



## **Final Draft PMPU and Final PEIR Comments Received**

December 6, 2023 through February 15, 2024

Comment numbers included in this document correspond with "*Table Noting Applicable Responses to Comments After Final PEIR and Final Draft PMPU were Published*" which can be found as Attachment F to Agenda File No. 2024-0049 or on the Port's webpage at [www.portofsandiego.org/pmpu](http://www.portofsandiego.org/pmpu)

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**From:** jeanne smith <jeannelms@gmail.com>  
**Sent:** Sunday, December 3, 2023 6:30 AM  
**To:** PublicRecords  
**Subject:** Port Master Plan

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103 | hi..  
... hoping they keep our treasure of a waterfront open to public... walking... biking ...swimming relaxing ..enjoying the bayfront views ....and gathering families on the harbor with no charge. Harbor Drive used to be my favorite drive....hope they don't squeeze as much as they can on our waterfront....and are mindful of our treasure of a waterfront...that's all...  
~jeanne smith...

Please refer to comment number 77 for this email.

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**From:** Lesley Nishihira  
**Sent:** Thursday, February 15, 2024 12:42 PM  
**To:** Port Master Plan Update  
**Subject:** FW: Status of the Port Master Plan Update and the Seaport Project

**Lesley Nishihira, AICP**

Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.6469 • (c) 619.961.6322



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**From:** dwood8@cox.net <dwood8@cox.net>  
**Sent:** Friday, December 1, 2023 2:11 PM  
**To:** Lesley Nishihira <lnishihi@portofsandiego.org>  
**Subject:** FW: Status of the Port Master Plan Update and the Seaport Project

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**From:** Embarcadero Coalition <[embarcaderocoalition@gmail.com](mailto:embarcaderocoalition@gmail.com)>  
**Sent:** Friday, December 1, 2023 8:00 AM  
**To:** Embarcadero Coalition <[embarcaderocoalition@gmail.com](mailto:embarcaderocoalition@gmail.com)>  
**Subject:** Status of the Port Master Plan Update and the Seaport Project

Good Morning,

We have updates on the status of the Port Master Plan Update (PMPU) as well as the Seaport Project. Many of you may have received this email from the Port.

Lesley Nishihira, Director Port Planning, released the attached email with this information

- The Final Program Environmental Report (Final PEIR), which will include the latest Final Draft PMPU, will be released December 6th.
- There are two virtual public meetings planned, December 12th and December 14th. Please try to attend at least one of those meetings.

- Public comments need to be submitted to the Port before the Special Session Board meeting on February 28. Put that date on your calendar for attendance.
- Lesley included a timeline for the rest of the process through certification of the PMPU, which is anticipated in late 2025.

This Final Draft PMPU version will include whatever changes the Port made to mitigate the issues identified in the Draft EIR. The Port has been working on this for 2 years and expects it to be the final version.

After we see the mitigated version and make comments we have a decision to make. California Environmental Quality Act (CEQA) does not require the Port to fix all the issues identified as having a Significant Impact. If there are still items with Significant Impacts that affect Downtown, do we want to take legal action?

Legal Action is possible after the PMPU is finally approved by Port Commissioners. Before approval, the plan is changing so there is nothing concrete to object to in court. In order to bring legal action there must be something the Port is doing that we believe is contrary to the law. Blocking views is not illegal, but it would not be a good neighbor.

One such legal issue and argument that has already been mentioned is CEQA Piecemealing. CEQA does not allow Piecemealing a project because dividing a project into smaller pieces may create smaller environmental impacts than if the project is considered as a whole. When the Port conducted the CEQA EIR for the PMPU, it stated that nothing was going to change in the Central Embarcadero. This was knowingly incorrect since they selected the Seaport Project developer several years earlier with the express plan to redevelop almost the entire Central Embarcadero. The Port believes it did not Piecemeal. There may be other issues when we see the mitigated version, especially around traffic.

We are mentioning the possibility of legal action because several people have asked how much money we need if we decide to pursue that avenue. At this point we don't know because we don't have enough information. Agencies, like the Port, are often sued over CEQA, so this action is likely expected. If legal action is warranted, the Embarcadero Coalition would join forces with another group with similar goals and objectives that has experience suing the Port.

Regarding the Seaport Project (Project), the Port is evaluating the Notice of Preparation (NOP) for CEQA comments received from the public. It may be a year before the Draft EIR is released. The CEQA process requires the Port to try to mitigate the significant impacts identified in the Draft EIR. Like the PMPU, CEQA does not require mitigation and the Project can go forward with environmental "significant impacts" unless stopped by court cases or the California Coastal Commission.

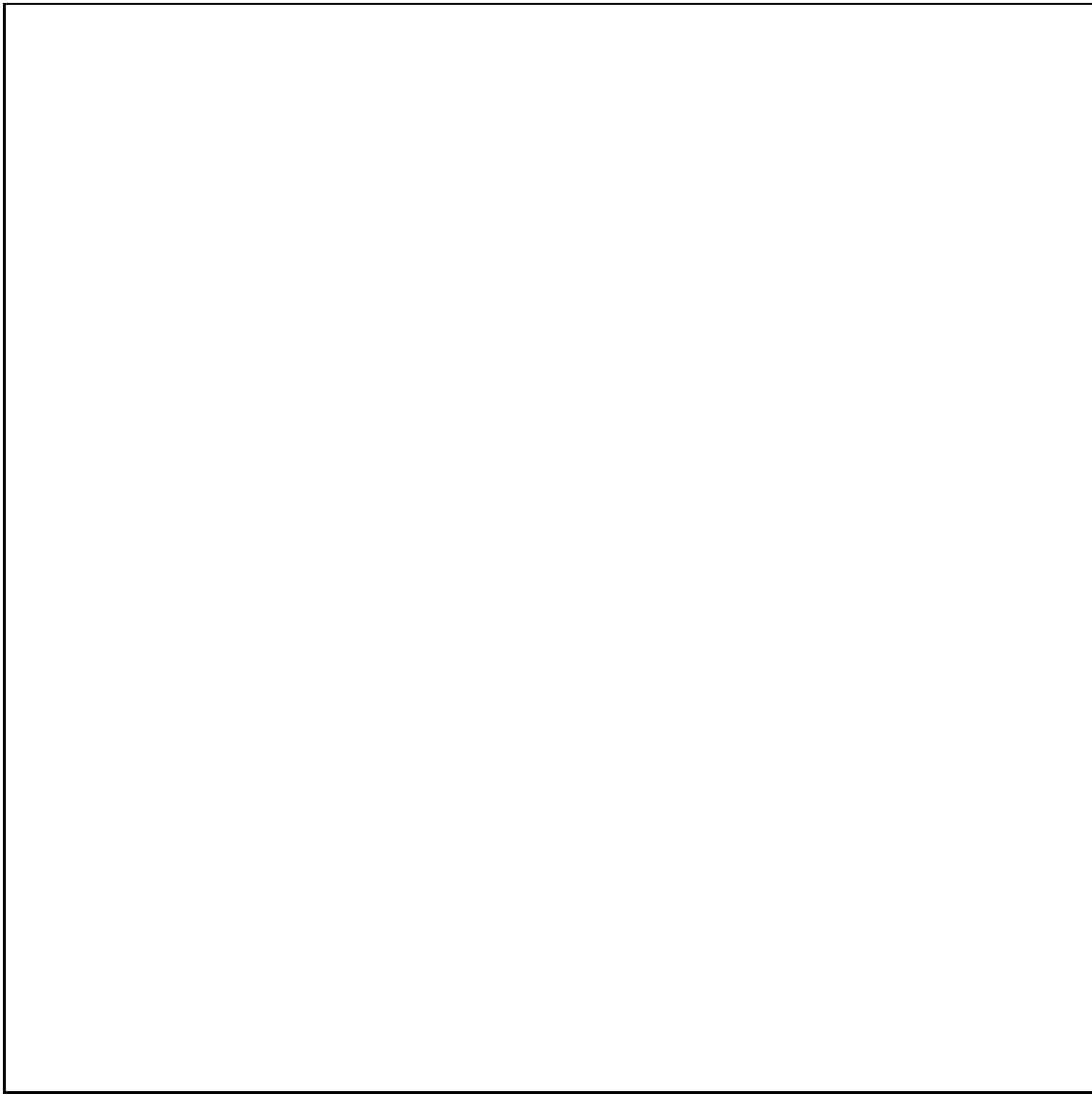
We will be in touch once the Final PEIR and Final Draft PMPU are released.

Enjoy the holiday season,  
Janet and Susan



**Public Invited to Virtual  
Meetings about the Status and  
Next Steps for the Port Master  
Plan Update**

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*Media Contact: [Brienne Mundy Page](#) C: 619.348.1518 | [View press release on Port website.](#)*

Continuing robust public outreach in the Port of San Diego’s planning for the “future of the Port,” more formally known as the Port Master Plan Update (PMPU), the Port is preparing to publish a Notice of Completion of the PMPU along with the release of the Final Program Environmental Impact Report (PEIR) for informational purposes. Additionally, the public is invited to attend an upcoming virtual meeting for a refresher on the PMPU process, to review what changes have been made as a result of public and stakeholder feedback to date, and to provide additional feedback.

The Port Master Plan is a water and land use plan that designates specific areas of San Diego Bay and the surrounding waterfront for a variety of uses including maritime, fishing, visitor-serving commercial, recreational, environmental conservation and protection, and navigation. The plan determines where port activities should take place, where recreational amenities should be located, and where commercial uses like hotels, restaurants, and visitor-serving retail may be built.

The Port is updating its Port Master Plan to reflect changes in the needs and priorities of Californians and the region's growth. The current plan was approved in 1981 – over 40 years ago. The objective is to create a holistic, thoughtful, and balanced approach to future water and land uses on and around San Diego Bay for generations to come.

### **Final Program EIR Publishing and Public Meeting Dates**

The Final PEIR, which will include the latest draft of the PMPU, will be made available for public review on Wednesday, December 6, 2023 at [portofsandiego.org/pmpu](https://portofsandiego.org/pmpu). A tracked changes version of the latest draft of the PMPU, which will be called the “Final Draft PMPU,” will also be available to show the text changes made since the Draft PMPU was published in the fall of 2021. Additionally, the Port will hold two virtual public meetings at the below dates and times. Each meeting will have the same agenda and presentation and will allow time for comments and Q&A.

- Tuesday, December 12 at 6 p.m.
  - RSVP and obtain meeting link here:  
<https://forms.office.com/r/HyQBkxCd8u>
- Thursday, December 14 at 1 p.m.
  - RSVP and obtain meeting link here:  
<https://forms.office.com/r/ytkPeW8sb0>

The Final Draft PMPU reflects extensive input from the public, stakeholders, and the Board of Port Commissioners. The Final PEIR includes responses to the comments received during the Draft PEIR public review period between November 8, 2021 and January 10, 2022. It also contains revisions made to the PEIR as a result of those

comments; however, the analyses of the potentially significant environmental impacts and mitigation measures remain essentially the same as those provided in the Draft PEIR. The Draft and Final PEIR incorporate the required analyses of environmental impacts associated with air quality, climate change, traffic, noise, biology, public services and recreation, among others.

The Port welcomes and encourages all feedback at the virtual meetings and is grateful that the community is engaged in the PMPU process. The Board of Port Commissioners is anticipated to consider certifying the Final PEIR and adopting the Final Draft PMPU at a Special Session meeting on Wednesday, February 28, 2024. The public, interested organizations, and government agencies are encouraged to submit testimony, statements, and evidence relative to the Final Draft PMPU and Final PEIR at the Special Session BPC Meeting, or in written form prior to that meeting. Written information should be submitted to the attention of the District Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101 or at [PublicRecords@portofsandiego.org](mailto:PublicRecords@portofsandiego.org).

A Port Master Plan is required by the San Diego Unified Port District Act and the California Coastal Act. The Port's existing plan was certified (as a whole) in 1981, by the California Coastal Commission and since then there have been many location-specific amendments but never a comprehensive update.

The goals of the PMPU are to:

- Balance the needs of development with those of valuable natural resources;
- Prioritize coastal-dependent developments and clearly define water and land uses for development;
- Protect opportunities for public access and parks on the waterfront for all Californians and visitors to enjoy; and
- Streamline the permitting process for developers, investors, and Port staff to process projects more effectively and efficiently.



