study area roadway segments:

- Harbor Drive between:
  - Hawthorn Street & Grape Street,
  - Grape Street & Ash Street,
  - Ash Street & Broadway, and
  - Broadway & Pacific Highway;
- Pacific Highway between:
  - Hawthorn Street & Grape Street,
  - Grape Street & Ash Street, and
  - Ash Street & Broadway;
- Ash Street between Harbor Drive & Pacific Highway; and
- Broadway between Harbor Drive & Pacific Highway.

The Traffic Impact Analysis (Appendix 8) also analyzed the following seven study area intersections:

- Harbor Drive/Hawthorn Street
- Harbor Drive/Grape Street
- Harbor Drive/Ash Street
- Harbor Drive/Broadway
- Pacific Highway/Ash Street
- Pacific Highway/Hawthorn Street
- Pacific Highway/Grape Street

The proposed project is not anticipated to contribute more than 50 peak hour trips on Interstate 5 in either direction; therefore, a freeway impact analysis was not conducted per the City of San Diego Traffic Impact Study Guidelines.

To determine construction-related traffic impacts, the analysis assumed a worst-case-scenario of 130 worker vehicles and 10 construction trucks arriving and departing during the A.M. and P.M. peak hours[4], respectively. Under the worst-case-scenario, approximately 320 daily trips, including 160 trips during the A.M. and P.M.. peak hours, is anticipated to occur during construction. The addition of proposed project construction traffic to existing conditions would not cause any of the roadways or intersections studied to operate at a LOS E or F. During operation of the proposed project, an additional 23 trips is anticipated to occur during both the A.M. and P.M. peak hours. Based on current traffic conditions (near-term) and projected traffic conditions (year 2035), the additional trips associated with operation of the proposed project would not cause any of the roadways or intersections studied to operate at a LOS E or F. Therefore, based on the City of San Diego's Significance Determination Thresholds described above, no significant traffic-related impacts would result from construction or operation of the proposed project.

Approximately 36 parking spaces would be temporarily closed and pedestrian traffic would be rerouted from the North Embarcadero Promenade in front of the project site through the closed

[4] Peak hours vary by roadway and intersection; however, the A.M. peak hour typically falls between 7:00 A.M. and 9:00 A.M. and the P.M. peak hour typically falls between 4:00 P.M. and 6:00 P.M.

parking area, separated by K-rail and other physical barriers. Because the District does not have its own requirement, the proposed project would comply with the City of San Diego Municipal Code Section 129.0702, which requires all improvement and construction projects that encroach into the public right-of-way (e.g., sidewalks, roadways) to obtain Public Right-of-Way Permit for Traffic Control (City of San Diego 2014). The applicant must submit a traffic control plan with the application form for a Public Right-of-Way Permit for Traffic Control. The pedestrian detour route and appropriate traffic control methods would be specified in the proposed project's traffic control plan, which would be implemented to safely separate construction traffic and activities from motor vehicles, pedestrians, and cyclists in front of the project site during demolition of the existing restaurant facility and construction of the new restaurant facility. Therefore, impacts to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit would be less than significant.

b. Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

No Impact. California State Proposition 111, passed by voters in 1990, established a requirement that urbanized areas prepare and regularly update a Congestion Management Program (CMP). The requirements within the state CMP were developed to monitor the performance of the transportation system, develop programs to address near-term and long-term congestion, and better integrate transportation and land use planning. SANDAG provided regular updates for the State CMP from 1991 through 2008. In October 2009, the San Diego region elected to be exempt from the State CMP and, since this decision, SANDAG has been abiding by 23 CFR §450.320 to ensure the region's continued compliance with the Federal congestion management process. In addition, SANDAG adopted San Diego Forward: The Regional Plan in October 2015. It serves as a blueprint for growth in the San Diego Region and how SANDAG will invest in transportation infrastructure that will provide more choices. Appendix U7 to The Regional Plan addresses SANDAG's compliance with the federal congestion management process.

As previously discussed, proposed project traffic would not cause any roadway facilities to operate at LOS E or F, both in the near-term and using future projections (year 2035). Therefore, based on the City of San Diego's Significance Determination Thresholds, which state that a traffic impact is significant if it degrades a roadway from an acceptable LOS to an unacceptable LOS (LOS E or F), no significant traffic-related impacts would result from the proposed project. In addition, the proposed project would take advantage of anticipated increased multi-modal trips to and along the North Embarcadero as well as increased opportunities for customers to arrive by water in private vessels (boats) or water taxis, which is consistent with SANDAG's recent approach to congestion management and with San Diego Forward: The Regional Plan. Though no new parking spaces are proposed, existing parking spaces within walking distance of the project site that are under the control of Ace Parking have been identified as being available for use by project employees and customers. Refer to Section P.g. more additional information regarding parking for the proposed project and the proposed mitigation. In addition, many of the guests are anticipated to come from cruise ships or to have parked to visit other venues such as the adjacent San Diego Maritime Museum and the nearby USS Midway Museum and would therefore arrive by foot. Therefore, because there are many alternative transportation options nearby, no potential impacts to the applicable CMP would occur and there would be no impact.

c. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The Proposed project would not result in any changes to air traffic patterns, in including air traffic levels or changes in locations. There would be no change to operations at SDIA and NASNI.

d. Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. There would not be any changes to the configuration of North Harbor Drive or uses or design features along North Harbor Drive or any other roadway associated with the proposed project. There would be temporary changes to the North Embarcadero Promenade during construction staging and upgrades to the pavement, street furniture, and signage to be consistent with ongoing improvements to the south of the project site. Pedestrian traffic would be rerouted around the project site and approximately 55 parking spaces would be temporarily closed. However, the potential for conflicts between motor vehicles, pedestrians, and cyclists associated with the short-term construction activities and associated construction traffic would be avoided through the adoption and implementation of a traffic control plan. The traffic control plan, as discussed previously, would be required by the City of San Diego to obtain a Public Right-of-Way Permit for Traffic Control. The traffic control plan would specify the appropriate traffic control methods to separate construction traffic and activities from the general public (e.g., pedestrians, vehicles). Less than significant impacts would occur.

e. Would the project result in inadequate emergency access?

No Impact. There would not be any change to emergency access to the project site. It would remain accessible by water from San Diego Bay and from the North Embarcadero by North Harbor Drive. Therefore there would not be an impact to emergency access.

f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less Than Significant Impact. The potential for conflicts between motor vehicles, pedestrians, and cyclists associated with the short-term construction activities and associated construction traffic would be avoided through the adoption and implementation of a traffic control plan required for the Public Right-of-Way Permit for Traffic Control, which specifies traffic control methods to separate construction traffic and activities from the general public. In addition, the proposed project is not proposing to make any improvements to roadways or other transportation facilities and would not conflict with planned facilities and policies included in the following alternative transportation documents: City of San Diego Bicycle Master Plan, City of San Diego Pedestrian Master Plan, 2050 Regional Transportation Plan, and Riding to 2050, the San Diego Regional Bike Plan. Therefore, impacts would be less than significant.

g. Result in inadequate parking capacity?

Less Than Significant with Mitigation Incorporated. During construction, approximately 55 parking spaces along North Harbor Drive would be utilized for construction materials and staging and would not be not available for public parking. Following construction, these parking spaces would be restored and enhanced. Construction personnel would utilize the Wyndham Hotel parking facility due to its capacity of over 400 parking spaces and proximity to the project site. The temporary removal of parking along North Harbor Drive and increase in parking demand during construction of the proposed project have the potential to result in temporary significant impacts.

However, to ensure that construction parking will be available for the duration of construction, mitigation measure TRA-1 requires the applicants or construction contractor to secure a written agreement with the Wyndham Hotel guaranteeing the temporary construction parking. In addition, TRA-1 requires the construction contractor to post signage where parking has been temporarily displaced by construction activities to direct visitors to available parking in the vicinity. Temporary impacts to parking capacity would remain less than significant with mitigation incorporated.

The project site and facility does not have an exclusive parking lot for visitors or employees, but rather utilizes the surrounding public parking spaces. Existing public parking for the current restaurant is found along the North Embarcadero and along North Harbor Drive between the following intersections: Grape Street and Ash Street; Ash Street and Broadway; and Hawthorn Street and Grape Street. This condition would not change during operation of the proposed project. However, the proposed project would have more square footage and seats available and would therefore be expected to generate additional visitor traffic, which would contribute to a deficit in public parking spaces in the North Embarcadero area. As detailed in Appendix H, on weekdays, the number of parking spaces required by the proposed project are available at all times, with the exception of 12 P.M., when there is a deficit of 6 parking spaces. On weekends, the parking spaces required by the proposed project are available at all times, with the exception of periods at 3 P.M. and 6 P.M., when there is a deficit of 14 and 16 parking spaces, respectively (Appendix H). Because operation of the proposed project would result in parking deficits, potentially significant impacts associated with parking adequacy would occur.

As discussed above, it is anticipated that there will be a total deficiency of 30 parking spaces during peak parking periods (weekend afternoons, at 3 P.M. and 6 P.M.). This parking space deficiency can be resolved by directing restaurant patrons to the following parking garages surrounding the proposed project site, which are all operated by ACE Parking. ACE Parking estimated the following existing capacity at its parking facilities:

- Wyndham Hotel: +400 stalls
- Portman Hotel: +400 stalls
- Navy Pier Lot: +350 stalls
- 610 West Ash Street: +410 stalls
- 410 West Ash Street: +510 stalls
- 1,230 Columbia Street: +228 stalls

Of these 2,298 parking spaces, ACE Parking estimates that over 1,000 stalls sit empty every day. In addition to these parking facilities, the North Embarcadero Focused Parking Study identifies other privately-run public parking facilities that could be used to alleviate excess parking demand in the area. Of these, two facilities were found to be viable options for patrons of the proposed project: ABM Kettner/Ash East Lot and Seaport Village/The Headquarters Parking Facilities. Both facilities are not under Port jurisdiction. These identified parking facilities are anticipated to be more than enough to cover the temporary loss of parking during construction, as well as the slight increase in parking demand during operation of the proposed project. Nonetheless, because there will be an increase in parking demand from existing conditions and parking demand may fluctuate, significant impacts to parking could occur during operation of the proposed project. Therefore, the parking mitigation measures outlined in mitigation measure TRA-2 are proposed to reduce potential impacts to less than significant. Mitigation measure TRA-2 requires the applicant to coordinate with private parking facilities and public transit agencies as well as encourage patrons and employees to utilize other alternative transportation and parking methods.

Operation of the Big Bay Shuttle during summer months, ridesharing services, and continued availability of metered parking spaces in front of the project site and along the North Embarcadero would further reduce parking impacts. In addition, based on implementation of TRA-2 combined with nearby public parking lots, garages and spaces within private parking lots, and garages that have been identified by ACE Parking as available for Portside Pier customers, the parking impacts of the proposed project would be less than significant with incorporation of mitigation.

Required Mitigation Measures

The following mitigation measure is proposed to reduce the proposed project's impact to transportation and traffic (parking) to a less-than-significant level:

TRA-1: To reduce the impacts associated with temporary loss in parking during construction of the proposed project, the applicant and/or construction contractor will implement the following:

- Prior to construction, the applicant or construction contractor will obtain written agreement from the Wyndham Hotel, or other parking facility with sufficient space, to guarantee parking for construction personnel through the duration of construction of the proposed project.
- During initial site preparation, the construction contractor will post signage at the temporarily displaced parking spaces to direct visitors to nearby available parking.

TRA-2: The applicant will implement the following parking management strategies to mitigate the projected parking deficiency:

- Coordination - On-going daily coordination between the proposed project and ACE parking to identify which surrounding lots have available parking at different times of the day.
- Wayfinding Signage – Provide changeable signage to direct patrons to the parking facilities (as identified by ACE on a weekly basis) that have parking availability.
- Transportation Network Companies – Coordination with companies (such as Lyft, Uber, etc.) to encourage patrons to utilize this mode of transportation as an alternative to driving their personal vehicle.
- Valet Parking – Secure 974 parking spaces and provide a valet service in order to avoid overflow in the immediate surrounding parking areas.
- Water Taxi – Coordination with a water taxi company to encourage patrons to utilize water taxis as an alternative to driving their personal vehicle.
- Bike Racks – Provide bike racks on the project site to encourage employees/patrons to bike to the proposed project.
- Bike Share Stations – Coordinate with companies like DECOBIKE to ensure a bike share station is maintained within walking distance (approximate 1,000 feet) to the proposed project.
- Public Transit – On the applicant's website, promote and encourage employees and patrons to utilize alternative modes of transportation as an alternative to driving their personal vehicle.

- Big Bay Shuttle – Participate in the District's on-going shuttle program.
- Employee Off-Site Parking – Designate an off-site parking lot for employees and provide shuttle service between the off-site facility and the proposed project, such as:
    - Wyndham Hotel: (+400 stalls)
    - Portman Hotel: (+400 stalls)
    - Navy Pier Lot: (+350 stalls)
    - 610 West Ash Street: (+410 stalls)
    - 410 West Ash Street (+510 stalls)
    - 1230 Columbia Street (+228 stalls)

Q. UTILITIES AND SERVICE SYSTEMS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e. Result in a determination by the wastewater treatment provided which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g. Comply with federal, state, and local statutes and regulation related to solid waste?	☐	☐	☐	☒

Explanation of Checklist:

a. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less Than Significant Impact. During construction, construction personnel will utilize portable restrooms. Once construction of the proposed project is complete, wastewater collection, treatment, and disposal at the project site will continue to be provided by the City of San Diego Wastewater, a branch of Public Utilities. The City of San Diego wastewater system collects approximately 180 million gallons per day (mgd) in the City of San Diego; therefore, the increase in restaurant capacity at the proposed project will be a negligible increase in the overall service population. In addition in 2015 through Governor Brown's Executive Order B-29-15. Governor Brown's EO B-29-15 ordered a statewide 25 percent reduction potable urban water usage through February 2016, which have been met. The conservation efforts implemented to meet the 25 percent water reduction have in turn resulted in reduced sewage flows to the City's water treatment facilities and also resulted in excess capacity.

The existing water and sewer mains in North Harbor Drive are of sufficient size and condition to service the proposed project. However, the existing utility connections at the proposed project site may require in-kind replacement due to disrepair. The utility improvements would be included within the proposed construction footprint on the North Embarcadero Promenade and parking areas and would be an in-kind replacement. Due to the increase in employees and customers anticipated to be associated with the proposed project following redevelopment, a net increase in wastewater generation is anticipated at the site compared to the existing setting. Some of this increase would be offset by the installation of more efficient appliances and fixtures in the kitchen and restroom areas. While there would still be a net increase in the generation of wastewater, as previously discussed, the increase is negligible considering the size of the overall wastewater service system (180 mgd) and conservation efforts that have resulted excess wastewater capacity. Therefore, the increase would not result in an exceedance of the wastewater treatment capacity of the City of San Diego wastewater system. In addition, the proposed project would not generate additional types of wastewater compared with existing conditions, and the City of San Diego wastewater system would be able to effectively treat wastewater generated by the proposed project. Therefore, operation of the proposed project would have no effect on the wastewater treatment requirements set forth by the state Regional Water Quality Control Board - San Diego Region for the City of San Diego. Therefore, the proposed project would have a less than significant impact on wastewater treatment requirements.

b. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact. The City of San Diego supplies water to the project site. The project would result in a minor increase in demand for water and wastewater treatment due to the anticipated increase in the number of employees and customers associated with the project. The City of San Diego's water system delivers approximately 200 mgd of water, and the wastewater system collects, treats, and disposes of approximately 180 mgd. Considering the overall service system, the increased capacity is negligible. In addition, the mandatory drought restrictions have reduced both water demand and sewage flows to the City's water treatment facilities and also resulted in excess capacity. While statewide water supplies are still very much of a concern, the San Diego County Water Authority has been stockpiling surplus water saved through conservation

efforts in the region's reservoirs. In addition, the proposed project has incorporated sustainability measures in its design that aim to conserve water, including low-flow appliances (e.g., toilets, sinks, kitchen equipment) and low-water-use landscaping (i.e., low-water plants, drip irrigation, design to minimize runoff and irrigation needs and promote surface infiltration, and irrigation control to shut off irrigation during and after rain events). Therefore, the existing water supply and wastewater treatment facilities are sufficient to serve the minor increase in employees, and no construction of new water or wastewater treatment plants or expansion of existing facilities would be necessary. As is noted above, the existing utility connections at the proposed project site may require in-kind replacement beneath the North Embarcadero Promenade. The utility connection improvements, if needed, would be within the proposed project site and would not affect the overall water and wastewater system. Therefore, impacts would be less than significant, because no new or expanded water or wastewater treatment facilities would be required to serve the project site.

c. Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No Impact. As indicated in Section I. Hydrology and Water Quality, the proposed project would not alter the surface of the project site, and therefore the construction of new storm water drainage facilities or the expansion of existing facilities would not be required. Where existing storm water runoff flows directly into San Diego Bay, the proposed project would divert storm water runoff through large planter boxes that would retain and naturally filter the water before it is discharged to San Diego Bay. There would be no impacts to existing storm water drainage facilities.

d. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

No Impact. The water supply to the project site is provided by the City of San Diego, which has an adopted Urban Water Management Plan (City of San Diego 2015b) that addresses future water demands based on a variety of existing and proposed land uses and land use plans. The proposed project is in conformance with the land uses taken into account in determining future water demand. As previously stated, EO B-29-15 ordered a statewide 25 percent reduction potable urban water usage through February 2016. In May 2016, Governor Brown issued EO B-37-16, which builds off of the mandatory water reductions in the previous EO by calling for continued water conservation measures. EO B-37-16 requires the state to achieve 20 percent reduction in urban water uses by 2020, and requires water agencies to customize water use targets based on individual agency conditions and uses strengthened standards and issue draft framework by January 10, 2017. As such, the San Diego County Water Authority and the District are expected to continue water conservation efforts.

As previously discussed, the water conservation and restrictions thus far have been successful, and the San Diego County Water Authority has been stockpiling surplus water saved through conservation efforts in the region's reservoirs. As such, the proposed project would have sufficient water supplies to service the minor increase in employees and diners associated with the proposed project, and no new or expanded entitlements would be needed. In addition, the redevelopment will involve the installation of newer, low-flow appliances and fixtures in the kitchen and restroom areas, which will be more efficient that the current appliances at the existing, aging restaurant. The installation of low-flow appliances are a portion of the previously stated sustainability measures designed to conserve water, which also include the installation of low-water-use landscaping and conscientious use of drip irrigation. Implementation of these water conservation measures would

assist the region in achieving the statewide water reduction goals. Therefore, the proposed project would have no impacts related to water supply and water systems.

e. Has the wastewater treatment provider, which serves or may serve the project, determined that it has adequate capacity to serve the projected demand of the project in addition to the provider's existing commitments?

Less Than Significant Impact. The wastewater treatment provider to the project site is the City of San Diego. Implementation of the proposed project would result in a minor increase in wastewater generation due to the increase in number of employees and diners associated with the proposed project. However, no new wastewater treatment pipelines, other than the existing utility connections described above, would be necessary and no increase in treatment capacity to accommodate this very minor increase in wastewater generation would be required. In addition, the increased efficiencies of the new fixtures and appliances would partially offset the anticipated increase in the number of occupants. Therefore, impacts would be less than significant.

f. Is the project served by a landfill with sufficient permitted capacity to accommodate the solid waste disposal needs of the project?

Less Than Significant Impact. The City of San Diego's Construction and Demolition Debris Deposit Ordinance, which would apply to the proposed because the District doesn't have its own ordinance, requires that the majority of new projects that require building, combination, and demolition permits divert their debris by 65 percent through recycling (at a certified recycling facility), reusing, or donating usable materials. Though the proposed project will not require one of these permits from the City of San Diego, the Applicant would still recycle demolition and construction debris to the extent feasible. Demolition of the existing structure would generate construction waste that would be recycled to the greatest extent practicable. Materials would be hauled by barge to the Tenth Avenue Marine Terminal for sorting and processing for materials that cannot be recycled to be disposed of in accordance with all existing regulations.

Upon completion, the proposed project would increase the number of employees and diners and would utilize the Miramar Landfill. The City of San Diego disposes of over 910,000 tons of trash per year. At this rate of disposal, the only City-run landfill, the Miramar Landfill, will likely be filled to capacity and close by 2025. However, to extend the life of the Miramar Landfill and other private landfills in the County, the City of San Diego Zero Waste Plan (ZWP) calls for handling discarded materials as commodities for reuse rather than for disposal, and conserving those commodities through waste prevention, recycling, composting, and other technologies. On December 16, 2013, the City Council adopted a Zero Waste Objective that established the targets for this ZWP of 75 percent diversion of waste from landfills by 2020 and Zero Waste by 2040. Reduced trash generation and increased recycling are anticipated to reduce the waste stream from the project site over existing conditions. The proposed project would contribute to these efforts by offering both recyclable and landfill waste bins for patrons. Therefore, the proposed project would have a less–than-significant impact on the solid waste disposal system.

g. Would the project comply with federal, state, and local statutes and regulations related to solid waste?

No Impact. Solid waste collection, disposal, and management services would continue to be provided by Allied Waste Systems as it is for the existing facility. This would include the collection, hauling, and management of recycling or disposal of refuse material from the project site.

Therefore, no impact would occur as it pertains to compliance with federal, state, and local statues and regulations related to solid waste.

Required Mitigation Measures

The proposed project would not result in significant impacts associated with utilities and service systems; thus, mitigation measures are not required.

R. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable futures projects)?	☐	☐	☒	☐
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Explanation of Checklist:

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact. The project site is a site of an existing restaurant, which is developed over water and is nearly entirely covered with a structure. No examples of major periods of California history or prehistory have been identified on the project site. Although the existing restaurant structure is older than 50 years, it was found to lack eligibility for listing as historic. As such, the proposed project would not eliminate important examples of the major periods of California history or prehistory.

Potential impacts to fish, marine mammal, and bird habitat would be limited to short-term disturbances at the project site associated with the removal of existing piles and the placement of new piles using a pile driver. However, BIO-1 through BIO-3 would reduce impacts related to pile driving by requiring use of a silt curtain and a biological monitor with the authority to stop construction in the event sensitive species are observed within defined distances of construction or demolition activities. The project site is not considered important for rare or endangered plant or animal species and mitigation has been proposed to reduce the short-term impacts of pile removal and pile driving to less than significant. Therefore, the proposed project would not significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal.

b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less Than Significant Impact. CEQA Guidelines Section 15130 (b) states that either of the following approaches addressing cumulative impacts is acceptable: (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or (B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document that has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency. The analysis below uses the list of cumulative projects approach.

Table MAN-1 consists of a list of all the past, present, and probable future projects within the vicinity of the project site known to the District, City of San Diego, or U.S. Navy as of April 2016, which is the time of preparation of this Initial Study/Mitigated Negative Declaration. These projects are also illustrated on Figure 19. The cumulative projects that are considered within the vicinity of the proposed project are those located on the San Diego waterfront or within reasonable walking distance to the project site.

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
1	BAE Systems - Pier 1 North Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels Project	2205 East Belt Street, San Diego, CA	Replacement of a wet berth with a new floating drydock and removal of subsurface cooling tunnels. Dredging activities are estimated to result in approximately 395,000 cy of sediment. Final EIR Volume # 1 http://documentum-as/D2/?docbase=posdprod&locateId=09bc614f80f1ecb4 DEIR Volume I http://documentum-as/D2/?docbase=posdprod&locateId=09bc614f80cdf931 DEIR Volume II http://documentum-as/D2/?docbase=posdprod&locateId=09bc614f80ca70ff DEIR Volume III http://documentum-as/D2/?docbase=posdprod&locateId=09bc614f80caa115	Biological Resources Geology & Soils Hazards & Hazardous Materials Hydrology and Water Quality Transportation and Parking	The EIR was certified on November 17, 2015; the Coastal Development Permit was issued on January 28, 2016 Dredging and construction will begin in 2016	Final EIR and Draft EIR; See links under PD Summary

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
2	B St Mooring Dolphin	B Street Pier	Moorings off the end of B Street Pier to allow for larger cruise ship docking. Available documents: http://www.thebigbay.com/index.php/bpc-policies/cat_view/157-environment/608-land-use-planning/613-catalog/614-b-street-pier-mooring-dolphin/615-draft-eir-deir	Aesthetics Air Quality Biological Resources Energy Geology and Soils Greenhouse Gas (GHG) Emissions Hazards and Hazardous Materials Hydrology and Water Quality (WQ) Land/Water Use Compatibility Noise Public Services and Utilities Transportation/Traffic	The Draft EIR was circulated in February 2013	EIR

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
3	Dole Fresh Fruit Refrigerated Rack Project	850 B. Water Street, within the District's TAMT	Installation of 5 new refrigerated racks with an additional 94 electrical outlets, which would increase outlets from 669 to 763. Improvements would increase storage capacity within existing footprint that would accommodate up to three new larger ocean-going vessels. Draft EIR: https://www.portofsandiego.org/environment/environmental-downloads/land-use-planning/7311-dole-refrigerated-rack-project-draft-eir/file.html Draft EIR Appendices: https://www.portofsandiego.org/environment/environmental-downloads/land-use-planning/7312-dole-refrigerated-rack-project-draft-eir-appendices/file.html	Air Quality & Health Risks GHG, Climate Change, & Energy Use Noise & Vibration Transportation, Circulation, Parking	The Draft EIR was circulated in March 2016	EIR
4	Lane Field North and South	North side of Broadway between North Harbor Drive and Pacific Highway	Two hotels (totaling 800 rooms), parking facilities, and retail uses on a 5.8-acre parcel formerly used as a parking lot. Construct park/plaza on western 150-feet of property.		Construction of Lane Field North was completed in April 2016. Construction of Lane Field South began in June 2016	MEIR

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
5	Tenth Avenue Marine Terminal Redevelopment	686 Switzer Street, San Diego, CA 92101	Program and Project Level Analysis. Program component looks at Maximum Practical Capacity of three distinct cargo nodes (Refrigerated Container, Neo-bulk/Break Bulk, Dry Bulk) to the horizon year of 2035. Long-term infrastructure investments may include up to five gantry cranes, additional and consolidated dry bulk storage capacity, enhancements to the existing conveyor system, demolition of molasses tanks and Warehouse C, additional open storage space, and on-dock intermodal rail facilities. Project level improvements would be completed by June 30, 2020, and involve demolition of the two transit sheds, installation of a small gear-shack with restrooms and outdoor storage space, and on-terminal rail upgrades.	Aesthetics Air Quality Biological Resources Cultural Resources Geology & Soils GHG Emissions Hazardous & Hazardous Materials Hydrology and Water Quality Noise & Vibration Transportation, Circulation & Parking Utilities& Energy	The Draft EIR was circulated on June 30, 2016	EIR

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
5 (cont.)	Tenth Avenue Marine Terminal Redevelopment	686 Switzer Street, San Diego, CA 92101	Please note that Project improvements do not involve any in-water work. All program and project level improvements would be landside. EIR Volume #1: https://www.portofsandiego.org/environment/environmental-downloads/land-use-planning/7692-tenth-avenue-marine-terminal-redevelopment-plan-and-demolition-and-initial-rail-component-draft-eir-volume-i/file.html EIR Volume #2: https://www.portofsandiego.org/environment/environmental-downloads/land-use-planning/7693-tenth-avenue-marine-terminal-redevelopment-plan-and-demolition-and-initial-rail-component-draft-eir-volume-ii-technical-appendices/file.html EIR Volume #3: https://www.portofsandiego.org/environment/environmental-downloads/land-use-planning/7694-tenth-avenue-marine-terminal-redevelopment-plan-and-demolition-and-initial-rail-component-draft-eir-volume-iii-technical-appendices/file.html			

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
6	Public Viewing Platform	1050 North Harbor Drive, San Diego, CA 92101	Demolition of a vacant approximately 2,400-square-foot building, supported by piles over the San Diego Bay. The building was most recently used by the Bay Café as a restaurant, which ceased operations in January 2014. The proposed project will result in the demolition of only the building, leaving the concrete pad and supporting piles and creating a public access area with surface improvements (i.e., railing, enhanced paving or bricks, benches, or tables and chairs) that match the North Embarcadero Visionary Plan (NEVP) Phase 1 project adjacent to the project site. The public access area will be open to the public at all times. The project also includes structural repairs to some of the concrete pile extension jackets in order to preserve the platform structure and extend its useful life.	Processed with CEQA Exemption (Clerk Doc. #62562) that identified no impacts.	Demolition and structural repairs complete; public access improvements completed Spring 2016	CE
7	Wyndham Hotel Renovations	1355 N. Harbor Drive, San Diego, CA	To be determined (TBD) **1**	TBD	Pending Application	TBD

1 Information was not yet available at the time the Public Review Draft IS/MND was issued.

Table MAN-1. Cumulative Projects in the Vicinity of Project

ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
8	North Embarcadero Visionary Plan Phase 1	North Harbor Drive from F Street to Ash Street, and West Broadway from North Harbor Drive to Pacific Highway	Public access improvements to North Embarcadero, including: realign North Harbor Drive from B Street Pier to south of the Broadway Pier eastward; construct 105-foot-wide esplanade, public plaza at the foot of West Broadway, gardens, shade pavilions, ticket kiosks, information building, walk-up café, restroom, median improvements on West Broadway between North Harbor Drive and Pacific Highway; restripe North Harbor Drive to provide an additional turn lane to the Grape Street/North Harbor Drive intersection EIR Addendum: https://www.portofsandiego.org/north-embarcadero/documents/3218-addendum-master-eir-initial-study-nevp-phase-i-coastal-access-features-project-dec-2010/file.html Additional project information: https://www.portofsandiego.org/north-embarcadero.html	Transportation, Traffic & Parking Cultural Resources Hazardous Materials & Public Safety Water Quality Air Quality Seismic & Geologic Hazards Utilities & Service Systems	Construction was completed in May 2016.	Addendum to EIR

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
9	San Diego Marriott Marquis and Marina Facilities Improvement Project	333 West Harbor Drive	Includes the following upgrades and features intended to modernize the hotel facility: (1) demolition of the existing Marriott Hall ballroom, landscaping, marina restroom building, and asphalt, and removal of a total of 403 surface and covered parking spaces; (2) construction of a new and expanded Marriott Hall with ballroom and exhibit hall space, an outdoor event area (Marina Terrace), public access corridor improvements (Marina Walk), replacement marina restroom building, and landscaping; and (3) relocation of two existing mechanical cooling towers and addition of two new cooling towers. Does not involve an increase in the number of hotel rooms or any in-water work at the Marriott Marina. EIR: https://www.portofsandiego.org/real-estate/real-estate-documents/port-tenant-projects/san-diego-marriott-marquis-marina/eir/3760-sd-marriott-facilities-improvement-final-environmental-impact-report-eir/file.html	Geology & Soils Hazards & Hazardous Materials Hydrology & Water Quality Land Use & Planning Noise Public Services Transportation/Traffic Utilities & Service Systems	Construction was completed in June 2016.	EIR

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
10	San Diego Convention Center Phase III Expansion and Expansion Hotel Project	111 West Harbor Drive	Expansion of the existing Convention Center that would add approximately 220,150 square feet of exhibit hall space, approximately 101,500 square feet of meeting rooms, and approximately 78,470 square feet of ballroom space to the existing facility. Public amenities include a 5-acre rooftop park/plaza. It would be accessible to the public with lighted paths, seating areas, an open lawn/performance area, and several observation vistas. Spaces on the rooftop park/plaza would range from grand areas where events can take place to more intimate, contemplative areas. Does not involve any in-water work. The ballroom and meeting facility expansion would contain approximately 55,000 net square feet of total meeting space including a grand ballroom and break-out meeting space. The grand ballroom would be located atop the existing seven-story hotel parking facility adjacent to the hotel. At its highest point, the new grand ballroom would rise approximately 60 feet above the top floor of the existing parking	Air Quality Biological Resources Cultural Resources Geology & Soils Greenhouse Gas Emissions Hazards and Hazardous Materials Land Use and Planning Noise and Vibration Public Services & Recreation Transportation, Circulation, & Parking Utilities, Service Systems, & Energy	The EIR was certified and the PMPA approved by the District Board in September 2012. The PMPA was approved by CCC October 2013. Project funding subject to legal challenge.	EIR; see Clerk Doc # 59378

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
10 (cont.)	San Diego Convention Center Phase III Expansion and Expansion Hotel Project	111 West Harbor Drive	deck. The Expansion Hotel would consist of a maximum of 500guestrooms in a new guestroom tower and an adjacent ballroom/meeting facility. The new tower would consist of 24 guestroom levels atop 6 levels of lobby, amenity, meeting, and support spaces, including a 10,000-square-foot fitness/spa facility and up to 2,500 square feet of retail space. The height of the expansion tower would not exceed the height of the existing Hilton Hotel tower.			
11	B Street Shore Power	B Street Pier and Broadway Pier, 1140 and 1000 North Harbor Drive, San Diego, CA	Project consists of infrastructure components to provide shore power to existing terminal operations at the B Street and Broadway Piers (three berths) with the result of reducing air pollutant emissions and greenhouse gas emissions while cruise ships are berthed. Initially, shore power will be available to one ship at a time; in subsequent years, two ships will be able to use shore power at the same time.		Initial phase completed in December 2010. The second phase is scheduled to be completed in 2017.	MND

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
12	Bayside Fire Station CCDP 2010-27 533-321-01, 02 City of San Diego	Southeast corner of Pacific Highway and Cedar	Three-bay City of San Diego Fire Station		Design approved. Construction estimated to commence in 2016 and be completed mid-2017.	Covered under the 2006 Downtown FEIR
13	Pacific Gate	Southeast Corner of Pacific Highway and Broadway	A 41-story residential tower comprising 217 residential units and 16,027 square feet of retail commercial space, and 419 parking spaces.		Design approved in 2016. Construction estimated to be completed in 2017.	Covered under the 2006 Downtown FEIR
14	Pacific and Broadway Parcel#9	PCH/Broad way/E/ Rail Corridor	232 condos, 16k retail		Under construction	Covered on 2006 FEIR
15	Pacific and Broadway Parcel#1	PCH – Broadway	306 condos, 15 K retail		Pending approval	Covered on 2006 FEIR
16	1919 Pacific Highway	E side of PCH between Grape and Cedar	110 apartments		Pending approval	Covered on 2006 FEIR
17	Navy Broadway Complex Manchester Financial Group	Broadway/ Harbor/Pacif ic Highway	Redevelopment of a 13.7-acre parcel with 2.9 million square feet of office space, including a 351,000-square-foot museum; 213,000-square feet of retail and restaurant space; more than 3,100 parking spaces; and a 1.9 acre public park at the corner of Broadway and Harbor Drive.		Development Agreement, Master Plan, Phase I Buildings Consistency Determination approved in 2009, Construction to begin late 2016 and completed in 2019.	EIR/EIS

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
18	B Street Pier Cruise Ship Terminal Maintenance Projects		Projects on B Street Pier required to address routine maintenance requirements and to improve safety, security, integrity, aesthetics, and comfort of this facility. Roof replacement – includes demolition and disposal of roof system, installation of new roof system, replacement and reinforcement of ceiling rafters, installation of new sheet metal gutters, and other work incidental to the roof replacement. Canopy improvements – includes demolition and disposal of existing canopies and support structures and installation of a new steel support frame with sheet metal roofing panels, gutters, and downspouts. This project includes a new canopy fire sprinkler and LED lighting system that will conform to current fire protection codes and energy efficiency standards.		Approved by the District in early 2012.	

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
18 (cont.)	B Street Pier Cruise Ship Terminal Maintenance Projects		Roll-up and rolling grate doors installation – includes removal of 10 manually operated steel roll-up doors and replacement with 10 new power-operated sectional roll-up doors and security grills. Fire system upgrades – includes replacement of fire sprinkler heads, repair of fire mains, addition of automatic fire sprinkler protection, replacement of valves, provision of additional fire extinguishers, replacement of fire alarm system with voice evacuation fire alarm system, and other associated work. Clean and paint ceilings and hangers – includes interior cleaning, preparation, spot priming, and painting of certain ceilings, perimeter walls, and exposed portions of various building systems including beams, wood joists, electrical conduits, piping, drain lines, sprinkler piping and associated metal hangers, supports, stays, and other ancillary items.			

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
18 (cont.)	B Street Pier Cruise Ship Terminal Maintenance Projects		Mobile gangway and platform painting – includes removal and treatment of corrosion areas and further cleaning, preparing, and repainting of the existing mobile gangway and access balcony. Photovoltaic system – includes installing a photovoltaic system on the Canopy of the terminal building and other related incidental items of work.			
19	Naval Base Point Loma (NBPL) Fuel Pier (18) Replacement and Dredging	Naval Station Point Loma and Alternative Bait Barge Locations within state lands	Construct temporary Space and Naval Warfare Systems Center (SSC) marine mammal facilities at Naval Main and Anti-Submarine Warfare Command (NMAWC) and then relocate the program to NMAWC; demolish existing NBPL Fuel Pier in phases so as to leave pier operational throughout project; construct 71,180-square-foot double-deck replacement pier and perform associated dredging; return SSC marine mammal program to original location.		EA completed in February 2014. Construction estimated to be completed in 2017.	

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
20	Harbor View Hotel	Block bounded by Pacific Highway, Ivy, California and Hawthorn Streets, San Diego, CA	Construction of a six-story (60-foot-tall) building containing two hotels with a total of 364 hotel rooms and 182 parking spaces.		Project approved by City of San Diego Planning Commission on July 26, 2012. Under construction, expected to be completed mid-2016.	Covered under the 2006 Downtown FEIR
21	San Diego International Airport Master Plan – Northside Improvements	3225 North Harbor Drive, San Diego, CA	Includes the following: construction of a 6,500-space consolidated rental car (CONRAC) facility, a 2,170-space public surface parking lot, and 225,000 square feet of air cargo facilities on the north side of San Diego International Airport. <<Matt to call to determine if the project is 100% complete already – the SAN website lists an observation park that may be pending still though it all looks done…left VM>>		The SDCRAA certified the Supplemental EIR on September 1, 2011. Construction began in 2012 and is anticipated to be completed in 2017.	2008 EIR. 2012 SEIR
22	San Diego International Airport Master Plan – Parking Plaza	3225 North Harbor Drive San Diego, CA	The San Diego Regional Airport Authority (SDCRAA) proposes to design and construct a parking plaza adjacent to Terminal 2 on the San Diego International Airport. The parking plaza would be three stories and house approximately 3,000 parking spaces and will integrate state-of-the-art parking technology.		The CDP was issued in August 2015. Construction is estimated to commence in summer 2016 and take 20 months to complete.	