The PMPU effort began in 2013 and is being done through a multi-faceted and comprehensive approach and process known as Integrated Planning. This five-phase planning process will culminate with an updated Port Master Plan:

1. Vision Statement and Guiding Principles (*Completed in 2014*) – This initial phase included a high-level assessment of Port-wide assets and extensive public engagement resulting in a foundational Vision Statement and Guiding Principles for the entire Integrated Planning framework.
2. Framework Report (*Completed in 2015*) – In this phase, the Vision Process was further refined through consideration of a core set of comprehensive ideas, memorialized in a Framework Report, that informed the development of the Draft PMPU document. (Phase 1 and 2 make up the Integrated Planning Vision.)
3. Port Master Plan Update Discussion Draft and Revised Draft (*Completed in 2020*) – This phase involved direction from the Board for drafting of the Draft PMPU document to be used as the project description in the Draft Program EIR and which is comprised of goals, policies and maps.
  - Baywide Elements and Planning District Goals (*Completed in 2017*)
  - Policy Concepts and Water and Land Use Maps (*Completed in 2019*)
  - Additional Policy Discussion Topics (*Completed in 2019*)
  - Public review of PMPU Discussion Draft (*Completed in 2019*)
  - Public review of Revised Draft PMPU (*Completed December 2020*)
4. Environmental review pursuant to California Environmental Quality Act (CEQA) (*Current Phase*)
  - Staff conducted the requisite “CEQA Environmental Review.” (*Completed in 2021; Preliminary environmental review work began during the third phase.*)
  - Public review of the Draft PEIR with the latest Draft PMPU. (*Completed in 2022*)
  - **Release of the Final PEIR with the Final Draft PMPU. (*Current step, documents to be published on December 6, 2023.*)**
5. PMPU Certification (*Anticipated in 2025*)

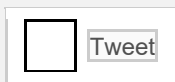
- Port Board considers certification of the Program EIR and adoption of the PMPU (*Anticipated in February 2024*)
- Processing of the PMPU with the California Coastal Commission (*Anticipated spring 2024 – summer/fall 2025*)
- California Coastal Commission considers certification of the PMPU (*Anticipated in late 2025*)
- Port Board approves the PMPU as certified by the Coastal Commission (*Anticipated in late 2025*)

For more information about the PMPU process and/or to sign up to receive updates, go to [portofsandiego.org/pmpu](https://portofsandiego.org/pmpu).

#### **ABOUT THE PORT OF SAN DIEGO**

*The Port of San Diego serves the people of California as a specially created district, balancing multiple uses on 34 miles along San Diego Bay spanning five cities. Collecting no tax dollars, the Port manages a diverse portfolio to generate revenues that support vital public services and amenities.*

*The Port champions Maritime, Waterfront Development, Public Safety, Experiences and Environment, all focused on enriching the relationship people and businesses have with our dynamic waterfront. From cargo and cruise terminals to hotels and restaurants, from marinas to museums, from 22 public parks to countless events, the Port contributes to the region's prosperity and remarkable way of life on a daily basis.*



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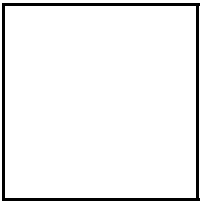
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**From:** Lesley Nishihira  
**Sent:** Monday, December 11, 2023 9:00 PM  
**To:** Port Master Plan Update  
**Subject:** FW: PMPU Grand Caribe Sub District

Lesley Nishihira, AICP  
Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.6469 • (c) 619.961.6322

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-----Original Message-----

From: Mary Berube <mjberube1@gmail.com>  
Sent: Friday, December 8, 2023 10:52 AM  
To: Lesley Nishihira <lnishihi@portofsandiego.org>  
Subject: PMPU Grand Caribe Sub District

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Congratulations Lesley,

Long time working and I hope it gets signed off on February!

Mary

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**From:** Lesley Nishihira  
**Sent:** Monday, December 11, 2023 8:57 PM  
**To:** Port Master Plan Update  
**Subject:** FW: PMPU-Coronado - Hotel Rooms

Lesley Nishihira, AICP  
Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.6469 • (c) 619.961.6322

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-----Original Message-----

102 From: Marilyn Field <mfield1@san.rr.com>  
Sent: Friday, December 8, 2023 1:01 PM  
To: Lesley Nishihira <lnishih@portofsandiego.org>  
Cc: Frank Urtasun <furtasun@portofsandiego.org>; tfriend@coronado.ca.us; Richard Bailey <rbailey@coronado.ca.us>;  
Mike Donovan <mdonovan@coronado.ca.us>; Casey Tanaka <ctanaka@coronado.ca.us>; John Duncan  
<jduncan@coronado.ca.us>; Carrie Anne Downey <cdowney@coronado.ca.us>; Sydney Stanley  
<SydneyJStanley@gmail.com>  
Subject: PMPU-Coronado - Hotel Rooms

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Hello Lesley,

I have done a quick read of the tracked changes in the final PMPU and I was surprised and dismayed to see the language about new hotel rooms in the North Coronado subdistrict had been changed from "No new hotel rooms are planned or allowed" to "No new hotel rooms are planned." That is a big change because it leaves the door open to adding new hotel rooms.

Adding new hotel rooms at the Marriott would violate Coronado's TOZ limit of 300 hotel rooms. While the TOZ is a Coronado ordinance, the standards of the TOZ were incorporated into the PMP in accordance with an agreement between the Port and the City of Coronado (referred to as the 1979 MOU) which was required by the Coastal Commission; it is not solely by the Port's good graces that the standards of the TOZ have been respected for more than  
↓ 40 years.

Two years ago the City of Coronado considered a request from the Marriott to ask the City to support such a change to the PMPU to add more hotel rooms. The Council voted to not the support the Marriott's request.

I am concerned that there is inadequate time for comment on these last minute changes, particularly given the lead time a City needs to prepare and submit comments. With just two short virtual meetings for the entire PMPU held at very busy time of the year I don't think it is possible for the Port to have adequate public comment on such unexpected and significant last minute changes.

The Port appears to be rushing to meet a seemingly arbitrary timetable for approval of the PMPU. Because of the long term significance of the PMPU it is more important to get it right rather than get it done fast. Please reconsider your proposed public comment schedule or at least reopen public comment on the issue.

Marilyn Field

Please refer to comment numbers 101-102 for this email.

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**From:** Lesley Nishihira  
**Sent:** Thursday, February 15, 2024 12:44 PM  
**To:** Port Master Plan Update  
**Subject:** FW: PMPU - Hotel Room Limit North Coronado

**Lesley Nishihira, AICP**

Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.6469 • (c) 619.961.6322



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**From:** Marilyn Field <mfield1@san.rr.com>  
**Sent:** Monday, January 29, 2024 5:39 PM  
**To:** Lesley Nishihira <lnishihi@portofsandiego.org>  
**Subject:** Re: PMPU - Hotel Room Limit North Coronado

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Thank you Lesley. I am sorry to to caused you to have to write that long explanation.  
Marilyn

On Jan 29, 2024, at 2:31 PM, Lesley Nishihira <[lnishihi@portofsandiego.org](mailto:lnishihi@portofsandiego.org)> wrote:

Hi Marilyn,  
Its seems that some of the explanation I provided Stephanie in our conversation has caused confusion, and for that I apologize. The reason for the language change is ONLY to address a definitional conflict in the plan. It is a direct conflict to state a use is not allowed, when that use is explicitly listed as permitted in the land use designation assigned to the site – as described in my explanation copied below that was provided to both you and Stephanie.

It might be worthwhile reviewing the Allowable Uses Table and the Water and Land Use Designation definitions contained on pages 52-66 of the Water and Land Use Element, specifically the table and definition for Commercial Recreation. Please also review the Water and Land Use Map for the Coronado Planning District on page 355. The use types and definitions in the Water and Land Use Element, in combination with the maps and listed planned improvements for each Planning District, are critical to the structure of the Port Master Plan and must be consistently applied to enable (or in this case not

enable) what is envisioned for each area. Ensuring consistency and, more importantly, not creating internal definitional conflicts were the reasons for the correction that was made to PD10.16 on page 363.

Again, additional hotel rooms are NOT allowed in the Coronado planning districts even with the edit made in the latest version. The only way to advance additional hotel rooms is if a specific number of rooms were listed as “planned” in the subdistrict’s planned improvements. In other words, there would need to be a listed “planned improvement” in the Coronado Bayfront Planning District that allows for additional hotel rooms. This listing is required under section 30715 of the Coastal Act and without that listing hotel rooms are not permitted. For example, see PD3.26 on page 269 to see how such a policy must be written to allow additional hotel rooms (this example is for the North Embarcadero Subdistrict).

You are more than welcome to discuss this issue with Coastal staff. In fact, it was Coastal staff that brought the language conflict to our attention and suggested we correct it. This correction in no way permits additional hotel rooms nor implies there is an ability to violate the TOZ, and I’m certain they would agree with that.

My mention of direction from legal counsel was in response to additional language suggested by Stephanie, which would conflict with the TOZ language on page 352 of the PMPU. The Port’s legal counsel is very familiar with the TOZ, Appendix C and Amendment #5, as well as the language revision made and how some are struggling to understand the Port’s position on no additional hotel rooms remains the same as with the prior version.

I’m hopeful some of this explanation clarifies the confusion over this issue.

Thanks,  
Lesley

Explanation sent 12/11/2023:

The Port has not changed its position on the issue involving hotel rooms, as further described below. The language revision with the Final Draft PMPU is only to correct an internal conflict within the document (e.g., No new hotel rooms are proposed ~~or allowed~~).

The allowance of specific use types is dictated by land use designations. Hotel rooms or overnight accommodations are a Permitted Primary Use within the Commercial Recreation land use designation. By stating no new hotels are “allowed” in the subdistrict Planned Improvements, the language created an internal conflict within the document - specifically with the Commercial Recreation land use designation.

As revised, the policy language in the Final Draft PMPU does not support the development of additional hotel rooms. In the event a proposal were made to add hotel rooms, it would require Board direction to process an amendment to the Port Master Plan. This is because Section 30711 of the California Coastal Act requires all “appealable” category projects be included in the plan. Overnight accommodations are considered an “appealable” category project (per CCA Section 30715) and would need to be specifically listed in the subdistrict’s list of Planned Improvements.

In other words, additional hotel rooms are not included in any of the subdistrict’s listing of Planned Improvements in the Coronado Bayfront, Silver Strand and Shelter Island Planning Districts. A subsequent PMP Amendment (PMPA) would be required prior to advancing any development proposal for additional hotel rooms. The requirement for a subsequent PMPA would be required whether the language change in the Final Draft PMPU was made or not.



Again, the Port has not changed its position on this issue.

---

Lesley Nishihira, AICP  
Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.6469 • (c) 619.961.6322

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-----Original Message-----

From: Marilyn Field <[mfield1@san.rr.com](mailto:mfield1@san.rr.com)>  
Sent: Thursday, January 25, 2024 9:25 PM  
To: Lesley Nishihira <[lnishihi@portofsandiego.org](mailto:lnishihi@portofsandiego.org)>  
Cc: Stephanie Kaupp <[skaupp1@san.rr.com](mailto:skaupp1@san.rr.com)>  
Subject: PMPU - Hotel Room Limit North Coronado

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Dear Lesley,

I would like to talk to you about the proposed PMPU language change in the North Coronado hotel room limit. I know that you talked to Stephanie Kaupp about this and Stephanie told me that you made this change in the proposed PMPU language because it was required by the Port's legal counsel to make it consistent with the rules for other commercial properties. However, your legal counsel does not know the long history of this particular rule.

The 300 hotel room limit and the other rules for the North Coronado Subdistrict trace back to Appendix C to the PMP which is the Coastal Commission Certification of the PMP on May 12, 1982 . Appendix C required the Port to propose a plan to confirm either the MOU or the TOZ standards, whichever provided the greatest consistency with the policies of the Coastal Act. As a result of Appendix C, there was extensive dialogue among the parties about which rules were most consistent with Coastal Act policies. Ultimately the rules were determined by the Coastal Commission and in most or all instances the standards of the TOZ prevailed. The rules were then specified and codified in Amendment # 5 to the PMP which was certified by the CCC on April 12, 1984. These rules included the 300 hotel room limit. Amendment #5 continues to be incorporated by reference into the currently existing PMP and has continued in effect for 40 years.

The 300 hotel room limit was required by the CCC and if the Port now intends to change this rule I certainly intend to bring this to the attention of the CCC. While you told Stephanie that the no new hotel room rule continues to be Port policy, if it is not in writing and not in the new PMP there is no policy.

The PMPU is supposed to guide Port land use decisions for future generations; without clear written rules in the PMPU future generations of Port Staff will not know what the rules are.

Two years ago the Marriott lobbied the Coronado City Council to urge the Port to change the PMPU to permit additional hotel rooms in North Coronado. Many Coronado residents objected. The City Council declined to support the Marriott's request. If the Port changes the language in the PMPU as you are proposing that will be an invitation to the Marriott to ask the Port to permit them to expand.

Please reconsider the proposed change in language and explain to your legal counsel the long history of the hotel room limit.