Table MAN-1. Cumulative Projects in the Vicinity of Project						
ID Number	Project Name/Title	Project Location	Project Description Summary	Summary of Project Impacts	Status	Document Type
23	Integrated Planning Process – PMP Update	Throughout District tidelands	Comprehensive Update of the Port Master Plan		Planning Phase – PEIR to follow	
24	Fifth Avenue Landing Redevelopment	At the southerly paper end of Fifth Avenue, between the back of the Convention Center and South Embarcadero Park	Development includes: two hotel structures, one 44-story, 498-foot tall up to 850-room hotel tower, and one 5-story, 76-foot tall up to 565-bed low-cost hotel; a 213-space parking structure (44-foot tall); retail; meeting space ancillary guest amenities; a bridge connecting the hotel to the Conventions Center; approximately 92,143 square feet of public access areas approximately 8,322 square feet at ground level and 83,820 square feet on a podium level 42 feet above grade). The existing promenade width of 35-feet would be preserved.		The Board of Port Commissioners authorized staff to commence environmental review in March 2016.	EIR -pending

The cumulative impacts analysis determines if a cumulative impact would result from the proposed project in conjunction with other projects in the region, and if the proposed project's incremental effects would be cumulatively considerable. 'Cumulatively considerable' means that the incremental effects of an individual project would be considerable when viewed in connection with the effects of past, current, or probable future projects. A cumulative impact is not deemed significant if the effect would be essentially the same whether the proposed project is implemented or not. Further, in discussing the cumulative impacts, one question and a possible follow-up question will be answered for each environmental topic: overall, will there be a significant cumulative impact? If it is determined that a significant cumulative impact exists, the next question is whether or not the proposed project's contribution to this significant impact is cumulatively considerable?

The following discussion of cumulative impacts is organized by each environmental topic addressed for the proposed project. At the beginning of each topical discussion, a description of the area of influence for each topic is provided followed by an analysis of the cumulative effects.

Aesthetics

The aesthetics discussion includes scenic views and vistas, general negative aesthetic effect, and light and glare. The area of projects that would be considered for the aesthetics cumulative effects analysis is defined as the viewshed for the project site. The project site and surrounding area are located in urbanized area surrounded by San Diego Bay to the west and by developed park, maritime museum, government, and commercial uses, including hotels and restaurants, to the north, south, and east.

None of the cumulative projects would change the existing use or character of their respective projects sites in a manner that would negatively affect aesthetics. In fact, projects such as the Public Viewing Platform (#6), Wyndham Hotel (#7), and North Embarcadero Visionary Plan, Phase I (#8) would all serve to improve the aesthetics of the North Embarcadero in the project area. Although the projects may be in sight of scenic view sheds, the proposed project is not within a designated view shed. Additionally, while the proposed project includes an increase in overall building height, its open design and use of glass for transparency opens views of the bay rather than obstruct them. Furthermore, minor lighting modifications and improvements associated with some of the projects listed in Table MAN-1 would not represent new significant sources of substantial light or glare, because all exterior lighting would be required to comply with City of San Diego lighting code, as discussed in Section A.d. The proposed project, combined with many of the other projects listed in Table MAN-1, would result in the conversion of vacant and underutilized properties to new structures and land uses considered by most viewers to represent an improvement to the aesthetics. Therefore, no cumulatively significant impact to aesthetics would occur.

Agriculture and Forestry Resources

The proposed project could not result in the loss of or conflict with zoning for farmland or forest land. Similarly, none of the projects listed in MAN-1 involve the conversion of farmland or forest land to non-agricultural or non-forest land use. Also, none of the cumulative projects are located on or zoned for farmland or forest land. The proposed project and all the cumulative projects would occur in urbanized, developed areas. Therefore, a significant cumulative agriculture and forestry resources impact would not occur.

Air Quality

Considering the reasonable past, present, and foreseeable projects, the Tenth Avenue Marine Terminal Redevelopment Plan would result in the greatest potential for potential cumulative air quality impacts. As discussed in Section C, Air Quality, an EIR was prepared for Tenth Avenue Marine Terminal Redevelopment Plan, which concluded at buildout of the Tenth Avenue Marine Terminal, the incremental contribution to cumulative impacts related to air quality and health risks would be cumulatively considerable, as program-level air emissions would exceed project-level thresholds and there is insufficient information to determine if individual projects within the Tenth Avenue Marine Terminal would exceed the project-level thresholds. As construction and operation of the project would contribute to the cumulative condition in the project area, project emissions would be part of the cumulative impact on air quality.

As discussed in Section C, Air Quality, of this Initial Study, criteria pollutant emissions associated with the proposed project would be below the thresholds of significance for all nonattainment criteria pollutants and their precursors. Additionally, the proposed project would not conflict with the RAQS, which is the regional long-range plan developed to achieve attainment of the NAAQS and CAAQS in a timely manner. The RAQS is regional in nature and takes in to account past projects in the development of the air emissions limits and reductions. The emissions estimates and targets are used by the SDAPCD in the developments of the rules and regulations to control air emissions as well as the issuance of air quality permits. The SDAPCD trigger levels for an air quality impacts analysis, which are used as thresholds of significance in this analysis, set a regional emission limits , which serve as thresholds for both direct and indirect project-related impacts and as an indication of whether an individual project's cumulative contribution would be significant. Using this reasoning, because the project would result in a less-than-significant increase in air emissions and would not violate any air quality standards or contribute substantially to an existing or projected air quality violation, operation of the proposed project in conjunction with other projects in the region would have no potential to contribute to cumulative air quality impacts beyond those already evaluated at a project level.

It is still possible that the project, when combined with current construction projects, could result in localized air quality impacts such as the effects from construction equipment operations associated with the use of diesel (i.e., $PM_{2.5}$). The radius for such localized emission impacts is approximately 0.25 mile. There are 12 cumulative projects that are located within 0.25 mile of the project's construction boundaries, which reach to approximately Grape Street in the north, Kettner Boulevard in the east, and West Broadway in the south. These projects include the North Embarcadero Visionary Plan Phase 1, Wyndham Hotel Renovation, B Street Shore Power, B Street Mooring Dolphin, Lane Field North and South, Public Viewing Platform, Bayside Fire Station CCDP, Pacific Gate, Pacific and Broadway Parcel #1, Pacific and Broadway Parcel #9, 1919 Pacific Highway, and B Street Pier Cruise Ship Terminal Maintenance projects. Though there is potential for a cumulative impact to occur, each of these projects would be implemented in conformance with air quality regulations and, if required, mitigation measures identified in the environmental document that would be prepared. The proposed project would be subject to the same SDAPCD rules and regulations that restrict emissions. Additionally, the project would conform to SDAPCD's relevant air quality plan, and, as discussed in Section P, Transportation/Traffic (Parking), the proposed project would not significantly affect roadways or intersection traffic. As such, the project would not result in a cumulatively considerable net increase in a nonattainment pollutant, and the proposed project's cumulative contribution would be less than cumulatively considerable.

Biological Resources

The discussion of biological resources includes flora and fauna and their related habitats for both terrestrial and marine habitats. The area of cumulative projects that would be considered for the biological resources cumulative effects analysis varies depending on the species or habitat that may be impacted. Because sensitive biological resources are identified due to their scarcity (e.g., threatened and endangered) throughout their range, impacts to these species, both terrestrial and marine, are considered cumulatively significant.

There are a number of important biological communities and sensitive habitats identified in the City of San Diego in the City's Multiple Species Conservation Program (MSCP) Subarea Plan and identified in the San Diego Bay in the INRMP. The MSCP Subarea Plan does not apply to District tidelands and is included for informational purposes. The plan does not identify any important communities or habitats in the Centre City community area, where the proposed project and the majority of the cumulative projects are located. Sensitive habitats identified in the INRMP are primarily located along the Silver Strand and in the South Bay. No sensitive habitats were identified within the proposed project site. The land-side portion of the project site is the North Embarcadero Promenade, a fully developed waterfront recreational facility that is disturbed and entirely paved. There are no areas of natural open space or areas of significant terrestrial biological resources and no species designated by the CDFW or any riparian habitats or other sensitive natural communities identified by either the USFWS or CDFW at the project site. With regard to terrestrial resources, all of the cumulative projects, along with the proposed project, occur on previously developed areas that do not contain sensitive terrestrial biological resources or would occur outside of areas containing sensitive terrestrial biological resources.

The proposed project and several of the cumulative projects considered are located above and within the waters of San Diego Bay. Therefore, the proposed project, along with these cumulative projects, could result in significant cumulative impacts to marine biological resources—including fish, marine mammals, sea turtles, and aquatic birds—primarily in the short term during the demolition of the existing facilities and construction of new facilities. Underwater disturbance in the form of noise, vibration, and sedimentation is the primary potentially cumulative short-term impact that would occur during construction, especially pile driving. The B Street Mooring Dolphin, Public Viewing Platform, Naval Base Point Loma Fuel Pier Replacement and Dredging, and Fifth Avenue Landing projects could all contribute to in-water impacts to marine biological resources. The criteria for cumulative effects to fish from repeated exposure to pile strikes is based on the size of the fish. A threshold of 187 dB sound exposure level (SEL) cumulative is used for fish greater than 2 grams body weight, and 183 dB SEL cumulative for fish less than 2 grams (SEL cumulative is an estimate of the total exposure of repeated events). Although these fish are highly mobile and are expected to move away from the project area during construction, cumulative impacts to fish as a result of repeated exposure to elevated sound pressure levels from project construction are possible. In addition, shading from water coverage has the potential to adversely affect marine organisms in general.

Though cumulative impacts to fish and marine mammals could occur, mitigation measures would be required for the in-water impacts to marine biological resources for each of the projects described above. Specifically, impacts from pile driving noise, turbidity, and sedimentation on biological resources such as fish, birds, marine mammals, and sea turtles described above would be reduced to less than significant levels with the implementation of the mitigation proposed in Section D. Biological Resources. In addition, the proposed project will utilize translucent materials where feasible to allow light to penetrate the bay, and mitigation measure BIO-4 would mitigate

any impacts associated with shading for the proposed project. Therefore, cumulative impacts on biological resources would be less than significant. .

Cultural Resources

The cultural resources discussion includes archaeological, paleontological, and historic resources. The area of projects that are considered for the cultural resources cumulative effects analysis is defined as the Centre City area of the City of San Diego, including the waterfront and tidelands. The proposed project and many of the cumulative projects located on the waterfront are constructed on piles over the water or are underlain by an artificial landform area created by bay infill that is not considered sensitive for archaeological or paleontological resources due to previous disturbance of the soil to create the fill.

The existing structure that would be demolished to make way for the new structure was evaluated for historical significance. However, as discussed in Section E, Cultural Resources, the existing structure was found to not qualify as historic, and the proposed project would have a less than significant impact on historical or cultural resources. Therefore, there would not be the potential for the proposed project to contribute to impacts on cultural resources from past, present, and reasonably foreseeable future projects, and cumulative cultural resource impacts would be less than cumulatively considerable.

Geology/Soils

As discussed in Section F, Geology and Soils, impacts to structures as a result of earthquakes and associated effects and stability of soils would be less than significant based on project design, in compliance with public health, safety, and building design codes and regulations. The geographic context for the analysis of impacts resulting from seismic ground shaking is generally site specific rather than cumulative in nature, because each cumulative project site has unique geologic considerations that would be subject to uniform site development and construction standards. In this way, potential cumulative impacts resulting from geologic, seismic, and soil conditions would be minimized on a site-by-site basis to the extent that modern construction methods and code requirements provide. The structural design for all of the cumulative projects would be required to comply with all applicable public health, safety, and building design codes and regulations to reduce seismic and geologic hazards to an acceptable level. As such, the cumulative impact of geology and soils on past, present, and reasonably foreseeable future projects is less than significant.

Greenhouse Gases

GHG emissions are a cumulative global issue and accumulate in the earth's atmosphere for many years. Therefore, the cumulative study area is the entire globe. All of the cumulative projects would contribute varying amounts of GHG emissions, which, when combined, would be considered cumulatively significant. Section G, Greenhouse Gas Emissions, discussed the cumulative contribution that the proposed project would have on the main source of GHG emissions associated with the project would be combustion of fossil fuels during short-term demolition and construction activities from the use of heavy construction equipment and construction-related vehicle trips.

The City of San Diego has adopted a CAP that identifies measures to effectively meet GHG reduction targets for 2020 and 2035 as interim targets for achieving the 2030 and 2050 state targets (City of San Diego 2015b). Although not applicable to projects in the tidelands (District jurisdiction), the CAP would be applicable to City of San Diego projects. With implementation of the CAP, the City

aims to reduce emissions 15 percent below the baseline by 2020, 40 percent below the baseline by 2030, and 50 percent below the by 2035. The CAP relies on significant City and regional actions, continued implementation of federal and state mandates, and five local strategies with associated action steps for target attainment.

Furthermore, the project's operational GHG emissions are anticipated to be reduced compared to existing conditions, because despite the increased number of square footage and seats in the new restaurant, the new structure would be more energy efficient through the use of solar panels, improved insulation, LED lighting, and all new energy efficient plumbing fixtures and kitchen appliances. The proposed project is also consistent with the District's CAP, which accounts for continued growth of District operations in an efficient and sustainable manner (meaning it is not a "net zero" GHG emission plan). The CAP has identified a GHG reduction goal of 25 percent less than 2006 levels by 2035 for new projects. While the CAP does not assign percent reductions to individual businesses or operations, the District would be consistent with the goals of the CAP because it would reduce emissions from electricity use due to the introduction of energy-efficient LEDs, water-efficient plumbing fixtures, and modern and efficient kitchen appliances.
All other projects identified in the cumulative study area are also required to comply with the applicable CAP and other applicable climate change/greenhouse gas reduction regulations and policies, depending on the jurisdiction of the project. As such, the proposed project's contribution to cumulative GHG emissions would be less than cumulatively considerable.

Hazards

Section H, Hazards and Hazardous Materials, discusses the potential for the accidental release of hazardous materials, potential for the creation of a public health hazard, or the increased likelihood of a wildfire. The geographic context for the analysis of cumulative impacts from hazards is limited to the immediately surrounding area of the project site. Generally, hazards are site specific and would not combine with impacts from other projects to result in cumulative impacts. The projects listed in Table MAN-1 are located in developed areas with minimal potential for wildfires.

None of the cumulative projects propose land uses that would require the transportation, use, or disposal of hazardous materials aside from oil and hydrocarbons associated with construction and operation, standard cleaning products during operation, and landscaping products during operation. As discussed in Section H of this Initial Study, the proposed project's use of design features, including silt curtains around pile removal and pile-driving activities, would ensure less-than-significant hazards impacts associated with the excavation and transportation of soil and sediment. Furthermore, compliance with applicable laws regulating fuel and oils/lubricants in use on the vessels and land-based vehicles would ensure less-than-significant impacts during operation of the proposed project.

The proposed project, along with all of the other cumulative projects, would be required to comply with the City of San Diego's and the District's Jurisdictional Urban Runoff Management Program (JURMP) and Watershed Urban Runoff Management Program (WURMP) requirements, National Pollutant Discharge Elimination System requirements, and federal, state, and local laws regulating fuel and oils/lubricants in use on the vessels and land vehicles, which would reduce this impact to a less-than-significant level. Finally, it is expected all past, present, and future projects would comply with the existing ALUCP, as would the proposed project. Therefore, the cumulative impact of hazards and hazardous materials from past, present, and reasonably foreseeable future projects is less than significant.

Hydrology/Water Quality

The discussion of impacts to hydrology and water quality involves both surface water hydrology and the water quality of San Diego Bay. The proposed project would not have any impact on groundwater resources. Therefore, the proposed project would not result in a cumulative impact to groundwater resources.

The area of projects that would be considered for surface water cumulative effects analysis is defined as the North Embarcadero.

Hydrology. Because the areas surrounding the project site and the cumulative projects are highly developed and the proposed structure has a nearly identical footprint as the existing structure, the amount of impervious surfaces would not significantly increase with the development of the project and past, present, and future projects. Furthermore, all projects within the City of San Diego and within District jurisdiction would be required to comply with the City's and the District's storm water requirements, as appropriate, including the District's JURMP and WURMP. These storm water programs require that projects maintain pre-project hydrology (i.e., maintain original runoff volume and velocity). Surface water hydrology would not be altered from its existing condition from the project. Furthermore, the project and cumulative projects would not deplete groundwater supplies or place housing within 100-year flood hazard area. Finally, the project would not expose people or structures to increased risks involving flooding, including from sea level rise, and each of the cumulative projects would be required to address flooding at each of the project sites. Therefore, the cumulative impact on hydrology from past, present, and reasonably foreseeable future projects is less than significant.

Water Quality. Surface water quality may be affected by an increase in boat traffic associated with the proposed expansion of dock and dine facilities, which could in turn result in additional water quality impacts to San Diego Bay. The proposed project, along with all future development projects within the City's and the District's jurisdiction, would be subject to the standards of the San Diego Regional Water Quality Control Board and National Pollutant Discharge Elimination System permit regulations, which would require that source control and nonpoint source BMPs be employed to control potential effects on water quality and that storm water quality control devices be incorporated into project design to collect sediment and other pollutants. All of the land-side cumulative projects would comply with the District's or City's mandated measures to control pollution or they would not be approved. The water-side projects include the BAE Systems Pier 1 Drydock, Associated Real Estate Agreements and Removal of Cooling Tunnels, B Street Mooring Dolphin, Dole Fresh Fruit Refrigerated Rack Project, Tenth Avenue Marine Terminal Redevelopment, Public Viewing Platform, B Street Pier Cruise Ship Terminal Maintenance Projects, Naval Base Point Loma Fuel Pier Replacement and Dredging, and the Fifth Avenue Landing Redevelopment. These projects would either improve existing surface water quality and runoff by implementing BMPs on locations where the project site is an impervious surface, or minimize those water quality effects on areas where the project site is a pervious surface. As discussed in Section I, Hydrology and Water Quality, of this Initial Study, the proposed project would not violate any water quality standards or waste discharge requirements because it includes construction and disposal methods to contain sediments during construction and would be subject to all applicable regulatory requirements. Therefore, the cumulative impact on water quality from past, present, and reasonably foreseeable future projects is less than significant..

Land Use and Planning

The land use and planning discussion addresses consistency with adopted planning documents and compatibility with existing land uses. The area of projects that would be considered for the land use cumulative effects analysis is defined as the North Embarcadero and projects within the City of San Diego's Downtown/Centre City community. Many of the cumulative projects identified in Table MAN-1 are planned for this area by the District, District tenants, and private developers consistent with the City of San Diego's current Downtown/Centre City Community Plan, and, for projects in the District's jurisdiction, consistent with the designations of the PMP. The proposed project does not represent a change in existing use and is consistent with the land and water use designations of the PMP. Therefore, the cumulative impact on land use and planning from past, present, and reasonably foreseeable future projects is less than significant.