Marilyn Field

*Please refer to comment numbers 101-102 for this email.*

---

**From:** Lesley Nishihira  
**Sent:** Thursday, February 15, 2024 12:39 PM  
**To:** Port Master Plan Update  
**Subject:** FW: PMPU-Coronado - Hotel Rooms

Lesley Nishihira, AICP  
Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.6469 • (c) 619.961.6322

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-----Original Message-----

From: Richard Grunow <rgrunow@coronado.ca.us>  
Sent: Monday, December 11, 2023 3:55 PM  
To: Lesley Nishihira <lnishih@portofsandiego.org>  
Cc: Jesse Brown <jbrown@coronado.ca.us>; Dennis Campbell <dcampbell@portofsandiego.org>  
Subject: RE: PMPU-Coronado - Hotel Rooms

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Thanks for the quick and thorough explanation, Lesley. Makes sense to us.

Good luck!

Rich

-----Original Message-----

From: Lesley Nishihira <lnishih@portofsandiego.org>  
Sent: Monday, December 11, 2023 3:13 PM  
To: Richard Grunow <rgrunow@coronado.ca.us>  
Cc: Jesse Brown <jbrown@coronado.ca.us>; Dennis Campbell <dcampbell@portofsandiego.org>  
Subject: RE: PMPU-Coronado - Hotel Rooms

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Hi Rich,

Port staff also received the email below from Marilyn Fields. I plan to send her the response below in just a moment...

The Port has not changed its position on the issue involving hotel rooms, as further described below. The language revision with the Final Draft PMPU is only to correct an internal conflict within the document (e.g., No new hotel rooms are proposed or allowed).

The allowance of specific use types is dictated by land use designations. Hotel rooms or overnight accommodations are a Permitted Primary Use within the Commercial Recreation land use designation. By stating no new hotels are "allowed" in the subdistrict Planned Improvements, the language created an internal conflict within the document - specifically with the Commercial Recreation land use designation. As revised, the policy language in the Final Draft PMPU does not support the development of additional hotel rooms.

In the event a proposal were made to add hotel rooms, it would require Board direction to process an amendment to the Port Master Plan. This is because Section 30711 of the California Coastal Act requires all "appealable" category projects be included in the plan. Overnight accommodations are considered an "appealable" category project (per CCA Section 30715) and would need to be specifically listed in the subdistrict's list of Planned Improvements.

In other words, additional hotel rooms are not included in any of the subdistrict's listing of Planned Improvements in the Coronado Bayfront, Silver Strand and Shelter Island Planning Districts. A subsequent PMP Amendment (PMPA) would be required prior to advancing any development proposal for additional hotel rooms. The requirement for a subsequent PMPA would be required whether the language change in the Final Draft PMPU was made or not.

Again, the Port has not changed its position on this issue.

Please let us know if you have follow up questions or want to discuss. Any help or suggestions you have to help clarify this language change would be appreciated. Although the public hearing for the Final PEIR and PMPU approval is scheduled for February 28th, we are holding two public engagement events this week to refresh the public on the PMPU effort. I expect this question will be asked more than once

Thanks!

Lesley

Lesley Nishihira, AICP  
Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.6469 • (c) 619.961.6322

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-----Original Message-----

From: Richard Grunow <rgrunow@coronado.ca.us>

Sent: Friday, December 8, 2023 3:25 PM

To: Dennis Campbell <dcampbell@portofsandiego.org>

Cc: Lesley Nishihira <lnishihi@portofsandiego.org>; Jesse Brown <jbrown@coronado.ca.us>

Subject: FW: PMPU-Coronado - Hotel Rooms

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Hi Dennis,

Hope you're doing well. Is Marilyn correct that the hotel room language changed since the prior version?

Thanks, Rich

-----Original Message-----

From: Marilyn Field <mfield1@san.rr.com>

Sent: Friday, December 8, 2023 1:01 PM

To: Lesley Nishihira <lnishihi@portofsandiego.org>

Cc: Frank Urtasun <furtasun@portofsandiego.org>; CM Tina Friend <cm@coronado.ca.us>; Richard Bailey <rbailey@coronado.ca.us>; Mike Donovan <mdonovan@coronado.ca.us>; Casey Tanaka <ctanaka@coronado.ca.us>; John Duncan <jduncan@coronado.ca.us>; Carrie Anne Downey <cdowney@coronado.ca.us>; Sydney Stanley <SydneyJStanley@gmail.com>

Subject: PMPU-Coronado - Hotel Rooms

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello Lesley,

I have done a quick read of the tracked changes in the final PMPU and I was surprised and dismayed to see the language about new hotel rooms in the North Coronado subdistrict had been changed from "No new hotel rooms are planned or allowed" to "No new hotel rooms are planned." That is a big change because it leaves the door open to adding new hotel rooms.

Adding new hotel rooms at the Marriott would violate Coronado's TOZ limit of 300 hotel rooms. While the TOZ is a Coronado ordinance, the standards of the TOZ were incorporated into the PMP in accordance with an agreement between the Port and the City of Coronado (referred to as the 1979 MOU) which was required by the Coastal Commission; it is not solely by the Port's good graces that the standards of the TOZ have been respected for more than 40 years.

Two years ago the City of Coronado considered a request from the Marriott to ask the City to support such a change to the PMPU to add more hotel rooms. The Council voted to not support the Marriott's request.

I am concerned that there is inadequate time for comment on these last minute changes, particularly given the lead time a City needs to prepare and submit comments. With just two short virtual meetings for the entire PMPU held at very busy time of the year I don't think it is possible for the Port to have adequate public comment on such unexpected and significant last minute changes.

The Port appears to be rushing to meet a seemingly arbitrary timetable for approval of the PMPU. Because of the long term significance of the PMPU it is more important to get it right rather than get it done fast. Please reconsider your proposed public comment schedule or at least reopen public comment on the issue.

Marilyn Field

---

**From:** Lesley Nishihira  
**Sent:** Monday, December 11, 2023 8:56 PM  
**To:** Port Master Plan Update  
**Subject:** FW: Urtasun rec'd: PMPU - Change in Hotel Room Limit in NE Coronado

**Lesley Nishihira, AICP**

Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.6469 • (c) 619.961.6322



connect: 

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---

**From:** Margret Hernandez <mhernandez@portofsandiego.org>  
**Sent:** Friday, December 8, 2023 3:59 PM  
**To:** Randa Coniglio <rconiglio@portofsandiego.org>; Jason Giffen <jgiffen@portofsandiego.org>; Lesley Nishihira <lnishihira@portofsandiego.org>  
**Cc:** Commissioner Services Staff <Commissioner\_Services\_Staff@portofsandiego.org>; Denia Williams <dwilliams@portofsandiego.org>; Guille Oliva <goliva@portofsandiego.org>  
**Subject:** Urtasun rec'd: PMPU - Change in Hotel Room Limit in NE Coronado

All, passing along the email from Marilyn Field to the Coronado City Council and Commissioner Urtasun FYSA. Sincerely, Margret

---

**From:** Marilyn Field <mfield1@san.rr.com>  
**Sent:** Friday, December 8, 2023 11:28:40 PM (UTC+00:00) Monrovia, Reykjavik  
**To:** Richard Bailey <rbailey@coronado.ca.us>; Mike Donovan <mdonovan@coronado.ca.us>; Carrie Anne Downey <cdowney@coronado.ca.us>; John Duncan <jduncan@coronado.ca.us>; Casey Tanaka <ctanaka@coronado.ca.us>; tfriend@coronado.ca.us <tfriend@coronado.ca.us>; Frank Urtasun <furtasun@portofsandiego.org>  
**Cc:** Richard Grunow <rgrunow@coronado.ca.us>; Jesse Brown <jbrown@coronado.ca.us>  
**Subject:** PMPU - Change in Hotel Room Limit in NE Coronado

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

101 Dear Mayor Bailey, City Council Members and Commissioner Urtasun,

I am forwarding the below letter which I wrote to the City Council two years ago on this subject. It is relevant again because the Port has, at the last minute, changed the language in the Final Draft PMPU concerning the prohibition on new hotel rooms.

↑ The last draft of the PMPU said "No new hotel rooms are planned or allowed." It has been changed to "No new hotel rooms are planned." This would open the door for the Port to consider a proposal to expand the number of hotel rooms in North Coronado.

This exact issue was considered by the Council in January, 2022 because the Marriott sought Council support to expand. The Council received about 100 comment letter opposing relaxing the prohibition on new hotel rooms and decided not to support the Marriott's request for more hotel rooms.

I am re-sending my 2022 comment letter because several of you were not on the Council in 2022 and this issue has a long and complicated history.

I urge you to submit written comments to the Port re-stating the Council's position that:

- 1) no new hotel rooms should be permitted in North Coronado; and
- 2) the Port should continue to honor its agreement with the City, which was required by the Coastal Commission, to honor the standards in the City ordinance known as the TOZ (Tidelands Overlay Zone).

The Port intends to finalize this document at a special meeting on February 28, 2024.

Marilyn Field

Begin forwarded message:

**From:** Marilyn Field <[mfield1@san.rr.com](mailto:mfield1@san.rr.com)>

**Subject:** Proposed Comments on the PMPU

**Date:** January 3, 2022 at 11:01:43 AM PST

**To:** Richard Bailey <[bailey@coronado.ca.us](mailto:bailey@coronado.ca.us)>, Mike Donovan <[mdonovan@coronado.ca.us](mailto:mdonovan@coronado.ca.us)>, Marvin Heinze <[mheinze@coronado.ca.us](mailto:mheinze@coronado.ca.us)>, Casey Tanaka <[ctanaka@coronado.ca.us](mailto:ctanaka@coronado.ca.us)>, Bill Sandke Yahoo <[bsandke@sbcglobal.net](mailto:bsandke@sbcglobal.net)>, [tfriend@coronado.ca.us](mailto:tfriend@coronado.ca.us)

**Cc:** Jennifer Ekblad <[jekblad@coronado.ca.us](mailto:jekblad@coronado.ca.us)>

Dear Mayor Bailey, City Council members and Ms. Friend,

The Council is proposing to send a comment letter to the Port asking them to eliminate the standard in the latest - and final -draft of the PMPU which states in PD.10.16 "No new hotel rooms are planned or allowed".

The Port developed its standards, including the "no new hotel rooms" standard, based on comments from the City and, importantly, comments from the community in many hours of meetings, public testimony and approximately 1,000 written comments in 2019 and thereafter. Your proposal to ask the Port to change the Port's standards would undermine - at the last minute - what the community achieved through this process. Moreover, it would violate and undermine the citizen developed City ordinance known as the TOZ.

Having listened to the tape of the July 2019 Council meeting, I am not at all sure that Staff got it wrong. Council member Donovan made a comment about possibly permitting expansion of the Marriott and Loews but there was no discussion, no

motion, no evidence of consensus and possibly no awareness that such an expansion would violate the TOZ. Moreover, if the Mayor or other Council members read the City's comment letter before it was sent - or at any time during the last 2 1/2 years - no one raised a concern that the letter did not accurately reflect Council's intentions.

The long PMPU process is now in its final stages and the current draft is the final opportunity for the Council and the public to submit comments (due January 10th) before it is finalized and sent to the Board of Port Commissioners for approval. After the Port Commissioner's approval it will be sent to the Coastal Commission for their review and approval and, once approved by the Coastal Commission, the PMPU will guide the Port's development standards for decades.

Members of the Coronado community who have been closely following and participating in this process for years were gratified to see that the Port had listened to community concerns about overdevelopment and made changes in response, including prohibiting new hotel rooms in the both the Port's Planning District 10 and Planning District 9.

The Council now proposes to send a comment letter to the Port asking them to eliminate the no new hotel rooms standard in order to permit the Marriott and Loews to increase the number of hotel rooms on existing hotel property in exchange for some undefined public benefit to be negotiated later. Not only does this introduce a high level of uncertainty and subjectivity into the Port's standards, it also violates the planning principles applicable to the Northern Coronado Tidelands as specified in the City's Municipal Code, referred to as the TOZ.

The TOZ, or Tidelands Overlay Zone, started as a citizen's initiative which was ultimately adopted by the City Council in 1980. It was developed in response to citizen concerns about Port overdevelopment in Coronado. It contains numerous standards and limits of what can be built in Northern Coronado Tidelands area. It includes a limit of 300 hotels rooms in one non convention type hotel in this zone and contains numerous other standards and limits as well. The TOZ states that it can only be changed or repealed by vote of the electorate.

The Marriott now has 300 rooms which is the maximum permitted by the TOZ. Thus, if the Council asks the Port to permit new hotel rooms, even just on existing hotel property, you would be inviting the Port to violate our own municipal code and sending the message that the TOZ's standards, carefully crafted by citizens over 40 years ago and still part of our municipal code, are negotiable.

The Port has always taken the position that they are not governed by the TOZ, notwithstanding an agreement forced on the Port and the City by the Coastal Commission in 1979 (MOU) to abide by the City's planning standards. The Port continues to maintain that they are not subject to the TOZ yet they have respected



the TOZ standards for more than 40 years. In its several comment letters to the Port on the PMPU the City has referenced the MOU and stressed the continued importance of the following the planning standards in the TOZ. But whether or not the MOU/TOZ is legally enforceable against the Port, it has been an important tool in restricting the Port's development of Coronado. If the City now encourages the Port to violate the TOZ standards with respect to the hotel room limit how long will the Port continue to respect the TOZ? Would the 40 ' hight limit or other standards be negotiable if the Port offered the City a public benefit in return? And who is to decide what would be an adequate public benefit? Offering to negotiate the TOZ standards effectively changes or voids the TOZ without vote of the electorate.

It is all the more troubling that the Council is considering this significant action 2 1/2 years after the July, 2019 letter in question; more than a year after the hotels raised the issue in November 2020; without adequate public notice and at the very last possible moment for comments to the PMPU at a time of year when the community is otherwise engaged with year end holidays, family and travel; and will act on it just over two weeks since the Staff report proposing this change appeared on the City web-site.

Please, reconsider the hotel rooms section of your proposed letter and eliminate it. Keep the existing no new hotel rooms in the PMPU. Remember that the Marriott and Loews are, of course, free to submit their own comments on the PMPU directly to the Port without the intervention of the City Council on their behalf. After all, Marriott and Loews are two huge hotel chains - Marriott is the largest hotel chain in the world! - and they are surely able to fend for themselves.

Marilyn Field

*Please refer to comment numbers 101-102 for this email.*

---

**From:** Margret Hernandez  
**Sent:** Monday, December 11, 2023 3:10 PM  
**To:** Lesley Nishihira  
**Cc:** Commissioner Services Staff; Denia Williams; Guille Oliva; Randa Coniglio; Jason Giffen; Dennis Campbell; Anna Buzaitis; Lily Tsukayama; Rebecca Harrington  
**Subject:** RE: Urtasun rec'd: PMPU - Change in Hotel Room Limit in NE Coronado

Lesley,

This has been shared with Commissioner Urtasun.

Thank you,  
Margret

---

**From:** Lesley Nishihira <lnishih@portofsandiego.org>  
**Sent:** Monday, December 11, 2023 3:05 PM  
**To:** Margret Hernandez <mhernandez@portofsandiego.org>  
**Cc:** Commissioner Services Staff <Commissioner\_Services\_Staff@portofsandiego.org>; Denia Williams <dwilliams@portofsandiego.org>; Guille Oliva <goliva@portofsandiego.org>; Randa Coniglio <rconiglio@portofsandiego.org>; Jason Giffen <jgiffen@portofsandiego.org>; Dennis Campbell <dcampbell@portofsandiego.org>; Anna Buzaitis <abuzaiti@portofsandiego.org>; Lily Tsukayama <lttsukayama@portofsandiego.org>; Rebecca Harrington <rharrington@portofsandiego.org>  
**Subject:** RE: Urtasun rec'd: PMPU - Change in Hotel Room Limit in NE Coronado

Hi Margret,

Please forward the response below to Commissioner Urtasun for his awareness. Note that Port staff has received a number of email inquiries on this topic from members of the community (including Ms. Fields), as well as Coronado Planning staff. I will also be providing the explanation below in response to their emails.

The Port has not changed its position on the issue involving hotel rooms, as further described below. The language revision with the Final Draft PMPU is only to correct an internal conflict within the document (e.g., No new hotel rooms are proposed ~~or allowed~~).

The allowance of specific use types is dictated by land use designations. Hotel rooms or overnight accommodations are a Permitted Primary Use within the Commercial Recreation land use designation. By stating no new hotels are "allowed" in the subdistrict Planned Improvements, the language created an internal conflict within the document - specifically with the Commercial Recreation land use designation. As revised, the policy language in the Final Draft PMPU does not support the development of additional hotel rooms.

In the event a proposal were made to add hotel rooms, it would require Board direction to process an amendment to the Port Master Plan. This is because Section 30711 of the California Coastal Act requires all "appealable" category projects be included in the plan. Overnight accommodations are considered an "appealable" category project (per CCA Section 30715) and would need to be specifically listed in the subdistrict's list of Planned Improvements.

In other words, additional hotel rooms are not included in any of the subdistrict's listing of Planned Improvements in the Coronado Bayfront, Silver Strand and Shelter Island Planning Districts. A subsequent PMP Amendment (PMPA) would be

required prior to advancing any development proposal for additional hotel rooms. The requirement for a subsequent PMPA would be required whether the language change in the Final Draft PMPU was made or not.

Again, the Port has not changed its position on this issue.

Thanks!  
Lesley

**Lesley Nishihira, AICP**  
Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.6469 • (c) 619.961.6322



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---

**From:** Margret Hernandez <[mhernandez@portofsandiego.org](mailto:mhernandez@portofsandiego.org)>  
**Sent:** Friday, December 8, 2023 3:59 PM  
**To:** Randa Coniglio <[rconiglio@portofsandiego.org](mailto:rconiglio@portofsandiego.org)>; Jason Giffen <[jgiffen@portofsandiego.org](mailto:jgiffen@portofsandiego.org)>; Lesley Nishihira <[lnishihira@portofsandiego.org](mailto:lnishihira@portofsandiego.org)>  
**Cc:** Commissioner Services Staff <[Commissioner\\_Services\\_Staff@portofsandiego.org](mailto:Commissioner_Services_Staff@portofsandiego.org)>; Denia Williams <[dwilliams@portofsandiego.org](mailto:dwilliams@portofsandiego.org)>; Guille Oliva <[goliva@portofsandiego.org](mailto:goliva@portofsandiego.org)>  
**Subject:** Urtasun rec'd: PMPU - Change in Hotel Room Limit in NE Coronado

All, passing along the email from Marilyn Field to the Coronado City Council and Commissioner Urtasun FYSA. Sincerely, Margret

---

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**Sent:** Friday, December 8, 2023 11:28:40 PM (UTC+00:00) Monrovia, Reykjavik  
**To:** Richard Bailey <[rbailey@coronado.ca.us](mailto:rbailey@coronado.ca.us)>; Mike Donovan <[mdonovan@coronado.ca.us](mailto:mdonovan@coronado.ca.us)>; Carrie Anne Downey <[cdowney@coronado.ca.us](mailto:cdowney@coronado.ca.us)>; John Duncan <[jduncan@coronado.ca.us](mailto:jduncan@coronado.ca.us)>; Casey Tanaka <[ctanaka@coronado.ca.us](mailto:ctanaka@coronado.ca.us)>; [tfriend@coronado.ca.us](mailto:tfriend@coronado.ca.us) <[tfriend@coronado.ca.us](mailto:tfriend@coronado.ca.us)>; Frank Urtasun <[furtasun@portofsandiego.org](mailto:furtasun@portofsandiego.org)>  
**Cc:** Richard Grunow <[rgrunow@coronado.ca.us](mailto:rgrunow@coronado.ca.us)>; Jesse Brown <[jbrown@coronado.ca.us](mailto:jbrown@coronado.ca.us)>  
**Subject:** PMPU - Change in Hotel Room Limit in NE Coronado

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Dear Mayor Bailey, City Council Members and Commissioner Urtasun,

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The Port intends to finalize this document at a special meeting on February 28, 2024.

Marilyn Field

Begin forwarded message:

**From:** Marilyn Field <[mfield1@san.rr.com](mailto:mfield1@san.rr.com)>

**Subject:** Proposed Comments on the PMPU

**Date:** January 3, 2022 at 11:01:43 AM PST

**To:** Richard Bailey <[bailey@coronado.ca.us](mailto:bailey@coronado.ca.us)>, Mike Donovan <[mdonovan@coronado.ca.us](mailto:mdonovan@coronado.ca.us)>, Marvin Heinze <[mheinze@coronado.ca.us](mailto:mheinze@coronado.ca.us)>, Casey Tanaka <[ctanaka@coronado.ca.us](mailto:ctanaka@coronado.ca.us)>, Bill Sandke Yahoo <[bsandke@sbcglobal.net](mailto:bsandke@sbcglobal.net)>, [tfriend@coronado.ca.us](mailto:tfriend@coronado.ca.us)

**Cc:** Jennifer Ekblad <[jekblad@coronado.ca.us](mailto:jekblad@coronado.ca.us)>

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The Port has always taken the position that they are not governed by the TOZ, notwithstanding an agreement forced on the Port and the City by the Coastal Commission in 1979 (MOU) to abide by the City's planning standards. The Port continues to maintain that they are not subject to the TOZ yet they have respected

the TOZ standards for more than 40 years. In its several comment letters to the Port on the PMPU the City has referenced the MOU and stressed the continued importance of the following the planning standards in the TOZ. But whether or not the MOU/TOZ is legally enforceable against the Port, it has been an important tool in restricting the Port's development of Coronado. If the City now encourages the Port to violate the TOZ standards with respect to the hotel room limit how long will the Port continue to respect the TOZ? Would the 40 ' hight limit or other standards be negotiable if the Port offered the City a public benefit in return? And who is to decide what would be an adequate public benefit? Offering to negotiate the TOZ standards effectively changes or voids the TOZ without vote of the electorate.

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Marilyn Field

---

**From:** Lesley Nishihira  
**Sent:** Monday, December 11, 2023 8:56 PM  
**To:** Port Master Plan Update  
**Subject:** FW: Congratulations on the final draft PMPU

**Lesley Nishihira, AICP**

Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.6469 • (c) 619.961.6322



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**From:** Kim Tolles <kallantolles@aol.com>  
**Sent:** Saturday, December 9, 2023 11:22 AM  
**To:** Lesley Nishihira <lnishihi@portofsandiego.org>  
**Subject:** Congratulations on the final draft PMPU

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lesley:

99 Congratulations on your incredible job of getting all these materials finalized. Just amazing! I plan on attending both virtual meetings and we will of course be submitting comments.

I try to review everything online, but would love to see a hard copy of everything. Will you be providing copies to the Coronado Library (or other libraries around the bay) or to the CCHOA?

I also wanted to make sure that the CCHOA comments on the TLUP were included in the Port's official record. When I checked online awhile ago, I didn't see our letter.

Thank you and congratulations again,

Kim Tolles  
Coronado Cays

---

**From:** Janet Callow <janoc1331@gmail.com>  
**Sent:** Monday, December 11, 2023 3:36 PM  
**To:** Dennis Campbell  
**Cc:** Janet Callow  
**Subject:** PMPU Notice of Completion and Public Hearing  
**Attachments:** UnresolvedOBC PMPU 1-30-2023.pdf

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Dennis, the Outboard Boating Club resubmits its unresolved concerns (January 31, 2023) regarding limiting the Shelter Island Boat Launch Ramp Parking, particularly as depicted in PD1.8. Please add this to the record of your public hearing Tuesday December 12th.

Thank you

Janet Callow

Jr Staff Commodore

Outboard Boating Club

Attached



# Outboard Boating Club of San Diego

INC.



P.O. BOX 6565  
SAN DIEGO, CALIFORNIA 92166-0565

January 31, 2023

San Diego Unified Port District  
Leslie Nishihira, Director Planning Port of San Diego  
Kristine Love, RPA, FMA Department Manager, Parking Port of San Diego  
Sharon Cloward, President San Diego Working Waterfront

**SUBJ: Outboard Boating Club of San Diego's unresolved concerns regarding Shelter Island Boat Launch Ramp parking.**

The Outboard Boating Club of San Diego is a non-profit corporation organized to promote safe boating recreation. The Outboard Boating Club began as the local chapter of the Outboard Boating Club of America in 1953 and continues to support and promote safe boating today.

The principal duty of the Outboard Boating Club is to supervise direct and assist in the use of the Shelter Island boat launch ramp facilities including the retrieving of boats and the parking of trailers and cars in the parking lots near and adjacent to the boat launch ramp.

As the Port moves forward with developing plans for Shelter Island parking, the Outboard Boating Club continues to have unresolved concerns about the existing and conceptual parking plan for the Shelter Island Launch Ramp area. PD1.8

This conceptual plan is stated in the Port Master Plan Update Draft which will be finalized this year, 2023.

The Outboard Club has submitted multiple letters to the Port defending access to the Shelter Island Launch Ramp and Launch Ramp parking.

96

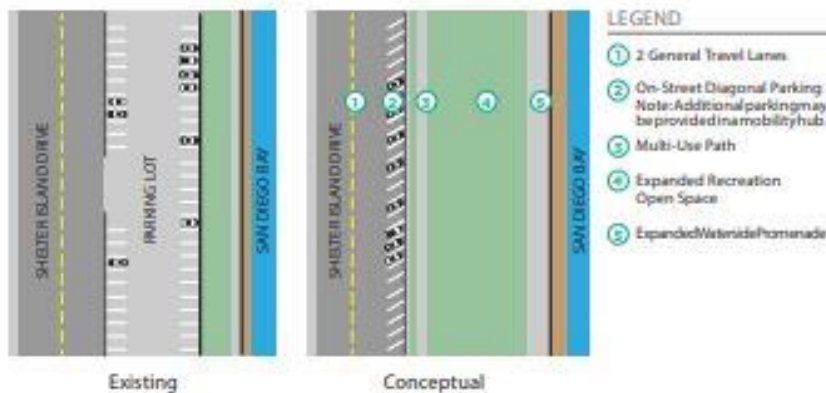
**Parking is everything to the Shelter Island Launch Ramp. The Outboard Boating Club remains concerned about the proposal PD1.8.**

PD1.8 proposes to move off street parking to on street parking, which would eliminating boat/trailer parking in the upper boat launch ramp parking lot: “Reconfigure Shelter Island Drive between the Shelter Island Roundabout and the Yokohama Friendship Bell Roundabout.”