Mineral and Energy Resources

The mineral and energy resources section discusses whether the amount of energy proposed to be used is substantial and the potential impact to mineral resources, highly valued by the state of California, would be substantial. The area of projects that would be considered for the energy and mineral resources cumulative effects analysis is defined as the San Diego region. The City of San Diego's General Plan indicates that no significant mineral resources highly valued by the State of California are located within the Downtown/Centre City community. No mineral resources are known to exist on the cumulative project sites, and the cumulative projects would not impact the region's supply of mineral resources.

According to CEQA Section 15064 (h) (3), a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project would comply with a previously approved plan or program that avoids or substantially lessens the cumulative problem. Appendix F, Energy Conservation of the CEQA Guidelines, lists factors that could contribute to an impact to energy conservation, including: the project's energy requirements, effects of local and regional energy supplies and need for additional capacity, effects on peak period demands for electricity, and degree to which the project complies with existing energy standards, among others. The proposed project would have a cumulative impact on energy resources if the cumulative energy demands of the projects listed in Table MAN-1 would result in the wasteful, inefficient, and unnecessary use of energy or were inconsistent with adopted energy planning documents for the San Diego Region. The consumption of electricity associated with the proposed project is anticipated to be reduced compared to current conditions, because the proposed project would replace a structure constructed in 1965 with 1965 technology with newer building materials and techniques, including much more efficient HVAC equipment. Lighting would make extensive use of LEDs, resulting in a more energy efficient lighting system, while solar panels would provide on-site generation of electricity, and water-efficient fixtures would reduce the consumption of water, which would translate to energy savings for pumping and treatment of water and sewage.

The proposed project is also consistent with adopted energy planning documents for the San Diego region, including the SDG&E long-term energy resources plans. The cumulative projects listed in Table MAN-1 would also not result in the inefficient use of energy, because the projects primarily involve the redevelopment of existing structures within developed areas and/or the relocation of existing infrastructure. Furthermore, all of the cumulative projects listed in Table MAN-1 must adhere to the latest Title 24 energy standards, if applicable. Therefore, the cumulative impact on mineral and energy resources from past, present, and reasonably foreseeable future projects is less than significant.

Noise

The noise section discusses increases in ambient noise. Noise, by definition, is a localized phenomenon and is progressively reduced as the distance from the source increases; specifically, noise levels decrease by 6 dB for every doubling of distance. Therefore, the area of projects that would be considered for the noise cumulative analysis would be only those projects in the immediate vicinity of the project site. The Wyndham Hotel Renovation project is located on the opposite side of North Harbor Drive from the project site. The remaining 24 cumulative projects described in Table MAN-1 are located at least 0.5-mile from the project site and would, therefore, not contribute to cumulative noise impacts from activities on the cumulative projects sites.

The project's contribution to ambient noise from operations would not increase from the existing condition because the existing restaurant already provides for outdoor dining and features music played over external speakers. In addition, there are no residential or school uses within several hundred feet of the project site, which is on the waterfront. In addition, the District considers hotel uses as sensitive receptors, and the proposed project is located on the opposite side of North Harbor Drive from the closest Wyndham Hotel, the closest commercial property to the proposed project. The next closest sensitive receptors are passive recreational areas associated with the City's Waterfront Park and along the North Embarcadero Promenade. The proposed project represents a continuation of an existing use and would represent an existing noise source at these sensitive receptors. As a result, the proposed project's operational noise impacts would not add to the operational noise impacts of the cumulative projects. Furthermore, the cumulative projects listed in Table MAN-1 primarily involve the redevelopment of existing structures within developed areas and/or the relocation of existing infrastructure and are not anticipated to significantly increase ambient noise levels during operation. Therefore, the combined operational noise impacts from past, present, and future projects are less than cumulatively significant, and the project's contribution to cumulative operational noise impacts would be less than cumulatively considerable.

The City of San Diego's Noise Ordinance, Chapter 59.5 of the City's Municipal Code, regulates noise within the City of San Diego. Section 59.5.0404 states that it "shall be unlawful for any person, including the City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 A.M. to 7:00 P.M." The City of San Diego does not identify any noise criteria to control single-event noise level impacts, such as those associated with pile-driving activities. The 75-dB(A) construction noise criterion averages the construction noise level impacts over 12 hours during the daytime (7 A.M. to 7 P.M.). The proposed project and any future cumulative projects would be required to comply with these regulations. Therefore, the combined construction noise impacts from past, present, and future projects are potentially significant; however, for the reasons detailed above, the project's contribution to cumulative construction noise impacts would be less than cumulatively considerable.

Population and Housing

The population and housing discussion addresses impacts to growth rates and existing housing. The area of projects that would be considered for the population and housing cumulative effects analysis is defined as those in the City of San Diego. The proposed project would have a less-than-significant impact on population and housing, because it would not substantially induce population growth in the area. The proposed project would create approximately 12 short-term construction jobs during the proposed project's 3- to 4-month demolition and up to 130 short-term construction jobs during the proposed project's 8- to 12-month construction period (11–16 months total).

Project construction would be accomplished from the waterside using a barge and from the North Embarcadero. Piles would be driven first (1–2 months) followed by construction of the platform deck/surface (1–2 months) and, once complete, the construction of the building upon the deck would commence along with the dock (6–8 months).

It is anticipated that the demand for these short-term construction jobs would be met by the local work force and would not result in substantial population growth. Upon completion, the proposed project would create approximately 250 jobs. With a population of 1.36 million, additional employment opportunities created by the proposed project and the projects listed in Table MAN-1 can be satisfied by the existing population. As such, the cumulative impact on population and housing from past, present, and reasonably foreseeable future projects is less than significant.

Public Services

The cumulative public services discussion includes an analysis of physical impacts associated with the construction of new or physically altered governmental facilities for public services such as fire and police protection, schools, parks, and other public facilities. The area of projects that would be considered for the public services cumulative analysis is defined by the service areas for the City of San Diego Fire and Police Departments and the Harbor Police Department. All of the cumulative projects involve the redevelopment and/or relocation of existing structures and utilities. Therefore, none of the cumulative projects would impact public services in a manner that would require the construction of new or physically altered governmental facilities. None of the cumulative projects would affect fire protection services, because these projects would conform to the current Downtown/Centre City Community Plan or the PMP, which are considered in developing the delivery of fire protection services. The Harbor Police Department is responsible for police protection in most tidelands areas and the San Diego Bay. The cumulative projects located within the City of San Diego would not impact police protection services, because these projects would not increase the demand for police services beyond those that exist. All of the cumulative projects are located in developed urban areas currently served by the police and fire department. None of the service departments (the San Diego Fire Department, the Harbor Police Department, or the San Diego Police Department) would need to construct new facilities or expand existing ones in order to serve the project and the cumulative projects, when considered together. Therefore, the cumulative impact on public services from past, present, and reasonably foreseeable future projects is less than significant.

Recreation

The recreation discussion includes the potential for increased demand for recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated and the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. The area of projects that would be considered for the recreation cumulative effects analysis is defined as the area along the North Embarcadero, in the Downtown/Centre City Community. The potential impact of the proposed project related to an increase in the use of existing neighborhood and regional parks or other recreational facilities was identified as being less than significant because, although it would generate 12 short-term construction jobs for demolition of the existing structure and up to 130 short-term jobs for project construction, these temporary employees would not significantly affect park space. The same logic applies to the long-term impact of approximately 250 employees of the proposed project and the employees of the cumulative projects; although the cumulative projects may generate short-term construction jobs, these temporary employees would not significantly affect park space, as they would continue to frequent

parks in where they reside. Or in the case of the proposed project, Waterfront Park has more than enough capacity for up to 130 construction workers should they chose to visit the park before or after work or during a break. Other nearby parks include Lane Field Park and Ruocco Park. In addition, the District manages 20 parks on the waterfront of San Diego Bay and the oceanfront of Imperial Beach. As such, the cumulative impact on recreation from past, present, and reasonably foreseeable future projects is less cumulatively significant.

Transportation/Traffic (Parking)

Section P, Transportation/Traffic (Parking), of this Initial Study discusses potential traffic congestion from construction and operational traffic and parking demand. The geographic context for the analysis of cumulative traffic impacts is the City of San Diego.

Short-Term Construction Traffic. Construction of the proposed project is expected to begin in early 2017 and take a total of approximately 11 to 16 months to complete. Several of the cumulative projects are anticipated to be under construction concurrently with construction of the proposed project and may utilize similar construction haul routes. However, demolition work associated with the proposed project would be from a barge, as would the hauling of debris. Construction traffic would access the project site using Ash Street, North Harbor Drive, and Broadway, a route that would also likely be used for the Lane Field North and South, Public Viewing Platform, Wyndham Hotel, North Embarcadero Visionary Plan Phase 1, B Street Shore Power, Pacific Gate, Pacific and Broadway Parcel #1, Pacific and Broadway Parcel #9, Navy Broadway Complex Manchester Financial Group, and the B Street Pier Cruise Ship Terminal Projects. It is very unlikely that all of these projects would be constructed at the same time, as some are nearly complete today and others have been proposed for many years with unknown start and completion dates.

The roadway segments and intersections studied for the proposed project are listed in Section P, Transportation/Traffic (Parking) of this document. The City of San Diego's significance determinations consider an impact significant if a roadway or intersection with an acceptable LOS is degraded to an unacceptable LOS or if it adds additional delay to a facility already operating at an unacceptable level. As discussed in Section P, Transportation/Traffic (Parking), of this Initial Study, the traffic impacts associated with construction of the proposed project would be less than significant as construction traffic would not cause any roadways or intersections to operate as a failing LOS (LOS F). While other projects combined with the proposed project have the potential to cause temporary traffic delays if constructed at the same time, this would not be likely to occur and any construction-related traffic delays would be temporary and spread throughout the cumulative study area, rather than concentrated on any one roadway segment or intersection. In addition, projects that require work within roadways or lane closures would be required by the City of San Diego to prepare a traffic control plan and obtain a traffic control permit, which would reduce traffic and ensure vehicular and pedestrian traffic safety during construction. Therefore, the cumulative impact on transportation/traffic from construction of past, present, and reasonably foreseeable future projects would be less than significant.

Long-Term Operational Traffic. Upon completion, most of the cumulative projects listed in Table MAN-1 would increase traffic to varying degrees, although not all in the immediate vicinity of the proposed project. Section P, Transportation/Traffic (Parking) lists the roadway segments and intersections studied for potential impacts associated with operation of the proposed project. As indicated in Section P, Transportation/Traffic (Parking), there are intersections along Ash Street, North Harbor Drive, and Broadway that currently operate below an acceptable LOS. Therefore, the addition of more traffic from the introduction of new operational land uses generating traffic that

would use these intersections would be cumulatively significant. As shown in MAN-1, several past, present, and reasonably foreseeable projects within the study area have identified significant impacts to transportation and traffic. Because of this, a cumulatively significant impact to transportation and traffic in the vicinity of the proposed project exists. However, the proposed project itself would not result in a significant impact to transportation and traffic as it is replacing an existing structure with one of the same use, and would not result in a substantial number of additional trips related to the proposed project site. Therefore, the proposed project's incremental contribution to transportation and traffic impacts during operation would not be cumulatively considerable.

Parking

The District has prepared the North Embarcadero Focused Parking Study Final Report dated February 18, 2016 (Fehr & Peers 2016). This document was prepared to identify the parking needs in this area based on new conditions created by future development and the upcoming removal or modification of parking facilities in the area. The North Embarcadero Focused Parking Study projected a parking deficiency of approximately 890 parking spaces resulting from planned projects in the area. The report also identified potential parking infrastructure opportunities to mitigate public parking deficiencies and impacts in the North Embarcadero area. The increased parking demand was determined to be somewhat lessened by increased mobility choices such as rideshare services (e.g., Uber and Lyft), carshare (e.g., car2go), and bikeshare (e.g.,DECOBIKE), as well as the continued promotion of public transportation options such as the bus and trolley. The study concluded that there are numerous potential parking facility opportunity sites that have been identified to address the future parking demands as they occur and a number of steps recommended that the District could take to facilitate this process.

Likewise, the Transportation Impact Analysis (Appendix 8) prepared for the proposed project in April 2016 projected a maximum demand (deficiency) of approximately 30 parking spaces during peak parking periods (weekend evenings) for the proposed project. However, Transportation Impact Analysis identified over 1,000 parking spaces in the project area that sit empty every day and could be used to meet this deficiency. In addition, mitigation measure TRA-1 proposes creative parking management strategies that would mitigate any parking deficiency impacts to the North Embarcadero area caused by the proposed project. With implementation of TRA-1, the proposed project would not contribute considerably to the potentially significant cumulative impact to parking.

Utilities and Service Systems

The public services discussion includes such service systems as electric power and natural gas, communications, water treatment facilities, sewer, solid waste, and storm water drainage. The geographic context for the cumulative analysis for public utilities encompasses the service area of each specific utility. As discussed above, the proposed project would not change the use of the project site but would increase anticipated visitation. However, the use of more efficient fixtures and appliances within a new structure that meets LEED Silver standards or the equivalent would not increase the demand on public utilities. While the existing utility infrastructure is adequate to service the proposed project, the existing utility connections at the proposed project site may require in-kind replacement due to disrepair. However, this improvement would be isolated to the proposed project area and would not affect the overall service systems.

Additionally, construction solid waste produced by the proposed project would be disposed of at the Miramar Landfill, which has sufficient permitted capacity to accommodate the project's solid waste disposal needs. Furthermore, any increased consumption of energy by the cumulative projects has been accounted for in planning documents. As required by the California Public Utilities Commission (CPUC), California utilities, including SDG&E, are required to file long-term energy resources plans with the CPUC. SDG&E's plan was filed in April 2003 and includes 20-year plans and strategies to meet the future energy demands of its customers (SDG&E 2003). Similarly, the San Diego County Water Authority (SDCWA) has updated its Urban Water Management Plan (UWMP) as required by the California Water Code (SDCWA 2016). SDCWA released a draft of its 2015 UWMP for public review and comment April 29, 2016 through May 26, 2016. The SDCWA's Board of Directors will consider adoption of the final 2015 UWMP on June 23, 2016. This plan uses 2030 population and growth projections provided by SANDAG to determine future water demand and plan future water supplies. The project is consistent with the planning documents that are used by SANDAG to develop the 2030 population projections. Additional cumulative projects would also be subject to service provider approval prior to development. As such, the cumulative impact on utilities and service systems from past, present, and reasonably foreseeable future projects is less than significant.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact. The significant hazardous materials impacts discussed in Section H, Hazards and Hazardous Materials, of this Initial Study would potentially have adverse effects on human beings. However, compliance with existing laws, ordinances, and regulations regarding the handling and disposal of hazardous materials, such as lead-based paints and asbestos-containing materials, would ensure that potential hazards and hazardous materials impacts would be below a level of significance. Following project construction, no long-term effects are expected to occur. Though the proposed project is located at an elevation along the bay projected to be affected by sea level rise by the end of its life time (assuming a maximum lease duration of 50 years), proposed project design features and CDP conditions described in Section I Hydrology and Water Quality would ensure adaptive measures are implemented to protect the structure. Other projects in the coastal zone would also be required to comply with the California Coastal Commission's Sea Level Rise Policy Guidance, which requires review of sea level rise risks associated with projects and provides adaptation recommendations. Therefore, the proposed project in conjunction with other past, present, and foreseeable projects would result in less than significant cumulative impacts that would not cause substantial adverse effects on human beings, directly or indirectly.

S. REFERENCES

Cao, T., Bryant, W.A., Rowshandel, B., Branum, D., and Willis, C.J. 2003. The Revised 2002 California Probabilistic Seismic Hazards Maps: California Geological Survey. http://www.conservation.ca.gov/cgs/rghm/psha/fault_parameters/pdf/Documents/2002_ca_hazard_maps.pdf.

California Air Pollution Control Officers Association (CAPCOA). 2008. CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf.

California Air Pollution Control Officers Association (CAPCOA). 2013. California Emissions Estimator model (CalEEMod). User's Guide Version 2013.2.2 September. http://www.caleemod.com/.

California Air Resources Board (CARB). 2000. Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. http://www.arb.ca.gov/diesel/documents/rrpfinal.pdf.

California Air Resources Board (CARB). 2005. Air Quality and Land Use Handbook: A Community Health Perspective. http://www.arb.ca.gov/ch/handbook.pdf.

California Air Resources Board. 2014. EMFAC2014. http://www.arb.ca.gov/emfac/2014/.

California Air Resources Board (CARB). 2015a. California Air Quality Data Statistics. California Air Resources Board Internet Site. Top 4 Summary and Hourly Listing. Accessed August 6, 2015. http://www.arb.ca.gov/adam/welcome.html.

California Air Resources Board (CARB). 2015b. Technical Evaluation of the Greenhouse Gas Emissions Reduction Quantification for the San Diego Association of Governments' SB 375 Sustainable Communities Strategy. California Air Resources Board Internet Site. http://www.arb.ca.gov/cc/sb375/sandag_scs_technical_evaluation_final.pdf.

California Air Resources Board (CARB). 2016. Ambient Air Quality Standards. http://www.arb.ca.gov/research/aaqs/aaqs2.pdf.
California Air Pollution Control Officers Association (CAPCOA). 2008. CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf.

California Climate Change Center. 2009. Climate Change-related Impacts in San Diego Region by 2050. August. http://www.energy.ca.gov/2009publications/CEC-500-2009-027/CEC-500-2009-027-F.PDF.

California Coastal Commission. 2015. Sea Level Rise Adopted Policy Guidance. http://documents.coastal.ca.gov/assets/slr/guidance/August2015/0_Full_Adopted_Sea_Level_Rise_Policy_Guidance.pdf.

California Emergency Management Agency. 2009. Tsunami Inundation Map for Emergency Planning, Point Loma Quadrangle. http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SanDiego/Documents/Tsunami_Inundation_PointLoma_Quad_SanDiego.pdf.

California Department of Conservation, Division of Land Resource Protection. 2015. Farmland Mapping and Monitoring Program – San Diego County Important Farmland, Sheet 1 of 2. June. ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/sdg12_w.pdf.

California Department of Toxic Substances. 2016. EnviroStor database. Accessed at: http://www.envirostor.dtsc.ca.gov/public/.

California Department of Transportation (Caltrans). 2011. California Scenic Highway Mapping System. Accessed at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm. September.

California Department of Transportation (Caltrans). 2013. Transportation and Construction Vibration Guidance Manual. September 2013.

California Energy Commission. 2013. Building Energy Efficiency Standards for Residential and Nonresidential Buildings.

California Geological Survey., 2007. State of California, Earthquake Fault Zones, Point Loma Quadrangle: effective May 1, scale 1:24,000 ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/Sp42.pdf.

Chen Ryan. 2016. Transportation Impact Analysis Portside Pier Project. May.

City of San Diego. 2008. San Diego General Plan, Conservation Element. https://www.sandiego.gov/sites/default/files/legacy/planning/genplan/pdf/generalplan/adoptedconserelemfv.pdf.

City of San Diego. 2014. How to Obtain a Public Right-of-Way Permit for Traffic Control. July 2014. https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/infobulletin/ib177.pdf.

City of San Diego. 2015a. City of San Diego General Plan. Noise Element. Amended June 29, 2015. https://www.sandiego.gov/sites/default/files/final_december_2015_cap.pdf.

City of San Diego. 2015b. City of San Diego Climate Action Plan. Adopted December 2015.