97

**Roadway Improvements**

- PD1.7** In conjunction with PD1.3, enhance the public realm along Shelter Island Drive (Entry Segment), between the District’s boundary and the Shelter Island roundabout, as the gateway to Shelter Island, linking Shelter Island and the adjacent City of San Diego jurisdiction. This may include the following improvements; however, no improvements to on-street parking or drive lanes are planned:
- a. Updating gateway signage at the entrance to Shelter Island Drive;
  - b. Improving wayfinding signage;
  - c. Creating wider sidewalks; and
  - d. Removing obstacles to improve visibility and create safe pedestrian crossing facilities.
- PD1.8** Reconfigure Shelter Island Drive (Island Segment) between the Shelter Island roundabout and the Yokohama Friendship Bell roundabout, as generally depicted in Figure PD1.6:
- a. Narrowing to two general travel lanes;
  - b. Reconfiguring existing off-street parking into diagonal on-street parking;
  - c. Creating a multi-use path between the waterside promenade and the street, along the south side of Shelter Island Drive; and
  - d. Upon reconfiguration, expanding and activating Recreation Open Space on the bayside of Shelter Island Drive, as described in PD1.9.



**Figure PD1.6** Illustrative Diagram of Shelter Island Drive Reconfiguration  
*For illustrative purposes only.*

PD1.6 Illustrative Diagram of Shelter Island Drive Reconfiguration: Existing and Conceptual.

The main street entrance to the launch ramp and upper parking lot is the most important section of the entire Shelter Island launch ramp facility.

The upper launch ramp parking lot is the only place for boats/trailers to stop and get the boat ready to launch before approaching the launch ramp. This area is used again to put the boat back together before getting on the road.



There are 15 boat/trailer parking spaces in this main entrance area.

There are 50 public parking spaces in this area.

97

Most boats approach the launch ramp through the main entrance, stop and prepare the boat in the staging area and then proceed to launch.



Preparing to launch is to transfer gear from the truck to the boat, transfer children/passengers from the truck to the boat, put the drain plug in, get ice, put the coolers, fishing gear and safety equipment in the boat.

There is no stopping on the launch ramp itself, all the curbs are red. The curbs are red because boats/trailers need room to maneuver.

This satellite view shows the launch ramp main entrance, staging area and route to launch.

Main Entrance

97



Prepare the boat - staging area

Launch

The launch ramp staging area is critical to the operation of the launch ramp. It is vital to keep this area fully functional and available to launch ramp users.

Main Entrance



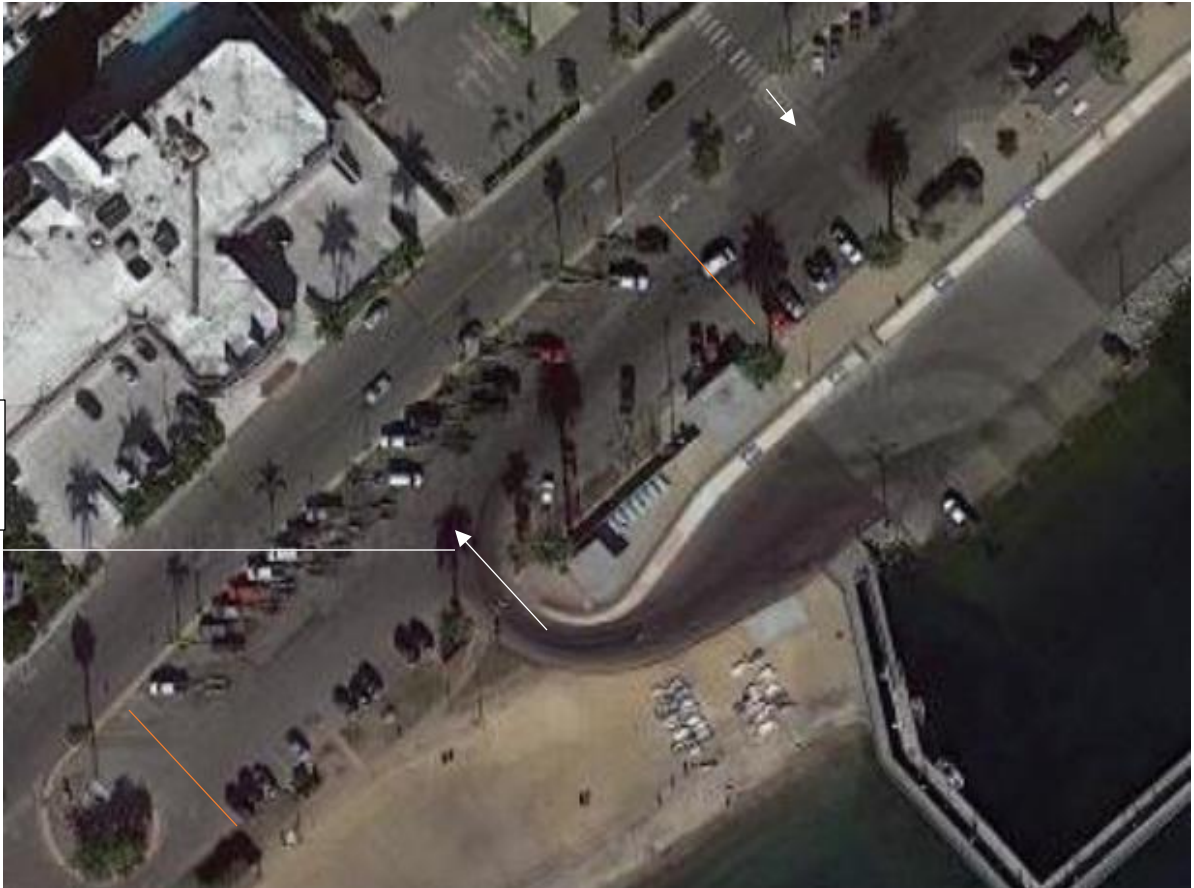
This area needs three lanes: one dedicated lane to stage boat preparations, one lane for boats proceeding directly to the launch ramp and one for through traffic or cars/trailers to back out of their parking spot.

The other half of the upper parking, near the launch ramp exit, fills up with boats/trailers that have already launched.

This section has 34 boat/trailer parking spaces and 15 public parking spaces.

Launch  
Ramp  
Exit

97



The **complete upper parking lot** has a total of **49 boat/trailer** parking spaces and **65 public** parking spaces and PD1.8 proposes to move off street parking to on street parking, eliminating boat/trailer parking in this area.



The Shelter Island Launch Ramp needs all of its existing parking. The 2021 Department of Boating and Waterways Guidelines suggest the typical minimum parking space ration is 20 to 30 vehicle/trailer parking spaces per launching lane. The Shelter Island Launch Ramp has 10 launch lanes.

The lower parking lot has a total of 111 boat/trailer parking spaces and 116 public parking spaces.

There is no provision for a staging area in the lower parking lot.

If boats/trailers were to stop in a lower parking lot lane to prepare their boat for launching, the entire lane would be blocked.

97



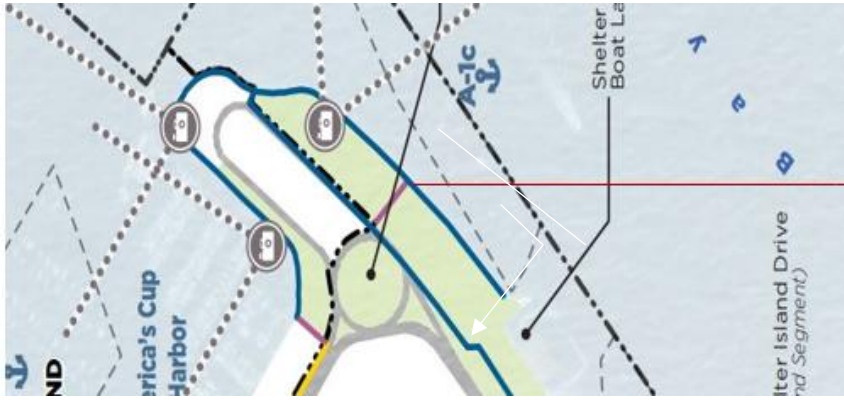
This is the section of the lower parking lot for a proposed cross over pedestrian path. There are **13 boat/trailer** parking spaces in this area. The big lot on the left is the Bali Hai parking lot which excludes trailer parking.

97



**The proposed crossover creates a juxtaposition of vehicles with boats on trailers and pedestrians on foot, on bikes, scooters, or skateboards and does not provide a safe boating launching environment in the Shelter Island Boat Launch Ramp Facility.**





Cross over pedestrian path



13 boat/trailer parking spaces

97

A proposed pedestrian pathway that cuts through the launch ramp boat/trailer parking endangers the safety of pedestrians and boaters.

Boaters who are parked in this area have launched and will later be retrieving their boats; they are in their designated parking lot and their designated parking space and are not looking for sudden pedestrian appearances where there were none before.

**A safer boating environment could be realized if the Port would move the 13 boat/trailer parking spaces from this section of the parking lot to the upper launch ramp parking lot.**





**There is an abundance of public parking in the vicinity of the launch ramp.**

Access to general public parking in the Bali Hai parking lot excludes boat/trailer parking.

Trailer  
Parking  
Prohibited  
Bali Hai



97

The Bali Hai parking lot has **159 public** spaces.

On the other side of the Bali Hai parking lot, there is a modest but substantial lot with **67 public** parking spaces. This is a photo from the Bali Hai parking lot looking directly at the entrance to the smaller but conveniently located parking lot.



There is more public parking here, just on the other side of upper launch ramp parking lot. This section has **72 public** parking spaces.



End of launch ramp parking in the upper parking lot

Public Parking

97

**There is enough public parking to refocus allocating boat/trailer parking in main areas near the launch ramp entrance and exit where it is needed.**

The Outboard Boating Club continues to have unresolved concerns regarding creating diagonal parking on Shelter Island Drive. The 80,000 boaters using Shelter Island Drive to access the launch ramp will be facing dangerous jack knife situations when cars suddenly and blindly back out of diagonal parking spaces. Sudden breaking for a car towing a trailer with a boat on it will generate problems, including the dislodging of boats, a situation not easily remedied. One trailer accident will block the entire of Shelter Island Drive and make it impossible for emergency vehicles, Harbor Police, Marina Tenants and Hotel Guests to get into or out of Shoreline Park.

Shelter Island Drive is the main corridor, the only approach to the Shelter Island Launch Ramp and the area where the Port proposes to insert diagonal parking. The cars/trailers are parked here waiting to launch at the Shelter Island Launch Ramp because all the parking spaces have been filled.



97



To summarize

98

- The main launch ramp staging area is vital to the operation of the launch ramp facility. Boaters need this lane to stop and prepare the boat prior to launch, a passing lane for other boaters who are ready to launch and proceeding to the ramp and a lane for boaters who are returning from the ramp with their empty trailers looking for a place to park.



80,000 boaters using the Shelter Island launch ramp would be better served by preserving and improving accessibility to the launch ramp.

98

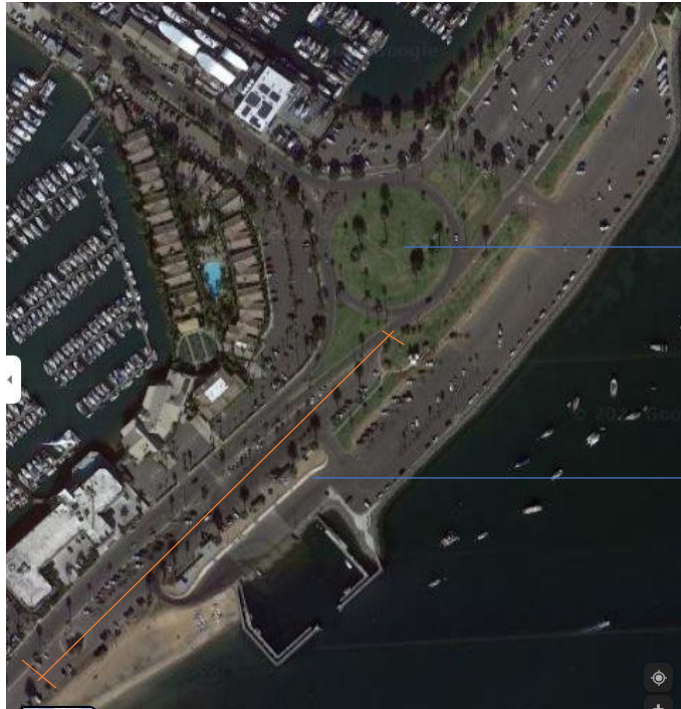
The upper parking lot needs all of its off-street parking space for boat/trailers and for associated boaters. The Shelter Island Launch Ramp has a total of 160 boat/trailer parking spaces and 181 public spaces with an abundance of public parking in the vicinity.

- Parking space in the upper parking lot of the Shelter Island Launch Ramp should not be compromised or limited by inserting a pedestrian promenade through the middle of it. This proposed change challenges the ability of the launch ramp facility to provide a safe passage for boaters to prepare, launch and park their boats. Although it looks like there is a lot of wasted space here, every inch of it is used by boaters.



The Outboard Boating Club requests the Port reconsider reconfiguring Shelter Island Drive between the Shelter Island roundabout and the end of the upper launch ramp parking lot.

98



Shelter Island Roundabout

Upper  
Parking  
Lot

- The Outboard Boating Club requests the Port further reconsider adding diagonal parking to the main access corridor for the Shelter Island Launch Ramp.

Thank you for your time and attention to the preservation of the Shelter Island Boat Launch facility parking and planning for a safe access corridor to the Shelter Island Launch Ramp.

I would appreciate support for this request.

Janet Callow  
Jr. Staff Commodore  
Outboard Boating Club of San Diego

---

**From:** Lesley Nishihira  
**Sent:** Thursday, February 15, 2024 12:38 PM  
**To:** Port Master Plan Update  
**Subject:** FW: PMPU documents and Question/Comments for the Virtual meetings

**Lesley Nishihira, AICP**

Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.6469 • (c) 619.961.6322



connect: 

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**From:** dwood8@cox.net <dwood8@cox.net>  
**Sent:** Tuesday, December 12, 2023 11:45 AM  
**To:** dwood8@cox.net  
**Subject:** PMPU documents and Question/Comments for the Virtual meetings

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**From:** Embarcadero Coalition <[embarcaderocoalition@gmail.com](mailto:embarcaderocoalition@gmail.com)>  
**Sent:** Tuesday, December 12, 2023 11:08 AM  
**To:** Embarcadero Coalition <[embarcaderocoalition@gmail.com](mailto:embarcaderocoalition@gmail.com)>  
**Subject:** PMPU documents and Question/Comments for the Virtual meetings

Good morning Embarcadero Coalition members,

First, happy holidays to all of you! It's the time of year where it seems we are busier than ever with more social engagements and travel plans adding to our already filled schedules. Hope you find the time to enjoy the season.

Last Wednesday the Port released its Final Port Master Plan Update (PMPU) Draft and its Final Program Environmental Impact Report (Final PEIR).

You can find all the documents here. <https://www.portofsandiego.org/waterfront-development/port-master-plan-update>

There is the clean version of the Final PMPU and a version that shows the changes from the previous version (with Tracked changes). There is also a summary of changes. Keep in mind that we still don't approve of significant parts of the document even with the small changes.

**They have scheduled two virtual public meetings to discuss these documents, its process, next steps and ask for additional feedback. These meetings are today, Tuesday, December 12th at 6pm and Thursday, December 14th at 1pm. Here is the link to register in order to obtain the virtual meeting information.**

**You have to RSVP to get the link. The Port uses Microsoft Teams, not Zoom, so get in a little early if you haven't used it before.**

- Tuesday, December 12 at 6 p.m.
  - RSVP and obtain meeting link here: <https://forms.office.com/r/HyQBkxCd8u>
- Thursday, December 14 at 1 p.m.
  - RSVP and obtain meeting link here: <https://forms.office.com/r/ytkPeW8sb0>

Staff will not let the two of us filibuster with our questions so we have provided some questions/comments for you to ask if you can attend.

We are in the process of reviewing the thousands of pages of released information but have listed a few of Embarcadero concerns we want to share with the Port during these two virtual meetings. Please feel free to use this information, and/or any other issues you may have with these documents, if you would like to voice your concerns in these meetings.

Later, we will prepare a document to submit to the Port as part of our written comments. We have until late February to compile those concerns.

### **Potential comments or questions**

#### **General**

- 52 - Request more virtual meetings late January after people have had time to read the documents. Thousands of pages can't be digested in 6-8 days.
- 53 - Define Public Realm beyond Recreation Open Space (ROS). Does it include parking lots and walkways within a shopping area?
- 54 - Define Recreation Open Space (ROS). How does the Port calculate ROS and what elements are considered ROS? Why did you change your mind and include rooftop locations in the ROS calculations? Is that because ground level views will be so compromised, especially in the Central Embarcadero with all the docked boats?
- 55 - Can you provide a reconciliation between the current Port Master Plan and the PMPU for open space, especially in the Embarcadero districts? The PMP for Center City has all the sub-districts lumped together, and acreage divided between items like the Promenade and Park/Plaza. The PMPU just has ROS for subdistricts, minus the Central Embarcadero. For transparency and to make sure we aren't just trading green space for concrete walkways, we need this information. We need to see the amount of parks/plaza and promenade in the new plan by sub-districts, like the North Embarcadero. The reconciliation needs to show changes, like the elimination of the oval park at the base of Broadway.
- 56 -What, exactly, does the Port mean in its comments on page 147 when talking about ROS and natural resource areas that, "the District may integrate these open spaces with development to increase the overall value from a financial and usability perspective." It reads that ROS will be developed which will reduce ROS.
- 57 -The PMPU states the "District shall require certain development, as applicable, to develop and comply with project-specific Transportation Demand Management (TMD) guidelines and require development to comply with such

57 guidelines." Does this mean the Port is shifting the responsibility for the TDMs onto the/any Developer? How would the Developer manage any required tie-in to area government managed systems?

58 -The District, in two years (2017-2019) almost doubled its economic output in the county and they expect that number to continue to grow. Why is there such a push to develop almost the entirety of the Embarcadero for private corporate interests with hotels? The PMPU should be correcting and improving the current situation for use and access to public tidelands, not creating a wall of hotels.

59 -Page, 3.5.2(C) discusses Healthy Environment and that, "The District serves as an environmental steward of Tidelands and as such, is committed to improving the quality of Tidelands' and its surrounding environment." Creating demand that overwhelms the Districts "surrounding environment" and dramatically increases GHG emissions and VMT does not promote a Healthy Environment. How do you reconcile these two positions?

60 -Page 141 discusses the District "exploring" the creation of an infrastructure program impact fee program as an option to assist funding for future public infrastructure and amenities. Please explain this fee program. What would the offsets be? Not on prime waterfront since there won't be any left.

61 -ECON Policy 2.4.4 on page 147 states, "The District shall promote and support a diversified hotel portfolio and corresponding elements of the hospitality industry and encourage their expansion." What number of hotels and other "hospitality industry" development will satiate the Port? In District 3 alone, which comprises the North, Central and South Embarcaderos, the Port wants to develop an additional 3400 hotel rooms plus meeting and restaurant spaces. That number is in addition to what exists today and would be accomplished by the building of a minimum of 9 new hotels but possibly more. The composition of land uses may be "well-planned" by the Port but they aren't balanced.

62 -ECON Policy 2.5.2 on page 137 talks about the District periodically assessing the water and land use needs of the recreational, commercial, and industrial sectors on Tidelands and how they will conduct surveys of existing occupants, tenants, and permittees as well as economic forecasts. The public should be included in these surveys and the surveys should be constructed by an impartial and unbiased third party whose business is developing and conducting surveys.

### North Embarcadero

63 Under parking in the Embarcadero, it needs to be stated that new parking lots need to be underground. From the Central Embarcadero to the County Waterfront Park, all the parking is underground except for the SpringHill Suites, where the Port allowed a short term financial situation to impact a long term project. Why isn't underground parking required in the standards?

64 Both SANDAG and MTS complained about the Port creating so-called "Mobility Hubs" in the Embarcadero, which have no relationship to the Mobility Hubs in the regional transportation plan or to the MTS transit system. There is concern that these are just glorified parking lots and they will induce more traffic downtown, which is contrary to VMT reduction and Climate Change goals. Why are you still including the Mobility Hubs with car parking? How much car parking is included in the Embarcadero in the PMPU, by sub district?

65 - The public land in the North Embarcadero extends from Pacific Highway to the water, not just from Harbor Drive to the water. Section 30001.5 of the Coastal Act states that "basic goals of the state are to assure orderly, balanced utilization and conservation of coastal zone resources..." There is no balance with most of the land in private commercial hands. We don't want the North Embarcadero separated from the community like the South Embarcadero is with the convention center.

66 - View corridors down the middle of streets and views are not the same. In the North Embarcadero the PMPU should be opening views from Pacific Highway. Why should we trust the Port when the view corridor at C Street between the two Lane Field hotels consists of a short hotel entrance, nothing like a view corridor, and the hotels that were built do not resemble what was presented to the public? We want better views of our bay at ground level.



67 - Explain how the SANDAG travel model ABM, Final EIR, was utilized to reflect all the additional traffic from the increased hotel rooms and moving the Harbor Drive traffic to Pacific Hwy? How will the Port mitigate all the additional traffic, emissions and congestion caused by this plan? The transportation study still states that since the future isn't known the Port's EIR response is VMT-related impact in the North Embarcadero would be cumulatively considerable and unavoidable. That isn't good enough. You must prepare for the future, that is the point. The PMPU development guidelines must protect against a significant negative transportation impact. You need to change what you are planning to avoid the negative impact.

68 -In the Final PEIR, the SANDAG ABM transportation model doesn't include the impacts from the Seaport Project, which will make the transportation impact significantly worse, and the Port knows this. That is one reason why CEQA doesn't allow separating parts of a big project. The Port can't just build everything out with high density and then hide behind "we don't know what will happen", and ignore the environmental impact and create a traffic, congestion and emission nightmare anyway. How will the Port keep the significant negative transportation impacts from happening?

69 -The current PMP and North Embarcadero Visionary Plan include Floor Area Ratio (FAR) as a measure of development density. It was used with both of the Lane Field hotels. The FAR needs to be included in the NE development standards. Hotels with the potential of 1350 rooms between Ash and B Street are too dense.

70 -A development standard for the public land managed by the Port with goals of open access and public views shouldn't use the City's development standard of having a city wall on each block. The podiums described for the hotels need to be vastly reduced in both height and width so a city wall is not created.

### **Central Embarcadero**

71 - the Port states in their Final PMPU Draft that the development both landside and waterside includes a conceptual site plan indicating the location of **all** proposed development, including buildings, streets, etc but states conditions will stay the same in the CE when they have been planning prior to 2016 to re-develop the CE. How can the Central Embarcadero be excluded, when an honest description would include the massively dense development with the Seaport Project.

72 -Explain why the Port believes separating the Central Embarcadero Seaport Project from the PMPU after the 2019 Discussion Draft is not a violation of CEQA's prohibition on Piecemealing a project to reduce the environmental impact.

73 -Page 161, item 2 states that , "Development that includes scenic vista area(s) shall: a. Not obstruct the designated scenic vista area(s); b. Preserve or enhance physical access to the scenic vista area(s); c. Not directly obscure the physical access to, and views from, a scenic vista area". The Port must include a section that sets forth the rules/policy when a development REPLACES an existing scenic vista area with buildings.

74 -Page 160 4.3.3 Standards for Walkways states, "To create a pedestrian sense of scale along with the waterfront and avoid a walling-off effect, development shall be designed to integrate public access through the siting of walkways." Emphasis must be placed on ALL development being human scale and avoiding a walling-off effect along the waterfront creating a separation of the water from the city and the city from the water.

75 -The Port acknowledges on Page 205 that three residential communities are adjacent to their lands in the Embarcaderos (Little Italy, Columbia District and Marina District) yet the Port discounts these neighbors' input and tells them they "don't count" because Port lands are for the benefit of ALL Californians. The Port must study the tourism statistics that show that Californians only account for 20% of all visitors to San Diego and most come for the beaches. There are no beaches in the Embarcaderos.

76 -Page 206 provides an updated ROS figure of 63.33 acres that before totaled 56.82. Where did the additional 6.51 acres come from?