County of San Diego. 2009. Guidelines for Determining Significance: Noise. January 27, 2009.

County of San Diego. 2010. County of San Diego Multi-Jurisdictional Hazards Mitigation Plan, Rain Induced Landslide Map http://www.sandiegocounty.gov/content/dam/sdc/oes/docs/DRAFT_COSD_RainInducedLandslide1.pdf.

Federal Emergency Management Agency (FEMA). 2012. Flood Insurance Rate Map 2012 – Flood Insurance Rate Map. Map number 06073C1885G. Revised: May 16, 2012. https://msc.fema.gov/portal/search.

Federal Highway Administration (FHWA). 1995. Highway Traffic Noise Analysis and Abatement Policy and Guidance. June 1995.

Federal Highway Administration (FHWA). 2011. Highway Traffic Noise: Analysis and Abatement Guidance.

Federal Transit Administration (FTA). 2006. Transit Noise and Vibration Impact Assessment. May 2006.

Fehr & Peers. 2016. North Embarcadero Focused Parking Study. Prepared for the San Diego Unified Port District.

ICF International. 2013. Sunroad Harbor Island Hotel Project and East Harbor Island Subarea Port Master Plan Amendment Final Environmental Impact Report.

Intergovernmental Panel on Climate Change (IPCC). 2007. Fourth Assessment Report (AR4), Climate Change 2007: Synthesis Report.

Navcon Engineering, Inc. 2015. SoundPLAN Essential version 3.0. http://www.soundplan.com/essential.htm.

Naval Air Station North Island (NASNI) and Naval Outlying Landing Field. 2011. Air Installation Compatible Use Zones Update. http://www.imperialbeachca.gov/vertical/sites/%7B6283CA4C-E2BD-4DFA-A7F7-8D4ECD543E0F%7D/uploads/AICUZ_Report_FINAL_CNO_Approved.pdf.

Office of Environmental Health Hazard Assessment (OEHHA). 2015. Air Toxics Hot Spots Program Risk Assessment Guidelines. http://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.

Port of Los Angeles. 2007. Appendix N: Noise. Berths 136-147 (TraPac) Container Terminal Project Draft Environmental Impact Statement/Draft Environmental Impact Report. https://www.portoflosangeles.org/EIR/TraPac/DEIR/Appendix_N_Noise.pdf.

San Diego Air Pollution Control District (SDAPCD), April 27, 2016. Resolution No: 16-041, Resolution Adopting Amended Rule 20.1 - New Source Review General Provisions; Rule 20.2 - New Source Review-Non-Major Stationary Sources; Rule 20.3-New Source Review-Major Stationary Sources And Prevention Of Significant Deterioration (PSD) Stationary Sources; Rule 20.4 - New Source Review-Portable Emission Units; and Rule 20.6 - Standards for Permit to Operate Air Quality Analysis, of Regulation II of the Rules And Regulations of The San Diego County Air Pollution Control District.

San Diego Association of Governments (SANDAG), 2014. Correspondence with RECON and SANDAG on 03/20/14 confirming the urban regional trip length of 5.8 miles derived from Series 12 base year (2008) model.

San Diego County Regional Airport Authority. 2014. Airport Land Use Compatibility Plan for San Diego International Airport. May. Accessed at: http://m.san.org/documents/aluc/SDIA_ALUCP_2014.

San Diego County Water Authority (SDCWA). 2016. Urban Water Management Plan. Accessed at: http://www.sdcwa.org/uwmp.

San Diego Foundation. 2008. San Diego's Changing Climate: A Regional Wake-Up Call. A Summary of the Focus 2050 Study Presented by the San Diego Foundation. https://www.sdfoundation.org/wp-content/uploads/2015/10/2009-Focus2050glossySDF-ClimateReport.pdf.

San Diego Gas & Electric Company. 2003. SDG&E Long-Term Resource Plan Testimony of Robert Anderson. https://www.sdge.com/sites/default/files/regulatory/anderson_0.pdf.

San Diego Unified Port District. 2013a. Climate Action Plan. https://www.portofsandiego.org/document/environment/climate-mitigation-and-adaptation-plan/documents-1/5515-port-of-san-diego-climate-action-plan/file.html.

San Diego Unified Port District. 2013b. Tenth Avenue Marine Terminal Shore Power Project. Final Mitigated Negative Declaration. February. https://www.portofsandiego.org/environment/environmental-downloads/land-use-planning.html.

San Diego Unified Port District Master Plan. 2015. July. https://www.portofsandiego.org/document/environment/land-use-planning/4729-port-master-plan-1/file.html.

South Coast Air Quality Management District (SCAQMD). 2009. Greenhouse Gas CEQA Significance Threshold Stakeholder Working Group 14. http://www.aqmd.gov/ceqa/handbook/GHG/2009/nov19mtg/ghgmtg14.pdf. November 19, 2009.

Tucker Sadler 2016a – Personal Communication between Greg Mueller and Michael Page.

Tucker Sadler. 2016b. Memorandum Re. Portside Pier – Waterfront Project Proposed Sustainable Design Elements. March 18, 2016.

United Stated Department of the Navy (USDN). 2013. San Diego Bay Integrated Natural Resources Management Plan, Final September 2013. San Diego, California. Prepared by Tierra Data Inc., Escondido, California. https://www.portofsandiego.org/document/environment/natural-resources/5730-inrmp-september-2013/file.html.

T. DETERMINATION AND PREPARERS

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FEE DETERMINATION

(Fish and Game Code Section 711.4, Statutes of 2006 – SB 1535)

[ ] It is hereby found that this project involves no potential for any adverse effect, either individually or cumulatively, on wildlife resources and that a "Certificate of Fee Exemption" shall be prepared for this project.

[X] It is hereby found that this project could potentially impact wildlife, individually or cumulatively, and therefore, fees in accordance with Section 711.4(d) of the Fish and Game Code shall be paid to the County Clerk.

Report Preparers

San Diego Unified Port District
Eileen Maher – Principal, Planning and Green Port
Wileen Manaois – Principal, Development Services
Penny Maus – Department Manager, Business Development
Dana Martinez – Associate Planner
Wendy Ong – Program Manager

Project Management Consultant

Dudek, 605 Third Street, Encinitas, CA 92024

Matthew Valerio – Senior Consultant

CEQA Consultants

RECON Environmental, Inc., 1927 Fifth Avenue, San Diego, CA 92101
Lisa Lind, AICP – Principal
Lee Sherwood – Principal
Michael Page, AICP – Senior Project Manager
Lauren Kahal – Environmental Planner
Bill Maddux – Senior Air Quality and Noise Specialist
Jesse Fleming – Acoustical Analyst

Cardno, 514 Via de la Valle, Suite 308, Solana Beach, San Diego, CA 92075
Polly Allen – Senior Project Scientist/Architectural Historian
Scott Barker, PE – Planner/Engineer

Chen Ryan Associates, 3900 Fifth Avenue, Suite 210, San Diego, CA 92103
Steve Cook, PE –Traffic Engineer
Jonathan Sanchez – Traffic Engineer

The Bodhi Group, 5480 Baltimore Drive, Suite 209, La Mesa, CA 91942
Sree Gopinath, PE – President, Hazardous Materials Specialist
Jonathan Goodmacher, PE – Geologist

Tierra Data, Inc., 10110 West Lilac, Escondido, CA 92026
Derek Langsford – Biology Practices Manager
Derek Lerma – Senior Marine Scientist
Andrew Fredell – Marine Scientist
Elizabeth Kellogg – President

Project Location

FIGURE 1
Regional Location

RECON

M:\JOBS5\8151\common_gis\fig1_NCS.mxd 4/28/2016 ccn

Image Source: USDA FSA (flown May 2014)

Project Boundary

RECON

M:\JOBS5\8151\common_gis\fig2_mnd.mxd 7/6/2016 ccn

FIGURE 2
Project Vicinity

Image source: SANDAG (flown November 2014)

Project Boundary

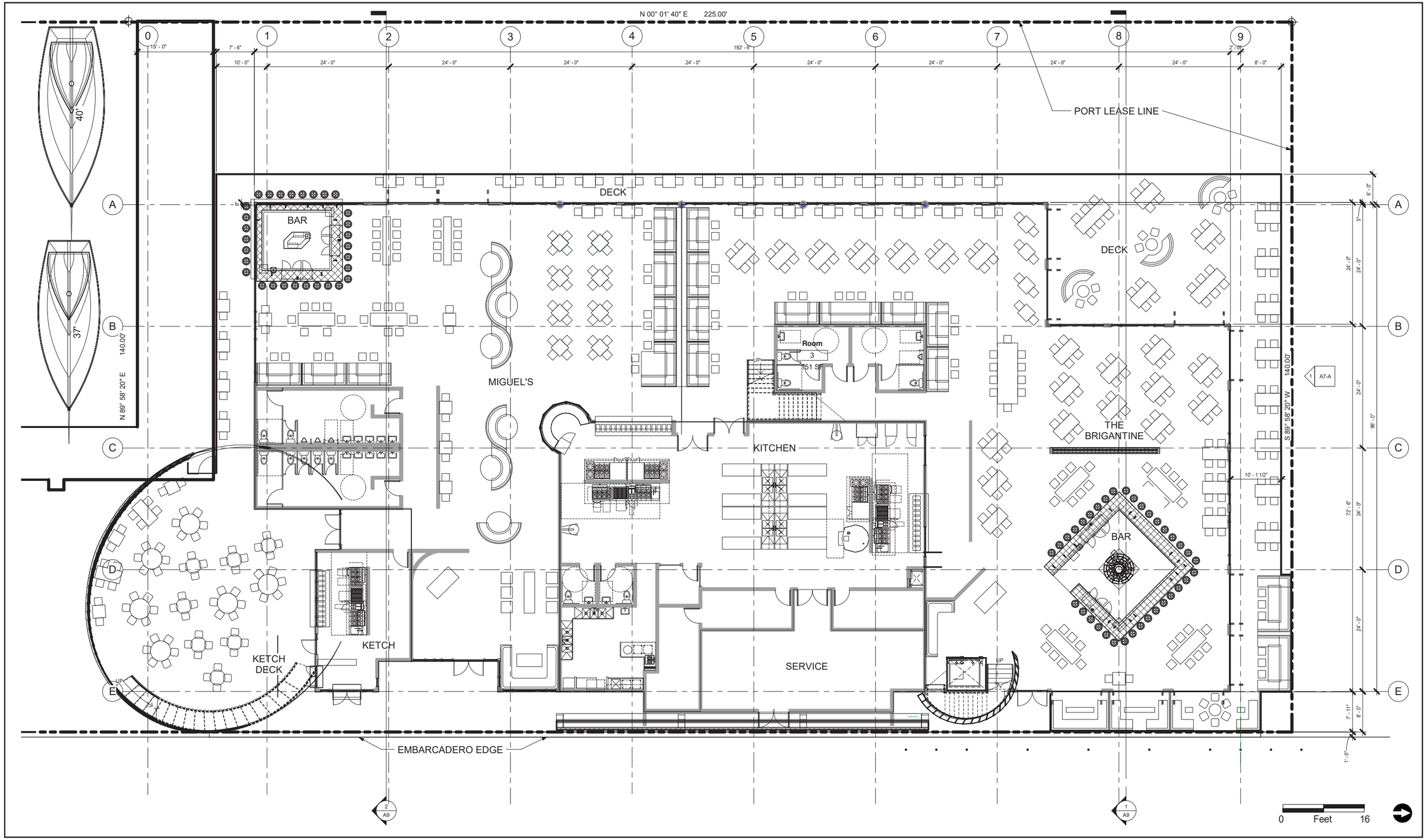
RECON

M:\JOBS5\8151\common_gis\fig3_mnd.mxd 7/25/2016 ccn

FIGURE 3

Project Site

Map Source: Tucker Sadler

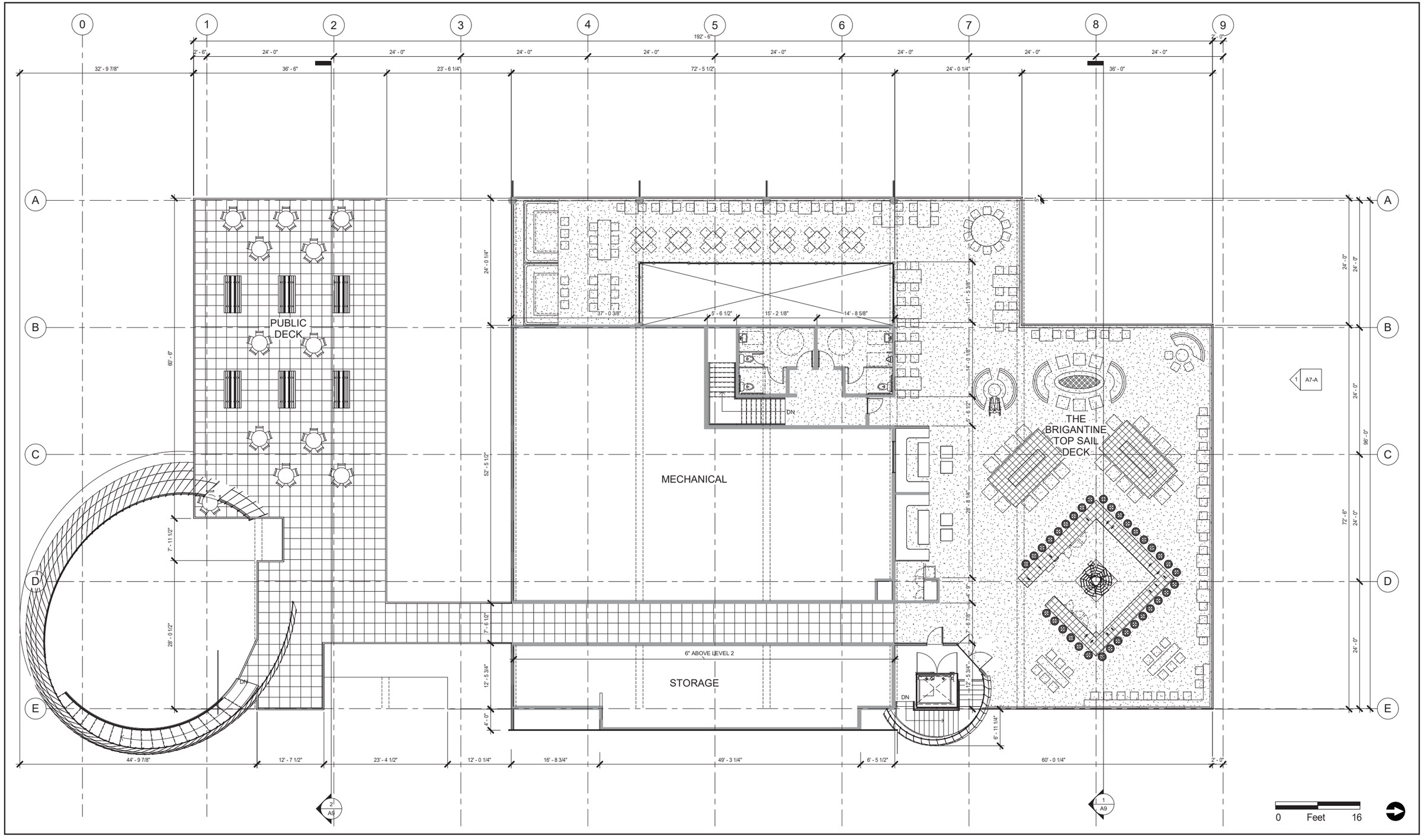


RECON

M:\JOBS5\8151\env\graphics\mnd\fig4a.ai 07/26/16 ccn

FIGURE 4a
Portside Pier Floor Plans (Ground Floor)

Map Source: Tucker Sadler

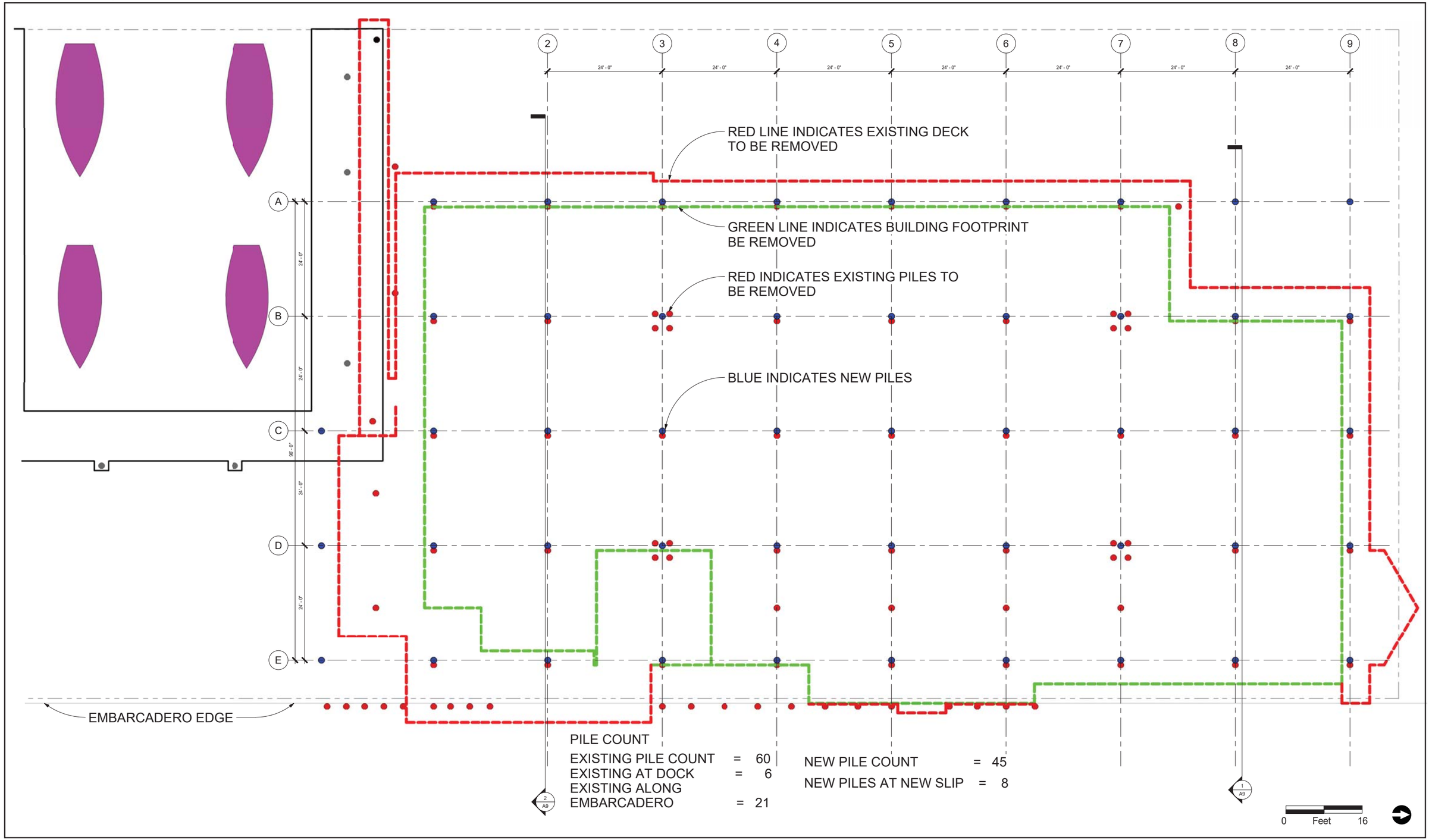


RECON

M:\JOBS5\8151\env\graphics\mnd\fig4b.ai 07/25/16 ccn

FIGURE 4b
Portside Pier Floor Plans (Second Floor)