77 -Page 218 lays out the vision for the Central Embarcadero Subdistrict and states, "With the exception of the existing restaurant of G Street Mole (currently, the Fish Market) and roadway improvements along Harbor Drive, the PMPU does not propose any new uses, development or change in intensity of development in Central Embarcadero. Rather, the continuation of the existing uses, with potential maintenance of and minor improvements to existing development, such as Seaport Village and Tuna Harbor, could be allowed under the PMPU. Accordingly, the proposed vision in the PMPU reflects the existing state of the Central Embarcadero." And later, on page 219 section 5.3.3 (C) states, "The Subdistrict, which is mostly made up of Seaport Village, shall remain as existing conditions with the exception of maintenance,..." This is patently false. The developer for the Seaport Project was selected by the Port in 2016 after a Port issued RFP. The Port has had a detailed project description from the developer for several years. It is now 2023 and the Seaport Project CEQA NOP has gone out, received public input, and its EIR is being drafted. The Seaport Project is ENORMOUS and the Port is abrogating its responsibility to provide the development standards for the Central Embarcadero but, instead, is letting the developer set his own standards. The Port has the RESPONSIBILITY to set these standards.

78 -page 220, section 5.3.3(C)-III states, "The District shall allow permittees of development to modify, or replace in-kind, existing commercial fishing facilities in this subdistrict provided there is no unmitigated increase in shading or fill." This portion must include verbiage that the fish processing facility must not block existing water views from street level. As the Port is aware, the Seaport Project plans to relocate the fish processing plant to the G Street Mole where that facility, office space and a market will tower 65' high and run most of the length of the Tuna Harbor side of the G Street Mole - which is the last street level view of the water from the G Street Mole.

### South Embarcadero

79 -Section 5.3.4 discusses the vision for the South Embarcadero and mentions the expansion of the Convention Center and that the intensity of commercial development is expected to increase to accommodate new hotel rooms, meeting, restaurant and retail space. However, the court has yet to decide if the Convention Center expansion will be allowed. This section also mentions adding 11.1 acres of ROS to the SE with the expansion. How does/can building out the Convention Center, hotel rooms and retail space across existing ROS expand ROS? If it is expanded, the Final PMPU Draft says the Convention Center will have a rooftop ROS of 5 acres but that is not enough to expand existing ROS to 11.1 acres. What is the breakdown and how does the Port know the potential new Convention Center design in order to calculate ROS in this area? What happens if the court rules against the expansion?

80 -Page 225, PD3.67 and PD3.68 states the plan to develop a marina and additional boat berthing slips for up to 65 various sized boats. The development of another marina, additional berthing along with the Seaport Project plan would make the Central and South Embarcaderos one continuous concrete walkway of boats that will further diminish water views and the water experience. Currently, we have several unobstructed water views in these areas. How will you protect the scenic water views?

81 -Page 226 Views PD3.74 discusses preserving scenic vista areas in the following locations: Marriott Marina from the waterside promenade, west of the Convention Center; View of the Bay, from the fishing pier at Embarcadero Marina Park South; View of the Bay, from the South Embarcadero public access mole pier; and Five scenic areas on the rooftop of the expanded Convention Center. The scenic vista of the Marriott Marina only allows us to "keep" the blocked water boat view of the Marriott Marina but not the open, unobstructed views opposite the Convention Center. There are presently more expansive scenic views of the Bay in this location than exist "from the fishing pier". Clarify what is meant by scenic vista in the descriptor "View of the Bay, from the South Embarcadero public access mole pier". And it is premature to include the Five scenic areas on the rooftop of the expanded Convention Center as it may not be approved.

82 -Section 5.3.4(D)-(II) Building Standards states, "There are no building standards specified in the South Embarcadero Subdistrict." How can the Port not provide building standards for development? There must be building standards setting the parameters to guide development or redevelopment.

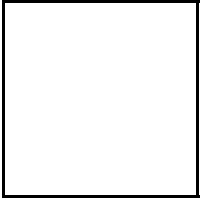
\*\*\*\*\*

We know we won't get through all of this at the meeting, but we wanted to give you some ideas. We are still reviewing the material. Anyone who picks up on something else, please let us know. There is a huge amount of material in the Final PEIR that needs to be reviewed.

Thank you for your continued support and interest in our Embarcadero.

Janet and Susan

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**From:** Lesley Nishihira  
**Sent:** Friday, January 5, 2024 3:55 PM  
**To:** Dennis Campbell; Lily Tsukayama; Anna Buzaitis  
**Subject:** Fwd: Final PMPU

FYI...

**Lesley Nishihira, AICP**

Director, Planning

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.6469 • (c) 619.961.6322



connect:     

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**From:** Sharon Cloward <sharon@sdworkingwaterfront.com>  
**Sent:** Friday, January 5, 2024 3:36:08 PM  
**To:** Jason Giffen <jgiffen@portofsandiego.org>; Randa Coniglio <rconiglio@portofsandiego.org>; Lesley Nishihira <lnishihira@portofsandiego.org>; Thomas A. Russell <trussell@portofsandiego.org>; Rebecca Harrington <rharrington@portofsandiego.org>  
**Subject:** FW: Final PMPU

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FYI see below... have a great weekend all.

Respectfully,  
Sharon



“Association of port tenants and waterfront workers”

**Sharon Cloward**  
President

619-246-1916  
[Sharon@sdworkingwaterfront.com](mailto:Sharon@sdworkingwaterfront.com)  
2390 shelter island drive,  
suite 210, san diego, ca 92106



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**From:** dwood8@cox.net <dwood8@cox.net>  
**Sent:** Friday, January 5, 2024 2:38 PM

To: dwood8@cox.net  
Subject: FW: Final PMPU

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From: Bill Tippets <[billtippets@gmail.com](mailto:billtippets@gmail.com)>

Sent: Friday, January 5, 2024 2:35 PM

To: Mike McCoy <[Mccoy4ib@aol.com](mailto:Mccoy4ib@aol.com)>; Jim Peugh <[peugh@cox.net](mailto:peugh@cox.net)>; Don Wood <[dwood8@cox.net](mailto:dwood8@cox.net)>; Susan Simon <[rbsandiego@gmail.com](mailto:rbsandiego@gmail.com)>; Janet Rogers <[jsrogers624@gmail.com](mailto:jsrogers624@gmail.com)>; Kim Tolles <[kallantolles@aol.com](mailto:kallantolles@aol.com)>

Cc: Patrick McDonough <[patrick@sdcoastkeeper.org](mailto:patrick@sdcoastkeeper.org)>; Charles Rilli <[charles.rilli@sierraclub.org](mailto:charles.rilli@sierraclub.org)>

Subject: Final PMPU

Hi All,

84 | I made a quick read of certain sections of the final PMPU, and have these observations/recommendations that I will  
84 | send to the Port before the hearing. I don't have time to read and comment on the entire document and rely on those  
84 | of you who have specific interests (Embarcadero, Coronado Shores, etc.) to advocate for them. To the Port staff's credit,  
84 | this updated PMP version (essentially a new document) has more policy-level "protections" for ecological resources than  
84 | the previous one. But there are obvious places where it could/should do better.

83, | Focusing on the Water and Land Use, Ecology and Planning District 3 sections of the PMPU, the following changes should  
84, | be made to the final draft before it is approved by the Commissioners, or incorporating the changes should be made a  
85 | condition of its approval by the Commissioners.

86 | Pages 28, 30, 31, 45 (et seq.). The Coastal Act (<https://www.coastal.ca.gov/coastact.pdf>) does not include a definition of  
86 | "coastal-enhancing use". It seems that this term has been coined by the Port to expand on the kinds of "allowable uses"  
86 | on tidelands that are not covered by "coastal-dependent" or "coastal-related" development or use, which are defined in  
86 | the Coastal Act. The PMPU definition ("WLU Policy 1.2.1.c. Coastal-enhancing: Any development or use that does not  
86 | require a location directly near marine or coastal waters to be able to function but that provides visitor-serving functions  
86 | and contributions that enhance the Public Trust responsibilities of the District") is so vague that it would allow many  
86 | uses and activities purporting, but questionably qualifying, to meet the Port's' Public Trust responsibilities. The term  
86 | should be removed from the PMPU and only those project elements that are necessary to implement coastal-dependent  
86 | and coastal-related developments/uses should be allowed under the PMPU.

87 | Page 33. WLU Policy 2.4.1 uses the terms "Conservation/Intertidal" and "Conservation Open Space" and describes them  
87 | in Table 3.1.4, which should be referenced here. The PMPU does not define these terms in the Glossary - add their  
87 | definitions to the Glossary so that the public and stakeholders can easily find them. While these descriptions provide  
87 | general guidance on allowable uses, they should clarify that because they are essentially the (only) areas where natural  
87 | resource (habitat) protection, restoration, and enhancement activities will be implemented, uses or activities that would  
87 | impact them will not be allowed. An exception could be made if the impact is unavoidable to implement an essential  
87 | coastal-dependent use, and the impact is fully mitigated. Additionally, Table 3.1.1 (Baywide Water and Land Uses) does  
87 | not include the term "Conservation Open Space", which further complicates and adds uncertainty to the use of the term  
87 | in the PMPU, and the table must be revised to include all acreage that meets the definition. The PMPU must delineate  
87 | on the maps - including Figure 3.1.1, 3.3.1, and provide the acreages of all Conservation Open Space areas. Without that  
87 | information, it is impossible for the Port - and stakeholders who evaluate Port projects - to verify and ensure that there  
87 | is no net loss of Conservation/Intertidal and Conservation Open Space areas (which is the PMPU WLU Policy 2.4.1  
87 | commitment) when projects are proposed.

89 | Page 65. There is no apparent justification for including "Golf Course" as an allowable recreational use on tidelands  
89 | (Table 3,1,5), as it is neither coastal-dependent nor coastal-related. If it is necessary to denote and "grandfather" a golf  
89 | course or portion thereof that predated the Port Act, then make that clear. Otherwise, remove the term as an allowable  
89 | recreational use.

90 | Page 237, et seq. (East Harbor Island Subdistrict). This section does not include any reference to its potential value to contribute to conservation open space or creation of wetlands/intertidal habitats. This portion of the tidelands currently supports minimal development and has significant potential to expand the intertidal/shoreline habitat zone as well as expand shallow subtidal habitat. The bay waters are protected by the jetty/marina to the south, which attenuates waves and is eminently suitable for creating living shoreline features. The text and Figure PD2.10 should be modified to identify conservation open space and conservation/intertidal areas along the shoreline and landward areas (i.e., along Liberator Way) where Recreation Open Space is currently shown that would allow for expansion of natural resource/habitat uses.

91 | Page 389. Add the terms Conservation/Intertidal and Conservation Open Space to the Glossary.

Bill Tippetts  
619-822-4323

*"However beautiful the strategy, you should occasionally look at the results"*  
Winston Churchill

# Outboard Boating Club of San Diego

INC.



P.O. BOX 6565  
SAN DIEGO, CALIFORNIA 92166-0565

January 8, 2024

San Diego Unified Port District  
Dennis Campbell AICP, Program Manager, Planning  
Leslie Nishihira, Planning Director  
Kristine Love, Director Guest Experiences

**SUBJ: Outboard Boating Club of San Diego's unresolved concerns regarding Shelter Island Boat Launch Ramp parking.**

## 1. Proposed Cross Over

This is the section of the lower parking lot for a proposed cross over pedestrian path. There are **13 boat/trailer** parking spaces in this area from the proposed cross over to the Bali Hai.

Boaters who are parked in this area have launched and will later be retrieving their boats; they are in their designated parking lot and their designated parking space and are not looking for sudden pedestrian appearances where there were none before.

**A safer boating environment could be realized if the Port would move the 13 boat/trailer parking spaces from this section of the parking lot to the upper launch ramp parking lot.**

92





Lower launch ramp entrance



92



## 2. Pedestrian Path

The proposed pedestrian path ends at the entrance to the boat launch ramp which encourages pedestrians, bikes, scooters etc. to enter the boat launch area.

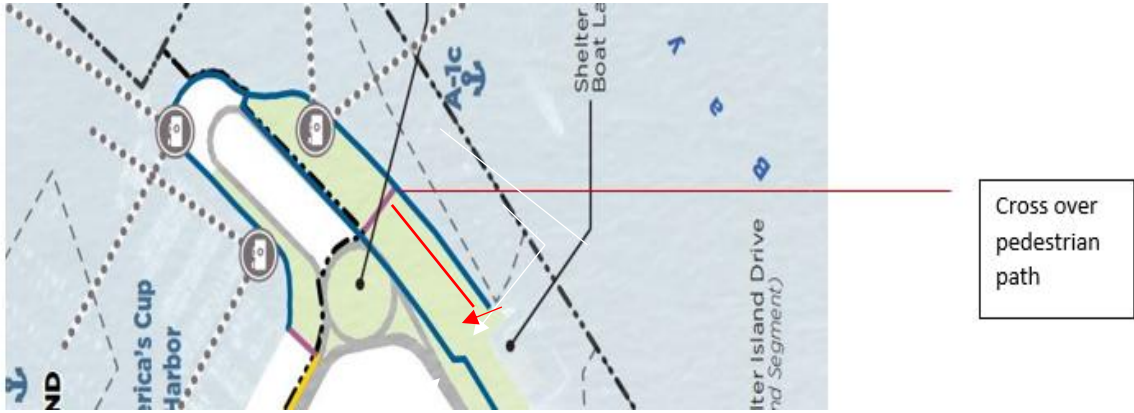
93

The pedestrian users in this area are not likely to turn around and go back to the proposed cross over.