Map Source: Tucker Sadler



RECON

M:\JOBS5\8151\env\graphics\mnd\fig4c.ai 07/26/16 ccn

FIGURE 4c
Existing and Proposed Piles

Map Source: Tucker Sadler

RECON

M:\JOBS5\8151\env\graphics\mnd\fig5a.ai 07/06/16 ccn

FIGURE 5a
Architectural Renderings: Perspective from Southwest (Water)

Map Source: Tucker Sadler

RECON

M:\JOBS5\8151\env\graphics\mnd\fig5b.ai 07/06/16 ccn

FIGURE 5b
Architectural Renderings: Perspective from Southeast (Elevated)

Map Source: Tucker Sadler

RECON

M:\JOBS5\8151\env\graphics\mnd\fig5c.ai 07/06/16 ccn

FIGURE 5c
Architectural Renderings: Perspective of Northern End (Elevated)

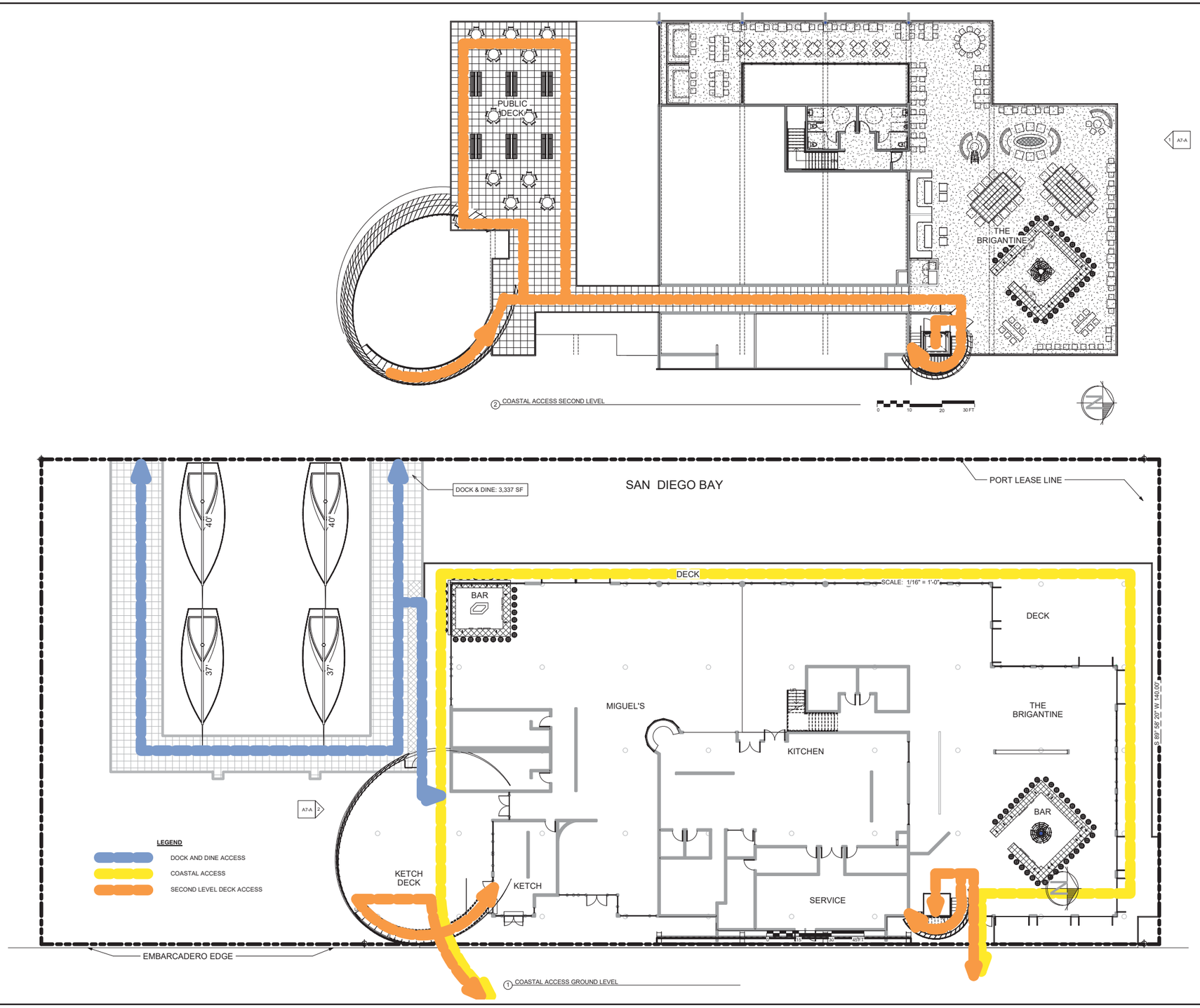
Map Source: Tucker Sadler

RECON

M:\JOBS5\8151\env\graphics\mnd\fig5d.ai 07/25/16 ccn

FIGURE 5d
Architectural Renderings: Perspective from Northeast Promenade (Nighttime)

Map Source: Tucker Sadler

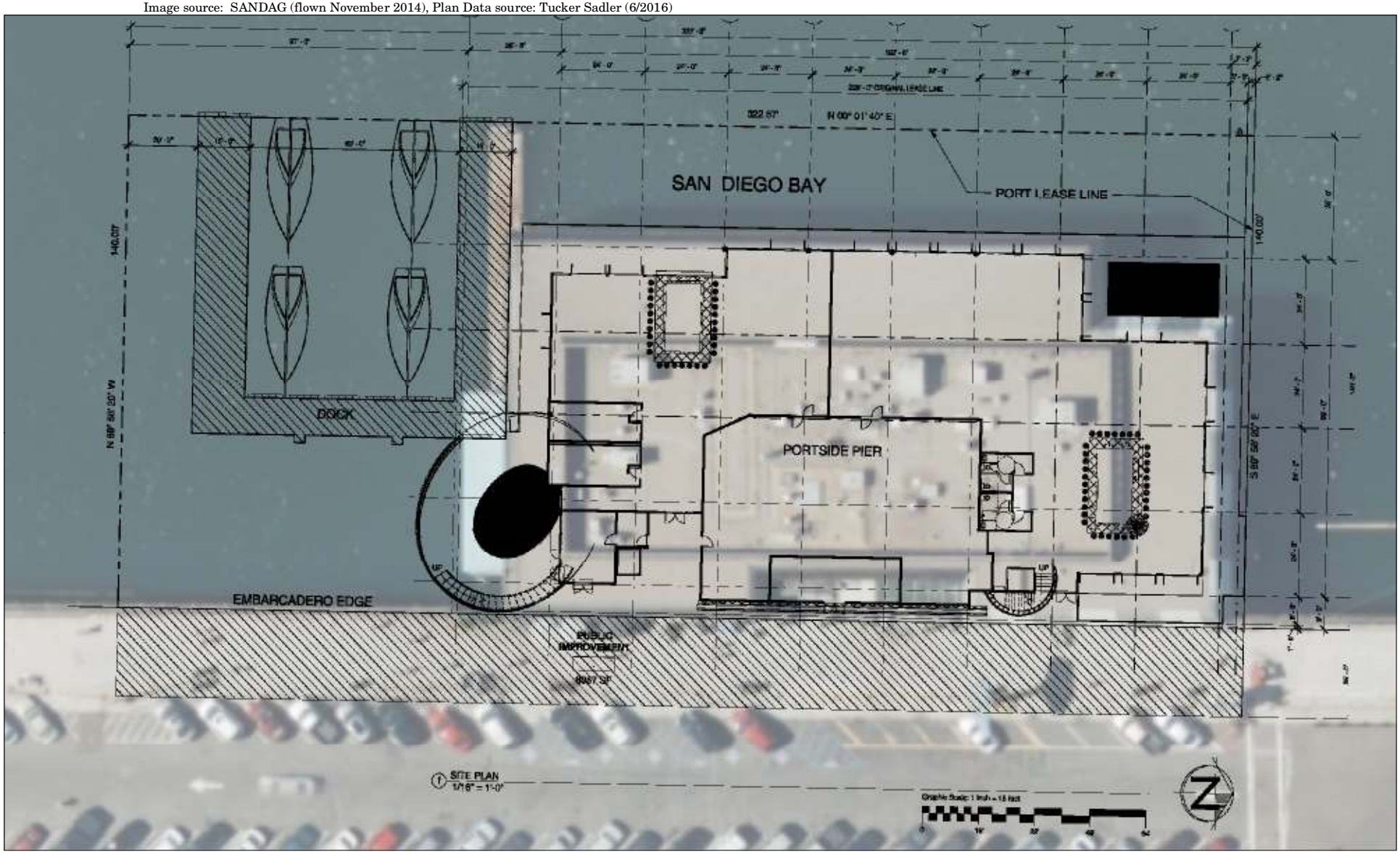


RECON

M:\JOBS5\8151\env\graphics\mnd\fig6.ai 07/26/16 ccn

FIGURE 6
Coastal Access Plans

Image source: SANDAG (flown November 2014), Plan Data source: Tucker Sadler (6/2016)



0 Feet 40

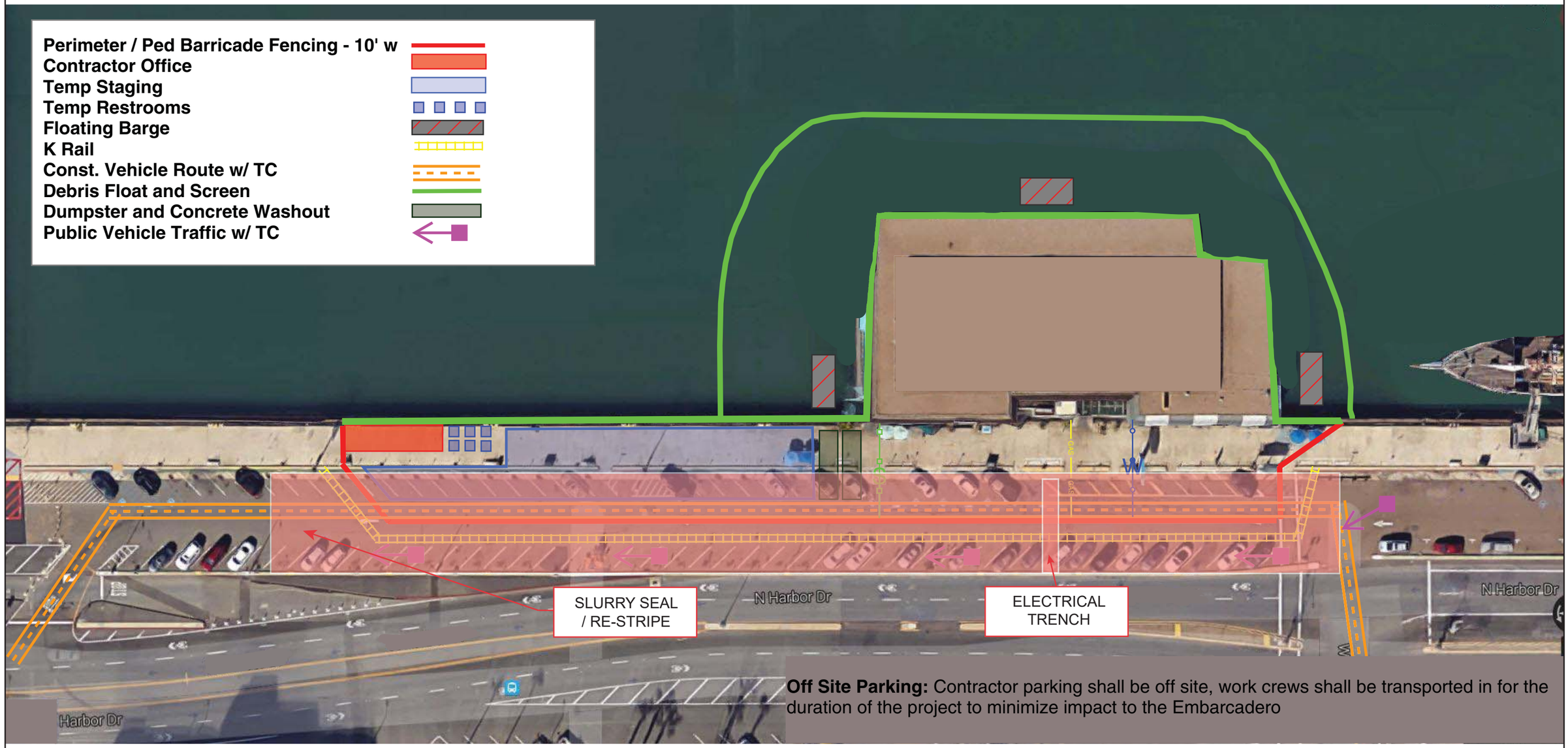
RECON

M:\JOBS5\8151\common_gis\fig7_mnd.mxd 7/8/2016 sab

FIGURE 7

Dock and Dine Layout

Map Source: San Diego Unified Port District



RECON

M:\JOBS5\8151\env\graphics\mnd\fig18.ai 07/18/16 ccn

FIGURE 8
Project Construction Area

Map Source: Fehr & Peers

FIGURE 9

Parking Facilities in the North Embarcadero and Adjacent Areas

RECON

M:\JOBS5\8151\env\graphics\mnd\fig9.ai 05/02/16 ccn

Image Source: USDA FSA (flown May 2014)

0 Feet 130

Project Boundary

Key View

FIGURE 10

Key View Locations on Aerial Photograph

RECON

M:\JOBS5\8151\common_gis\fig10_mnd.mxd 7/6/2016 ccn

View of Project Site from Waterfront Park Looking Southwest

RECON

M:\JOBS5\8151\env\graphics\mnd\fig11a.ai 05/02/16 ccn

FIGURE 11a
Key View 1

View of Project Site from the San Diego Maritime Museum's Ferry Boat Berkeley Looking South

RECON

M:\JOBS5\8151\env\graphics\mnd\fig11b.ai 05/02/16 ccn

FIGURE 11b
Key View 2

View of Project Site from the North Embarcadero Promenade Looking South

RECON

M:\JOBS5\8151\env\graphics\mnd\fig11c.ai 05/02/16 ccn

FIGURE 11c
Key View 3

View of Project Site from the B Street Cruise Ship Terminal Gate Looking North

RECON

M:\JOBS5\8151\env\graphics\mnd\fig11d.ai 05/02/16 ccn

FIGURE 11d
Key View 4

View of Project Site from Ruth's Chris Steak House Entrance Looking Northwest

RECON

M:\JOBS5\8151\env\graphics\mnd\fig11e.ai 05/02/16 ccn

FIGURE 11e
Key View 5

View of Project Site from the Northeast Corner of North Harbor Drive and Ash Street

RECON

M:\JOBS5\8151\env\graphics\mnd\fig11f.ai 05/02/16 ccn

FIGURE 11f
Key View 6

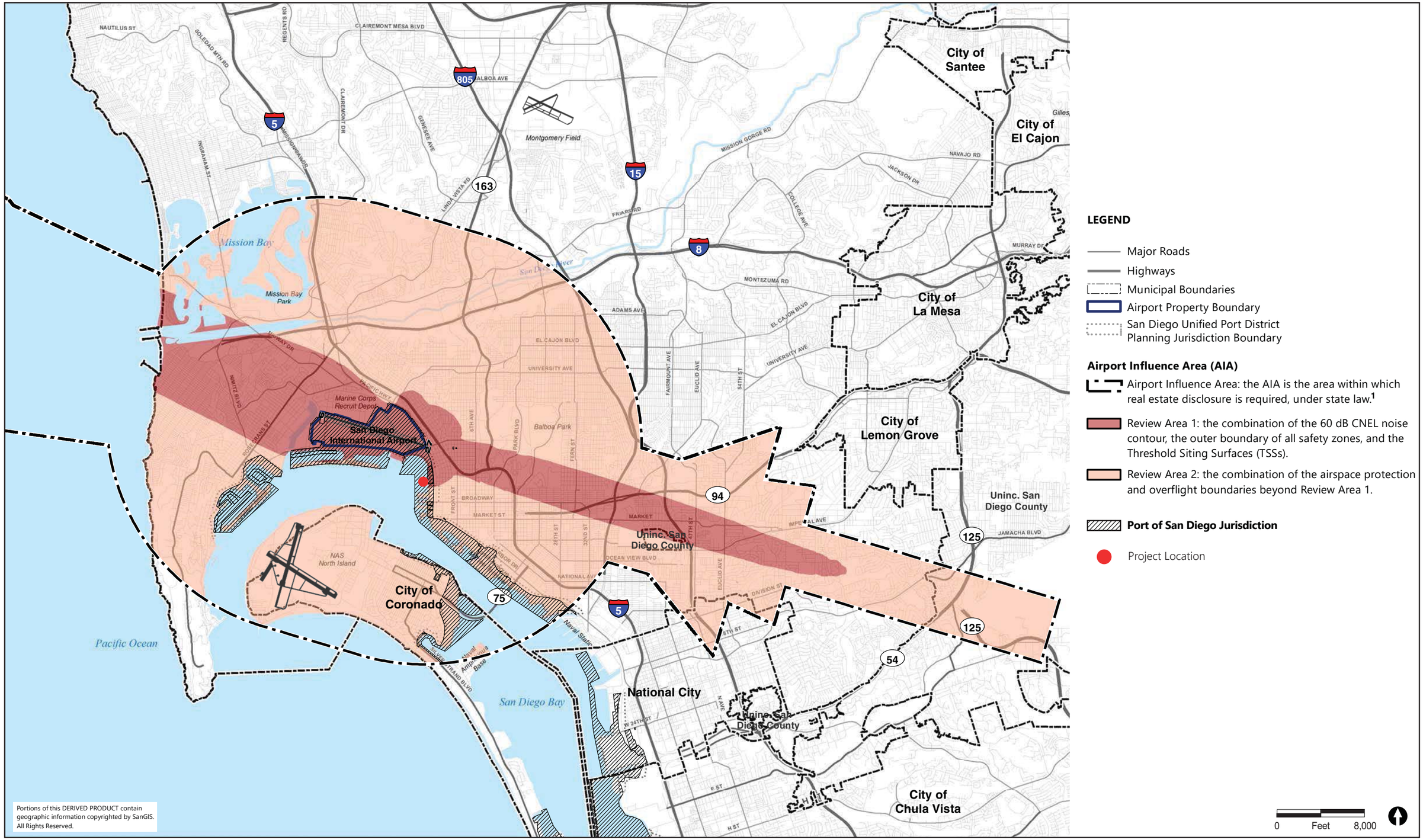
Map Source: The Bodhi Group

RECON

M:\JOBS5\8151\env\graphics\is\fig12.ai 05/02/16 ccn

FIGURE 12
Regional Fault Map

Map Source: Ricondo & Associates, Inc.



LEGEND

- Major Roads
- Highways
- Municipal Boundaries
- Airport Property Boundary
- San Diego Unified Port District Planning Jurisdiction Boundary

Airport Influence Area (AIA)

- Airport Influence Area: the AIA is the area within which real estate disclosure is required, under state law.[1]
- Review Area 1: the combination of the 60 dB CNEL noise contour, the outer boundary of all safety zones, and the Threshold Siting Surfaces (TSSs).
- Review Area 2: the combination of the airspace protection and overflight boundaries beyond Review Area 1.
- **Port of San Diego Jurisdiction**
- Project Location

RECON

M:\JOBS5\8151\env\graphics\is\fig13a.ai 05/04/16 ccn

FIGURE 13a

San Diego International Airport (SDIA); Airport Influence Area (AIA); Review Areas with Port Boundaries

Image Source: USDA FSA (flown May 2014)

Project Boundary
SDIA-AIA Review Area 1
SDIA-AIA Review Area 2

0 Feet 100

FIGURE 13b
SDIA-AIA Review Areas 1 and 2

RECON

M:\JOBS5\8151\common_gis\fig13b_is.mxd 7/6/2016 ccn

Map Source: Ricondo & Associates, Inc.

RECON

M:\JOBS5\8151\env\graphics\is\fig14.ai 05/03/16 ccn

FIGURE 14
Tsunami Inundation Map

Map Source: City of San Diego/SANGIS

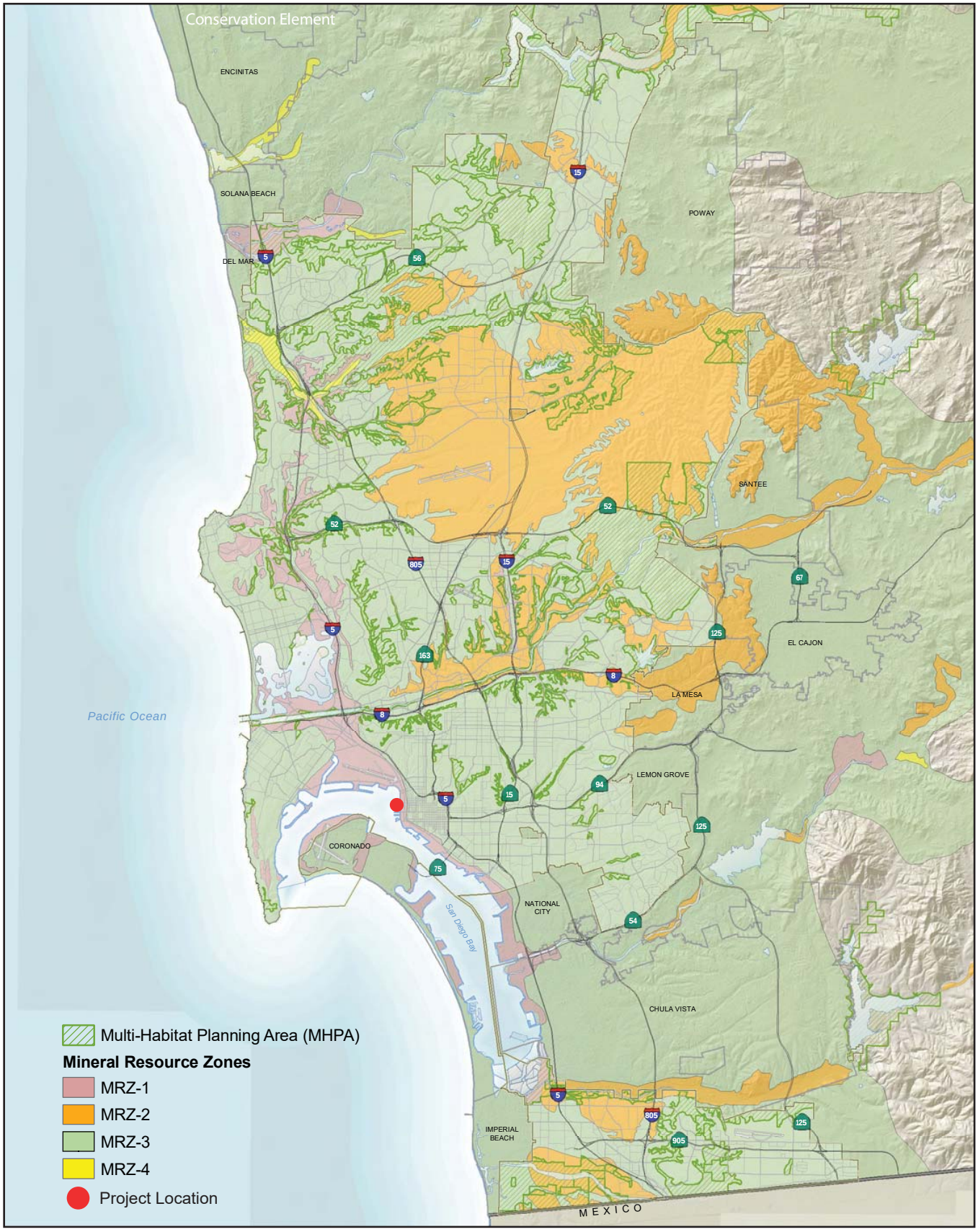


FIGURE 15
Mineral Resources Map

RECON

M:\JOBS5\8151\env\graphics\is\fig15.ai 05/04/16 ccn

Image Source:SANDAG (flown November 2014)

Project Boundary

Noise Measurement Location

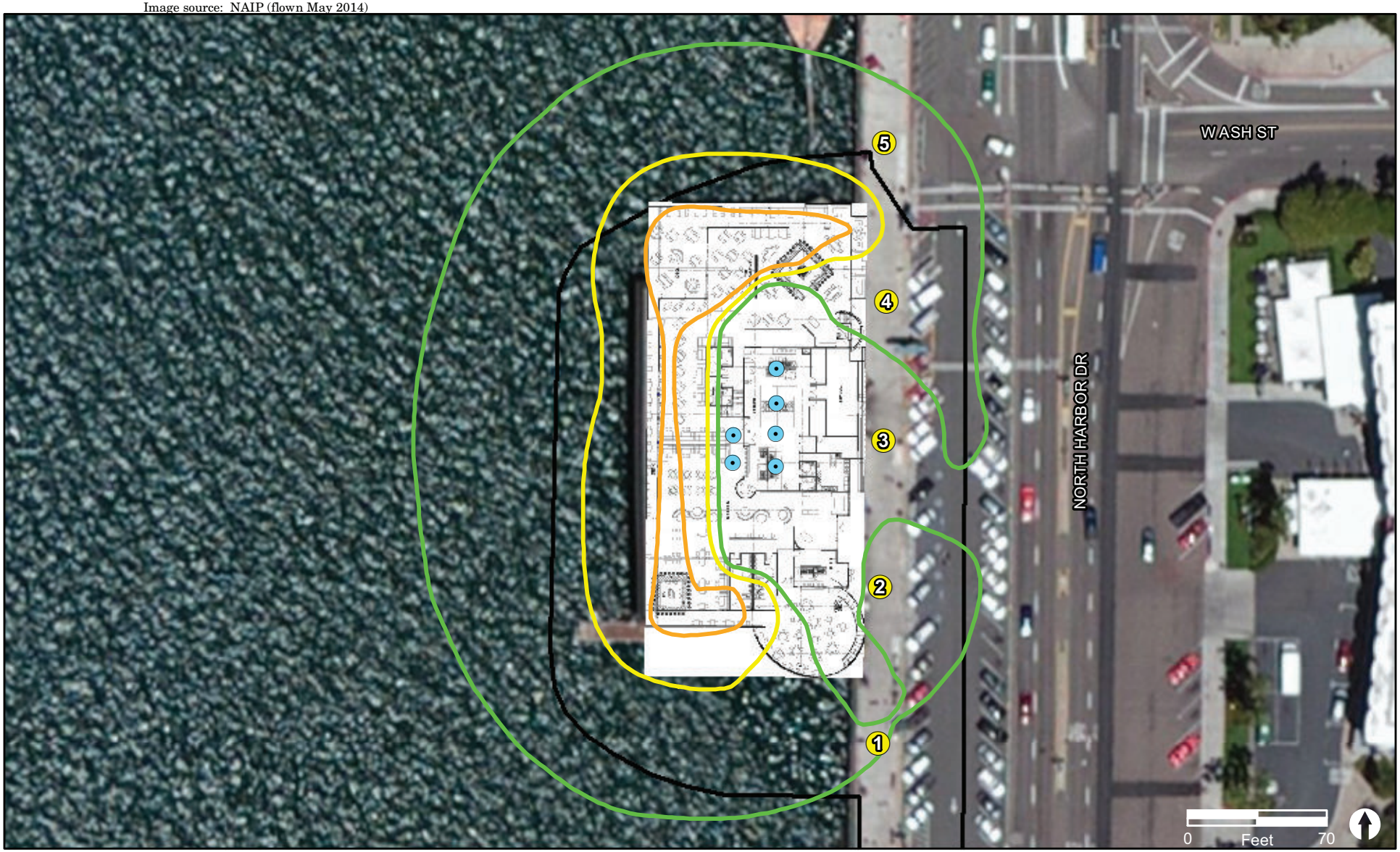
RECON

M:\JOBS5\8151\common_gis\fig16_is.mxd 7/6/2016 ccn

FIGURE 16

Noise Measurement Location Map

Image source: NAIP (flown May 2014)



Project Boundary
Receivers
Rooftop HVAC Locations

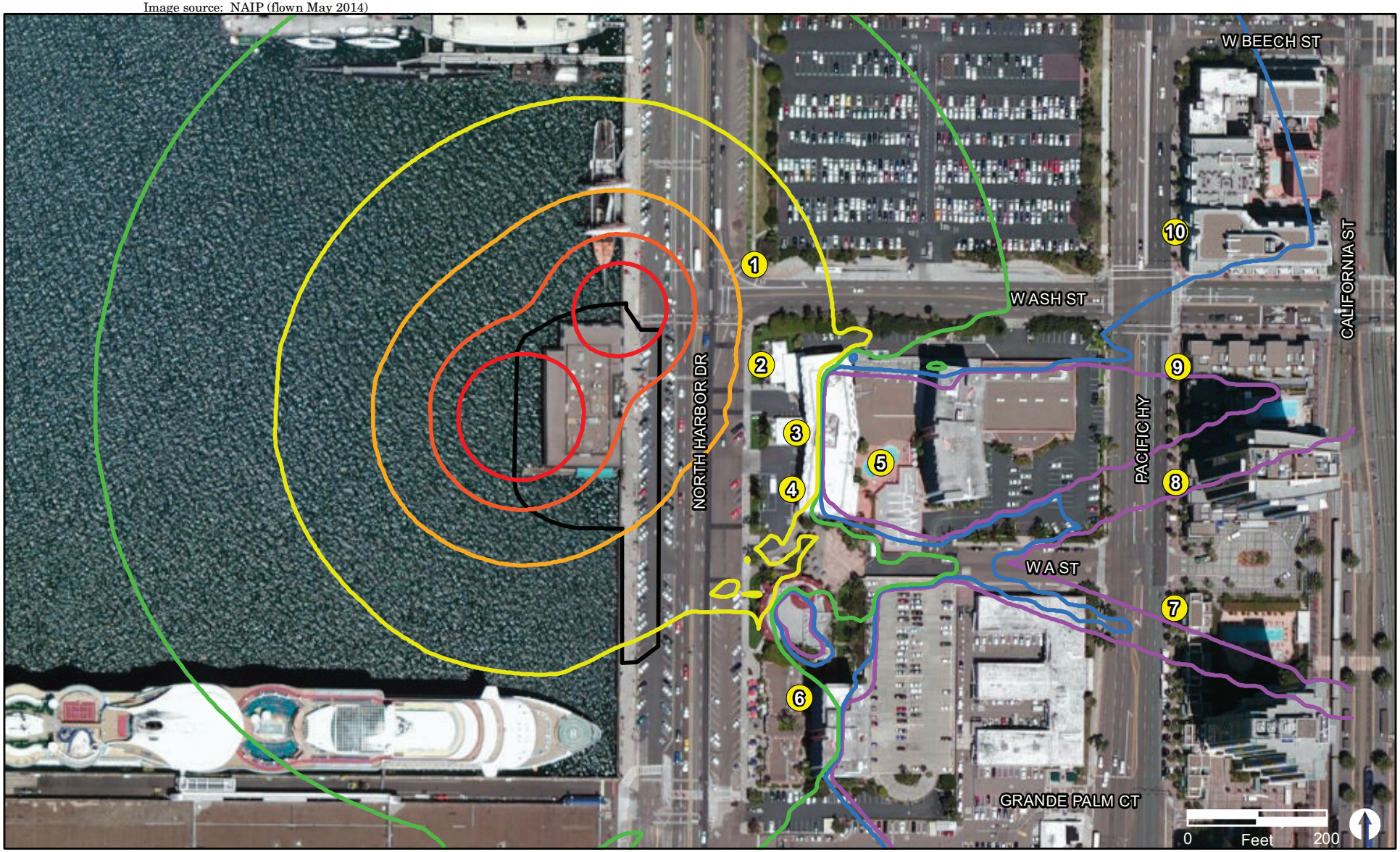
Contours
40 dB(A) Leq
45 dB(A) Leq
50 dB(A) Leq

RECON

M:\JOBS5\8151\common_gis\fig17_is.mxd 7/19/2016 ccn

FIGURE 17
Modeled Receiver Locations and
Noise Contours for On-Site Noise Sources

Image source: NAIP (flown May 2014)



Project Boundary

Modeled Receiver Location

Noise Contours

65 dB(A) Leq

50 dB(A) Leq

70 dB(A) Leq

55 dB(A) Leq

75 dB(A) Leq

60 dB(A) Leq

80 dB(A) Leq

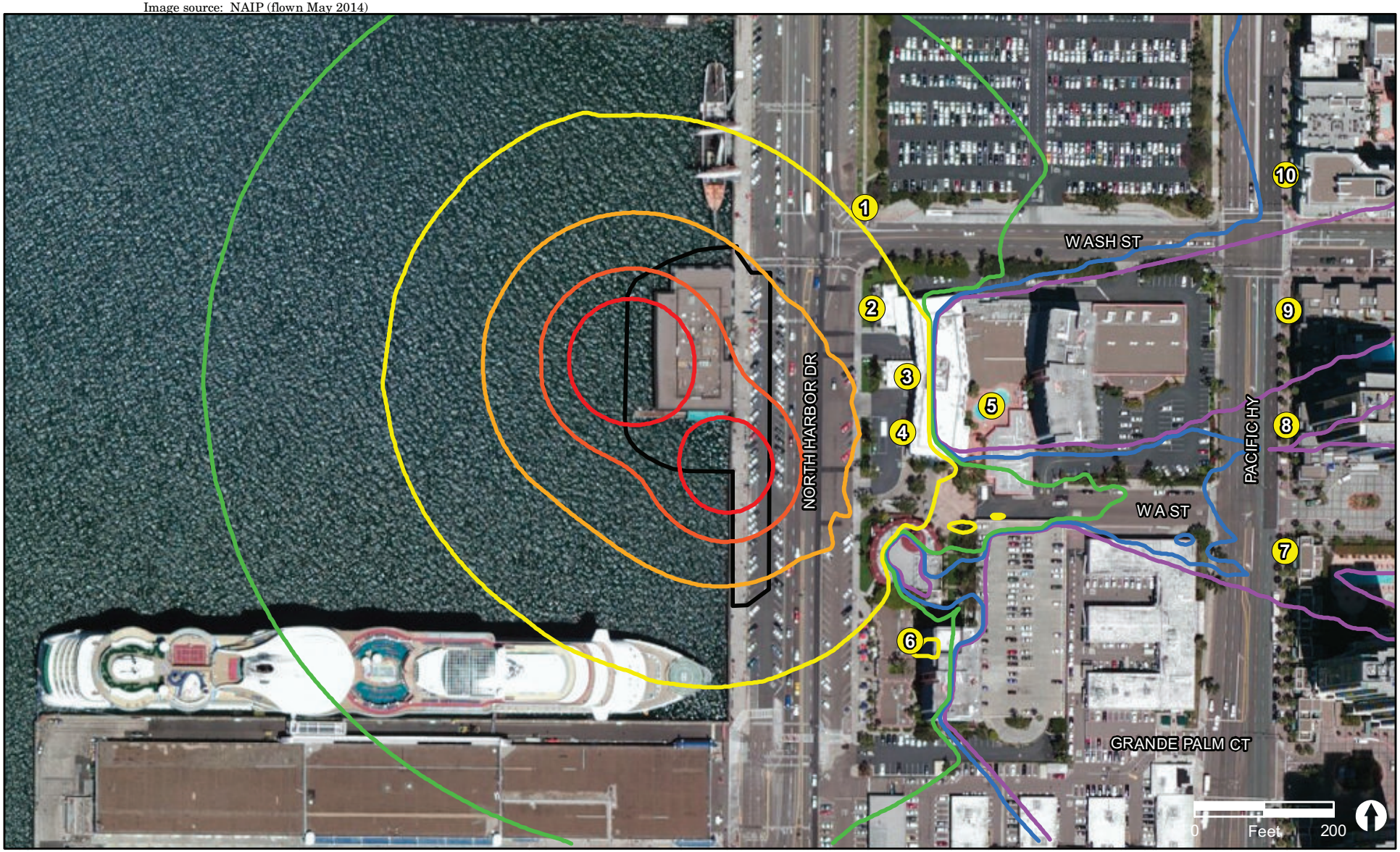
RECON

M:\JOBS5\8151\common_gis\fig18a_is.mxd 7/19/2016 ccn

FIGURE 18a

Modeled Receiver Locations and Noise Contours for Impact Pile Driving at the Northern Project Boundary

Image source: NAIP (flown May 2014)



Project Boundary

Modeled Receiver Location

Noise Contours

65 dB(A) Leq

50 dB(A) Leq

70 dB(A) Leq

55 dB(A) Leq

75 dB(A) Leq

60 dB(A) Leq

80 dB(A) Leq

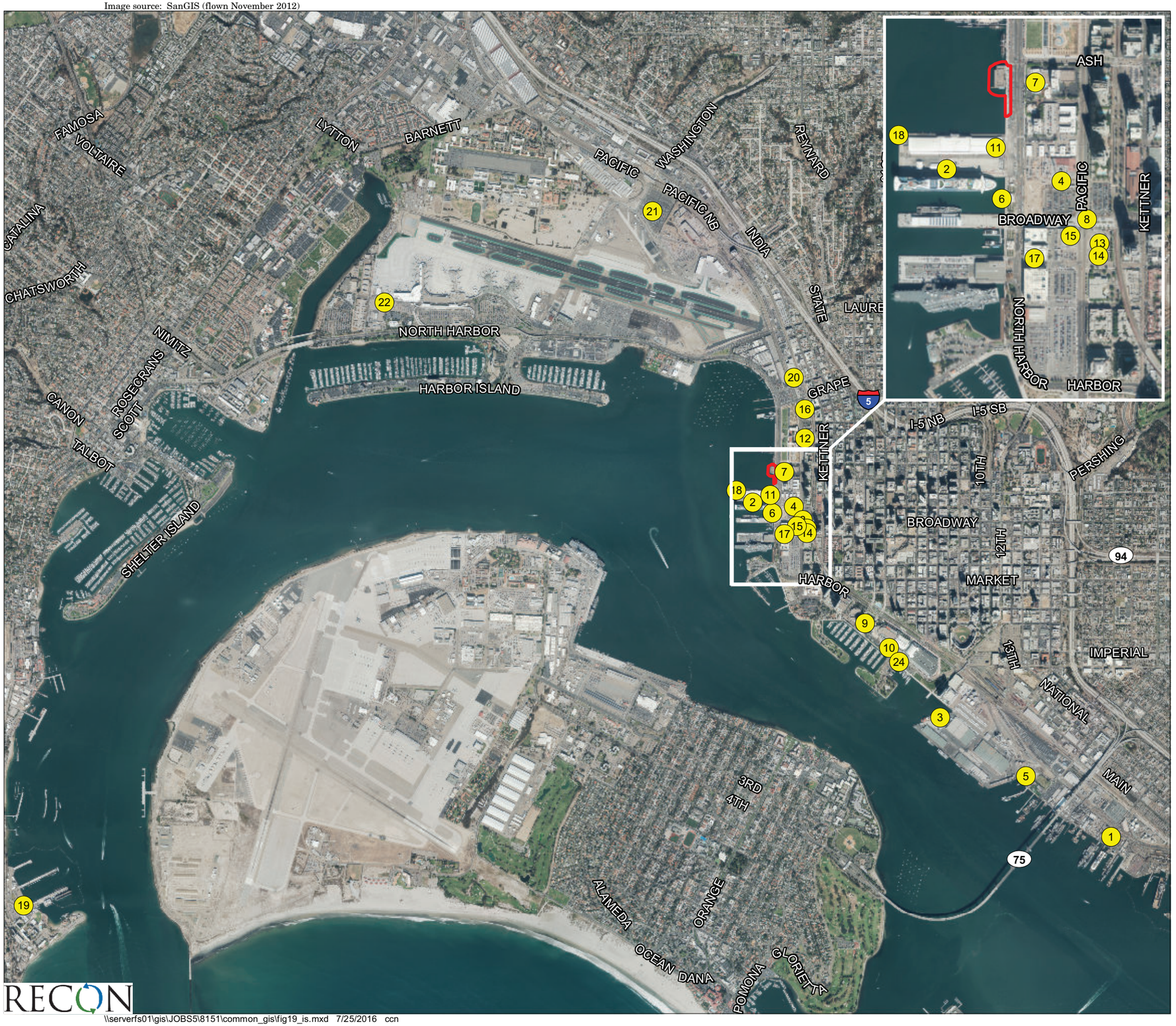
RECON

M:\JOBS5\8151\common_gis\fig18b_is.mxd 7/19/2016 ccn

FIGURE 18b

Modeled Receiver Locations and Noise Contours for Impact Pile Driving at the Southern Project Boundary

Image source: SanGIS (flown November 2012)



- Project Boundary

Cumulative Projects

1. BAE Systems
2. B Street Pier
3. Dole Fresh Fruit
4. Lane Field North and South
5. Tenth Avenue Marine Terminal
6. Public Viewing Platform
7. Wyndham Hotel
8. North Embarcadero Visionary Plan Phase 1
9. San Diego Marriott Marquis and Marina Facilities
10. San Diego Convention Center
11. B Street Cruise Ship Terminal
12. Bayside Fire Station
13. Pacific Gate
14. Pacific and Broadway Parcel #9
15. Pacific and Broadway Parcel #1
16. 1919 Pacific Highway
17. Navy Broadway Complex
18. B Street Shore Power
19. Naval Base Point Loma Fuel Pier
20. Harbor View Hotel
21. SDIA Master Plan - Northside Improvements
22. SDIA Master Plan - Parking Plaza
23. Integrated Planning Process - PMP Update *
24. Fifth Avenue Landing Redevelopment

* Integrated Planning Process - PMP Update covers map extent

0 Miles 0.5

RECON

\\serverfs01\gis\JOBS5\8151\common_gis\fig19_is.mxd 7/25/2016 ccn

FIGURE 19

Cumulative Projects Locations Map

ATTACHMENT B
ENVIRONMENTAL APPLICATION FORM

ENVIRONMENTAL APPLICATION
(To be completed by Applicant)

Application Accepted as Complete?	□ **YES** □ **NO** **Date:** _____
Planning Staff Name: _____	**Signature:** _____
Filing (CEQA and/or Coastal) No.:	_____

WORKING PROJECT TITLE: Iconic Waterfront Restaurant Location
APPLICANT'S REF No.: _____
PROJECT ADDRESS: 1360 North Harbor Drive

Applicant	Preparer of EA
Michael A. Morton, Jr., President & CEO	Same as Applicant
(Name & Title)	(Name & Title)
The Brigantine, Inc.	_____
(Organization)	(Organization)
(858) 268-1030	(____) _____
(Telephone)	(Telephone)

I. PROJECT DESCRIPTION

[*Provide a Location Map to scale, and a Concept Site Plan to scale, at a minimum (provision of any additional available drawings is encouraged).*]

A. Describe the type of development proposed, including all phases of project construction and operation, in a self-explanatory and comprehensive fashion. Discuss the need for the project and include site size, square footage, building footprint, number of floors, on-site parking, employment, phased development, and associated projects. If the project involves a variance, indicate the reason and any related information.

The Brigantine, Inc. ("proposer") proposes to redevelop the restaurant site at 1360 N. Harbor drive. The finished project will consist of 4 distinct dining venues on two floors. The total floor area for the proposed project is approximately 28,130 sf. The proposed use of the project is consistent with existing, but a significant increase in business volume is anticipated. There is no dedicated on-site parking for the project, but the proposer has an agreement with Ace Parking for valet service that would have access to over 2000 parking spaces that Ace controls near the site. The redeveloped site will supply over 250 jobs to the area and none would be the result of closing or moving other facilities operated by the proposer. Proposer intends to begin construction or improvements in early 2017 with estimated completion prior to the end of that year.

B. Describe project appearance, any proposed signs, and how the design of the project would be coordinated with the surroundings.

The proposed project will use a large amount of glass to preserve views of the bay from the street. The design and architectural elements included on the building are intended to pay homage to the strong fishing heritage of the San Diego Embarcadero. The architect on the project is also designing the hotel improvements across N. Harbor Dr. and there will be outstanding synergies between the two projects.

C. Describe how the public would be affected by the project.

The project will have positive impact on the public by offering improved dining venues that will attract a variety of demographics through offerings at multiple price points, as well as increased public access on both land and water

D. Describe how the project could attract more people to the area or enable additional people to use the area, and what additional service businesses would be required.

The project activates the area by attracting more people and offering a more desirable place to dine and interact with others. Additionally, there will be more public access to the property with increased dock space as well as the upstairs public sitting and bay view area. No other additional service businesses will be required.

II. ENVIRONMENTAL SETTING

A. Describe the existing project site and surrounding area including: the type and intensity of land/water use; structures, including height; landscaping and naturally occurring land and water plants and animals; land and water traffic patterns, including peak traffic and congestion; and any cultural, historical, or scenic aspects [include 'as-built' drawings and/or aerial photos].

The existing Iconic Waterfront Restaurant project site includes an approximately 16,580 square foot building,surrounded by an outdoor deck area, constructed on an over-water platform. The building is currently divided into three restaurant operations: 1) a 75-seat quick serve Fishette; 2) a full-service 366-seat Anthony's Fish Grotto; and, 3) a 105-seat event center at the Star of the Sea Room, which was formerly fine dining. There is also an adjacent public dock and dine facility, with a dock and gangway as part of the leasehold. The location is adjacent to the NEVP Phase 1 area, at West Broadway and North Harbor, creating a destination waterfront gathering point consisting of an approximately five acre environmentally-sustainable public park system with plazas, public art, kiosks, and walking paths alongside significantly improved roadways. The Port Master Plan (PMP) land use designations for the site are "Commercial Recreation" and "Promenade." The potential demand for the restaurant could include the following statistical volumes of foot traffic: Midway Museum: 1,100,000 visitors annually; Cruise Ships: 200,000 visitors annually; Convention Center: 766,848 visitors Surrounding Hotels: Wyndham Bayside, Embassy Suites, Manchester Grand Hyatt, Marriott Marquis San Diego Marina, and 800 rooms in two towers under the Lane Field Hotel Development; and approximately 1,000 residential condominiums within walking distance, with additional units planned on Pacific Highway.

III. ENVIRONMENTAL INFORMATION

A. Compare the existing project area, improvements, and activities with what would exist after implementation of the proposed project. Data concerning the present condition should be entered before the slash (/); those after the project is completed should be entered after the slash (/).

(1) Existing/proposed:

(a) land area: 18,550 / same as existing sq. ft.

(b) water area: 31,608 / same as existing sq. ft.

(2) Existing/proposed land area for:

(a) structures: 16,580 / 28,130 sq. ft.

(b) landscape: UNK / UNK sq. ft.

(c) pavement: UNK / UNK sq. ft.

(d) undeveloped: UNK / UNK sq. ft.

(e) impervious surfaces 21,854 / 24,200 sq. ft.

(3) Describe how the proposed project will increase or decrease infiltration of runoff water on-site.

The proposed project will increase the impervious square footage from approximately 21k SF to 24k SF. Currently, the storm water run-off discharges directly into the Harbor without known infiltration or mechanical treatment. The proposed development will divert all runoff through flow-through planters, allowing for treatment through infiltration.

(4) Describe the water treatment processes proposed for the project, including Low Impact Development (LID) Best Management Practices (BMPs) [attach SUSMP or SWPPP if prepared].

Per the Port of SD's SUSMP requirements, this is a priority project that will require an USMP (Urban Stormwater Mitigation Plan), which outlines the permanent BMP's (water quality treatment facilities). The proposed treatment will route roof and deck drains into raised planter boxes that will allow the runoff to infiltrate through plant media prior to discharging into the Harbor

(5) Describe what will be done to ensure long-term maintenance of all post-construction BMPs.

A detailed (O&M Plan) Operations and Maintenance Plan will be included within the USMP. This plan will outline a training program, inspection procedures, maintenance schedules, key personnel, and annual inspection/maintenance reporting. Most importantly, will be an executed agreement between the owner/tenant and the Port in the form of the "Access and Maintenance Acknowledgement Form".

(6) Number of existing/proposed floors of construction: 1 / 2

(7) Principle height of existing/proposed structures: 27' / 31'-6" ft. above MLLW

(8) For land development, indicate extent of grading:

(a) excavation: N/A cu. yards., _____ sq. ft.

(b) fill: N/A cu. yards., _____ sq. ft.

(9) Describe method, source of fill, and location of spoil disposal:

N/A

(10) For water development, indicate extent of dredging and fill:

(a) dredging: N/A cu. yards., _____ sq. ft.

(b) fill: N/A cu. yards., _____ sq. ft.

(11) Describe method and location of spoil disposal:

N/A

(12) Describe existing/proposed method of solid waste disposal and amounts involved.

Solid waste disposal will be same as existing. Outside providers will make daily dumps of holding bins.

(13) Describe existing/proposed drainage system improvements and what materials other than domestic wastes, are/would be discharged into the sewer system:

Site will be same use as existing and no new materials will be discharged into sewer system.

(14) Describe the existing/proposed fire protection needs of the site and proposed project, and the nature and location of existing/proposed facilities:

Fire sprinklers and automatic fire-suppression systems for commercial cooking will be used in all facilities.

(15) Describe existing/proposed public access to San Diego Bay through the project site, including any controlled access:

Proposed public access will be enhanced from existing with increased dock space as well as increased public viewing area from second level deck.

(16) (a) Existing/proposed slips, piers, docks, or marine ways: Single Dock / Multiple Slips

(b) Existing/proposed water area covered: 564 / 1464 sq ft

(c) Existing/proposed piles: No change / _____

(17) Existing/projected employees per day: UNK / 100-150

(18) Existing/ projected customers or visitors per day: UNK / 2000-3000

(19) Explain the projections for (17) and (18): Projections are based on number of employees and customers at existing restaurants operated by The Brigantine, Inc.

(20) Existing/projected daily motor vehicle round trips associated with the site and the proposed project: UNK / TBD .

(21) Existing/projected mileage for daily motor vehicle round trips associated with the site and the proposed project: UNK / TBD .

(22) Existing/projected total round trip daily motor vehicle miles traveled associated with site and the proposed project: UNK / TBD .

(23) Explain the projections for (20), (21) and (22): Too soon to make projections. Traffic will be greater than existing tenant due to increased business with new and better operated facility. Means of guest arrival is difficult to predict.

(24) Existing/proposed parking spaces:

(a) On Site: N/A / N/A

(b) Other if used by project: UNK / 2298

Specify location(s): Wyndham Hotel, Portman Hotel, Navy Pier, 610 W Ash 410 W Ash and 1230 Columbia

(25) Existing/proposed development:

(a) gross floor area: 16,580 / 28,130 sq.ft.

(b) hotel rooms: N/A / N/A

(c) restaurant seating: 546 / 893

(26) Existing/ projected water consumption:

(a) Irrigation	UNK / TBD	gal./day
(b) Washroom facilities (basins, showers, toilets, etc.)	UNK / TBD	gal./day
(c) Laundry facilities	UNK / TBD	gal./day
(d) Food preparation or disposal	UNK / TBD	gal./day
(e) Facility cleaning (including vehicles/vessels on site)	UNK / TBD	gal./day

(27) Existing/projected electrical power consumption:

(a) Air conditioning	UNK / TBD	kwhr./month
(b) Heating system	UNK / TBD	kwhr./month
(c) Appliances (cooking, laundry, etc.)	UNK / TBD	kwhr./month
(d) Lighting (interior)	UNK / TBD	kwhr./month
(e) Lighting (exterior)	UNK / TBD	kwhr./month
(f) Water (circulation and heating)	UNK / TBD	kwhr./month

(28) Existing/projected gas/oil consumption (indicate which by circling or underline appropriate measurement (gas = therms/day or oil = gal/day)):

(a) General (air) Heating	UNK / TBD	therms/day or gal/day
(b) Water Heating	UNK / TBD	therms/day or gal/day
(c) Generator, exchanger, or other support item(s)	UNK / TBD	therms/day or gal/day
(d) Food preparation (appliances)	UNK / TBD	therms/day or gal/day

B. Indicate whether or not the following may result from or may apply to the proposed project or its effects.

	YES	NO
(1) Change the existing land/water use of the site.		X
(2) Described in the approved Port Master Plan.	X	
(3) Part of a larger project or series of projects.		X
(4) Conflict with local airport plans or FAA regulations.		X
(5) Involve demolition or removal of existing improvements, including landscaping.	X	
(6) Change the existing features of San Diego Bay, tidelands, or beaches.		X
(7) Increase demand for municipal services (police. fire, etc.)		X
(8) Increase in amounts of solid waste or litter.	X	
(9) Involve use, transport, disposal, release or exposure to potentially hazardous materials, such as toxic substances, flammables, or explosives.		X
(10) Interfere with scenic views or vistas, including from adjacent uplands.		X
(11) Decrease access to public facilities or recreational resources.		X
(12) Increase air pollutants (dust, ash, smoke, fumes, or odors) in project vicinity.		
(a) During construction	X	
(b) During operation		X
(13) Change in San Diego Bay water quality or alteration of		
(a) During construction		X
(b) During operation		X
(14) Alter existing drainage patterns into San Diego Bay.		X
(15) Increase the possibility of erosion of tidelands or siltation of San Diego Bay.		
(a) During construction		X
(b) During operation		X
(16) Increase existing noise or vibration levels in the vicinity.		
(a) During construction	X	
(b) During operation		X
(17) Require any variance from existing environmental standards (air, water, noise, etc.).		X
(18) Involve soil stability or geological hazards.		X
(19) Decrease the number or habitat of any terrestrial or marine plants or animal species.		X

IV. DESIGN CONSIDERATIONS

A. Describe all proposed measures incorporated into the project with the purpose of reducing or avoiding known or suspected environmental effects, if any, and identify those effects (include energy and water efficiency or conservation measures):

The project is still in a conceptual phase, but solar power, energy efficient equipment and water conserving plumbing fixtures will be implemented should The Brigantine be awarded the opportunity to redevelop the site.

B. Specify how and when the measures will be carried out:

The above mentioned measures will be implemented during construction in 2017.

C. Explain the extent and effectiveness of measure expected and how this was determined:

This level of detail will be determined when actual construction planning takes place.

D. Describe other measures considered and indicate why they were discarded:

Small scale water desalination was considered, but the plan was discarded due to potential negative impact on marine life.

V. BACKGROUND INFORMATION

A. Pre-Application Project Processing

(1) Indicate if the conceptual plans have been presented to the Board of Port Commissioners or Port Staff. If so. describe in what form. and give date and result:

Conceptual Plans have been provided to Port Staff. They were submitted on July 1, 2015. I believe they were received favorably.

(2) Indicate if project plans have been submitted to Port Staff. If so, describe in what form, to whom submitted, give date and result:

Only conceptual plans have been submitted to Port Staff.

(3) List all environmental consultations and processing contacts with other agencies, firms or individuals in connection with this project. Give agency, name, phone, date, subject and result of consultation:

No environmental consultations have taken place as the project has yet to be awarded.

(4) Last project plans or working drawings approved by the Port at this site:
Title:

N/A

Date:

Port Engineering File Number:

B. Permit Background

(1) List all other public agencies which have approval or permit authority related to this project and indicate type required, e.g., City building permits, Coastal permit, WQCB, APCD, Army Corps, EPA, FAA, Coast Guard, etc.:

The project has not progressed to the permitting phase as an award for development has not been made.

(2) Pending permits or variances at this site:

Indicate any permits or variances applied for. Agency, type, file number, date, phone number, and name of person who is processing the permit application or variance request must be included:

N/A

VI. CERTIFICATION

A. Certification: This Environmental Assessment was prepared by me for/as the applicant and I hereby certify that the statements furnished in the above and in the attached exhibits disclose relevant information to determine the potential for environmentally significant effects, as required for the San Diego Unified Port District Initial Study. It has been prepared to the best of my ability, and the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

(Signature of Preparer)	9/3/2015 (Date)
Michael A. Morton, Jr. (Print Name)	President & CEO (Title)
The Brigantine, Inc. (Organization)	(858) 268-1030 (Telephone)

7889 Ostrow St.
(Address)

San Diego, CA 92111
(City, State, Zip Code)

B. Applicant Certification: I hereby certify that the project-related facts, statement, and information furnished above and in the attached exhibits, and in any other form to the preparer of this Environmental Assessment or to the San Diego Unified Port District are true and correct to the best of my knowledge and belief. I am duly authorized to and do hereby accept and commit the applicant to the implementation of all mitigation measures listed in this Environmental Assessment and of the project as herein described. I understand that non-compliance with any of the mitigation measures, or changes in the project as herein described shall be grounds to invalidate any or all project approvals or permits regardless of the stage of project development or operation. I will notify the San Diego Unified Port District immediately in writing of any changes in the proposed project, and I acknowledge that project changes may require additional environmental evaluation. I shall hold the San Diego Unified Port District harmless of any cost or damages resulting from consequences of non-compliance or unapproved project changes.

(Signature of Preparer)	9/3/2015 (Date)
Michael A. Morton, Jr. (Print Name)	President & CEO (Title)
The Brigantine, Inc. (Organization)	(858) 268-1030 (Telephone)

7889 Ostrow St.
(Address)

San Diego, CA 92111
(City, State, Zip Code)