This will directly impact efforts to create a safe boat launch environment for the 50.000 + boaters a year that use the Shelter Island Launch Ramp. Signage will not fix this, a fence will not fix this, flashing lights will not fix this either.

A better solution would be to end this lower pedestrian path at the cross over and turn it into a loop.





The safety of pedestrians and boaters is compromised by the proposed pedestrian pathway that encourages pedestrians to cut through the launch ramp. Launch ramp users are not focused on pedestrians during the launch and retrieve process. They are looking in their rear-view mirror to make sure their trailer is lining up correctly to launch or looking in their rear-view mirror to make sure their boat is attached correctly to the trailer when leaving the launch ramp area.

Launch Ramp Entrances



Proposed Pedestrian Path (blue)

This is the entrance to the launch ramp at the end of the pedestrian path.



93



93

This is the same view from across the street showing the pedestrian path. There is nowhere for a pedestrian to go here except across the launch ramp entrance or across the launch ramp itself or back to the cross over.

The Ports response to Comment BT6-2

“The comment expresses concern regarding potential conflict between existing boat launch activities and proposed pedestrian pathways. However, site-specific design of the improvements contemplated in PD1.8 would be subject to the PMPU *Baywide Development Standards*, including those set forth in Section 4.3.1 *Standards for Promenades*. These standards include, among other things, provisions which authorize the District to consider alternatives to the proposed alignment of a waterside promenade if the proposed alignment is infeasible due to safety concerns or would interfere with a water-dependent coastal use.”

**There is no indication that the District has considered protecting launch ramp users in this area from the encroachment and distraction of pedestrians.**

### 3. Parking and Staging in the Upper Launch Ramp Parking Lot

94

Parking is everything to the Shelter Island Launch Ramp. The Outboard Boating Club remains concerned about the proposed language in PD1.8 and would like the Port to restate “Reconfigure Shelter Island Drive between the Shelter Island Roundabout and the Yokohama Friendship Bell Roundabout” to “Reconfigure Shelter Island Drive west of the Shelter Island Launch Ramp Exit to the Yokohama Friendship Bell Roundabout.”

The Shelter Island Launch Ramp main entrance and upper parking lot should not be folded into a reconfiguration that replaces off street boat trailer parking with on street parking and adding a pedestrian path that cuts through the upper launch ramp main entrance, parking lot and staging area.

The Ports response to Comment BT6-2

“...any future redesign of this parking lot would no result in a reduction of the total number of existing parking spaces or interfere with use of the boat launch. In addition, this comment will be included in the record for consideration by the Board of Port Commissioners when it makes it decision whether to adopt the PMPU.”

**There is no indication that the District has considered protecting the space needed to successfully prepare and launch a boat as well as the parking space to keep the trailers in the launch ramp area after the launch.**

The upper launch ramp parking lot is the only place for boats/trailers to stop and get the boat ready to launch before approaching the launch ramp. This area is used again to put the boat back together before getting on the road.

Most boats approach the launch ramp through the main entrance, stop and prepare the boat in the staging area and then proceed to launch.

94



Preparing to launch is to transfer gear from the truck to the boat, transfer children/passengers from the truck to the boat, put the drain plug in, get ice, put the coolers, fishing gear and safety equipment in the boat.

There is no stopping on the launch ramp itself, all the curbs are red. The curbs are red because boats/trailers need room to maneuver.

This satellite view shows the launch ramp main entrance, staging area and route to launch.



Main Entrance



Prepare the boat – staging area

Launch

94

The launch ramp staging area is critical to the operation of the launch ramp. It is vital to keep this area fully functional and available to launch ramp users.

This area needs three lanes: one dedicated lane to stage boat preparations, one lane for boats proceeding directly to the launch ramp and one for through traffic or cars/trailers to back out of their parking spot.

The **complete upper parking lot** has a total of **49 boat/trailer** parking spaces and **65 public** parking spaces and PD1.8 proposes to move off street parking to on street parking, eliminating boat/trailer parking in this area.



**There is an abundance of public parking in the vicinity of the launch ramp.**

Access to general public parking in the Bali Hai parking am/or Koehler Kraft parking excludes boat/trailer parking.



Trailer  
Parking  
Prohibited  
Bali Hai



The Bali Hai parking lot has **159 public** spaces.

94

On the other side of the Bali Hai parking lot, there is a modest but substantial lot with **67 public** parking spaces. This is a photo from the Bali Hai parking lot looking directly at the entrance to the smaller but conveniently located parking lot.



There is more public parking here, just on the other side of launch ramp exit. This section has **72 public** parking spaces.

94



End of launch ramp parking in the upper parking lot

All Public Parking

**There is enough public parking in the immediate launch ramp area to relocate the 13 launch ramp parking spaces from the lower launch ramp parking lot cross over area to the upper launch ramp parking lot.**

### To summarize

The main launch ramp staging area is vital to the operation of the launch ramp facility. Boaters need this area to stop in and prepare the boat prior to launch. 50,000+ boaters use the Shelter Island launch ramp and would be better served by preserving and improving this area as critical to the operation of the launch ramp.

95



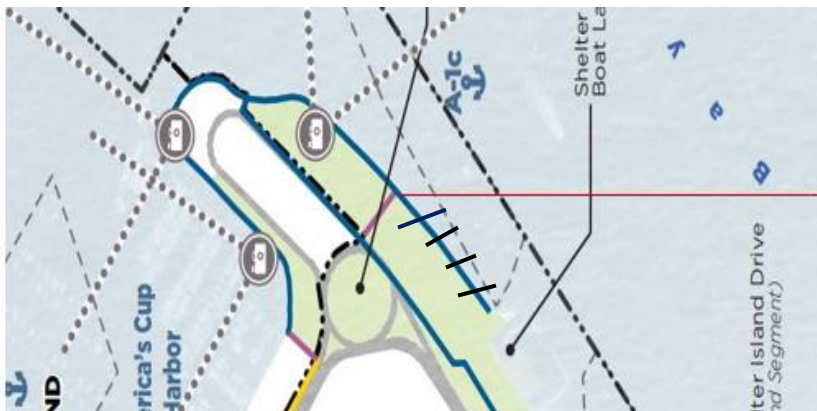
The Outboard Boating Club requests the Port start diagonal parking on the far side of the upper launch ramp parking lot thus preserving the launch ramp staging area and critical parking availability.



Shelter Island Roundabout

Start diagonal parking on the far side of this Launch ramp parking area

95 For the safety of both pedestrians and boaters alike, turn the Pedestrian Path into a loop rather than ending at the entrance to the launch ramp.



Cross over pedestrian path

Thank you for your time and attention to the preservation of the Shelter Island Boat Launch facility parking, staging and pedestrian path which represents safe access to enter and exit the Shelter Island Launch Ramp.

Janet Callow  
Staff Commodore  
Outboard Boating Club of San Diego

*Please refer to comment numbers 52 - 82 for this email.*

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**From:** Janet Rogers <jsrogers624@gmail.com>  
**Sent:** Wednesday, January 10, 2024 11:13 PM  
**To:** Lesley Nishihira  
**Cc:** Anna Buzaitis; Susan Simon  
**Subject:** Re: Meeting re PMPU

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Lesley,

I haven't had a chance to go over these questions after the virtual meetings, but this is our original list of questions. Many of them were asked.

I still need the acres that make up the PMP and the PMPU for parks and promenades. After all, by definition, the PMPU is an update of the current PMP, so the current PMP should flow seamlessly into the PMPU. There should be a reconciliation including all the mitigations and by sub-district in the Embarcadero.

Janet

#### **General**

- Request more virtual meetings late January after people have had time to read the documents. Thousands of pages can't be digested in 6-8 days.
- Define Public Realm beyond Recreation Open Space (ROS). Does it include parking lots and walkways within a shopping area?
- Define Recreation Open Space (ROS). How does the Port calculate ROS and what elements are considered ROS? Why did you change your mind and include rooftop locations in the ROS calculations? Is that because ground level views will be so compromised, especially in the Central Embarcadero with all the docked boats?
- Can you provide a reconciliation between the current Port Master Plan and the PMPU for open space, especially in the Embarcadero districts? The PMP for Center City has all the sub-districts lumped together, and acreage divided between items like the Promenade and Park/Plaza. The PMPU just has ROS for sub-districts, minus the Central Embarcadero. For transparency and to make sure we aren't just trading green space for concrete walkways, we need this information. We need to see the amount of parks/plaza and promenade in the new plan by sub-districts, like the North Embarcadero. The reconciliation needs to show changes, like the elimination of the oval park at the base of Broadway.
- What, exactly, does the Port mean in its comments on page 147 when talking about ROS and natural resource areas that, "the District may integrate these open spaces with development to increase the overall value from a financial and usability perspective." It reads that ROS will be developed which will reduce ROS.
- The PMPU states the "District shall require certain development, as applicable, to develop and comply with project-specific Transportation Demand Management (TMD) guidelines and require development to comply with such guidelines." Does this mean the Port is shifting the responsibility for the TDMs onto the/any Developer? How would the Developer manage any required tie-in to area government managed systems?
- The District, in two years (2017-2019) almost doubled its economic output in the county and they expect that number to continue to grow. Why is there such a push to develop almost the entirety of the Embarcadero for



private corporate interests with hotels? The PMPU should be correcting and improving the current situation for use and access to public tidelands, not creating a wall of hotels.

-Page, 3.5.2(C) discusses Healthy Environment and that, "The District serves as an environmental steward of Tidelands and as such, is committed to improving the quality of Tidelands' and its surrounding environment." Creating demand that overwhelms the Districts "surrounding environment" and dramatically increases GHG emissions and VMT does not promote a Healthy Environment. How do you reconcile these two positions?

-Page 141 discusses the District "exploring" the creation of an infrastructure program impact fee program as an option to assist funding for future public infrastructure and amenities. Please explain this fee program. What would the offsets be? Not on prime waterfront since there won't be any left.

-ECON Policy 2.4.4 on page 147 states, "The District shall promote and support a diversified hotel portfolio and corresponding elements of the hospitality industry and encourage their expansion." What number of hotels and other "hospitality industry" development will satiate the Port? In District 3 alone, which comprises the North, Central and South Embarcaderos, the Port wants to develop an additional 3400 hotel rooms plus meeting and restaurant spaces. That number is in addition to what exists today and would be accomplished by the building of a minimum of 9 new hotels but possibly more. The composition of land uses may be "well-planned" by the Port but they aren't balanced.

-ECON Policy 2.5.2 on page 137 talks about the District periodically assessing the water and land use needs of the recreational, commercial, and industrial sectors on Tidelands and how they will conduct surveys of existing occupants, tenants, and permittees as well as economic forecasts. The public should be included in these surveys and the surveys should be constructed by an impartial and unbiased third party whose business is developing and conducting surveys.

#### **North Embarcadero**

Under parking in the Embarcadero, it needs to be stated that new parking lots need to be underground. From the Central Embarcadero to the County Waterfront Park, all the parking is underground except for the SpringHill Suites, where the Port allowed a short term financial situation to impact a long term project. Why isn't underground parking required in the standards?

Both SANDAG and MTS complained about the Port creating so-called "Mobility Hubs" in the Embarcadero, which have no relationship to the Mobility Hubs in the regional transportation plan or to the MTS transit system. There is concern that these are just glorified parking lots and they will induce more traffic downtown, which is contrary to VMT reduction and Climate Change goals. Why are you still including the Mobility Hubs with car parking? How much car parking is included in the Embarcadero in the PMPU, by sub district?

- The public land in the North Embarcadero extends from Pacific Highway to the water, not just from Harbor Drive to the water. Section 30001.5 of the Coastal Act states that "basic goals of the state are to assure orderly, balanced utilization and conservation of coastal zone resources..." There is no balance with most of the land in private commercial hands. We don't want the North Embarcadero separated from the community like the South Embarcadero is with the convention center.

- View corridors down the middle of streets and views are not the same. In the North Embarcadero the PMPU should be opening views from Pacific Highway. Why should we trust the Port when the view corridor at C Street between the two Lane Field hotels consists of a short hotel entrance, nothing like a view corridor, and the hotels that were built do not resemble what was presented to the public? We want better views of our bay at ground level.

- Explain how the SANDAG travel model ABM, Final EIR, was utilized to reflect all the additional traffic from the increased hotel rooms and moving the Harbor Drive traffic to Pacific Hwy? How will the Port mitigate all the additional traffic, emissions and congestion caused by this plan? The transportation study still states that since the future isn't known the Port's EIR response is VMT-related impact in the North Embarcadero would be cumulatively considerable and unavoidable. That isn't good enough. You must prepare for the future, that is

the point. The PMPU development guidelines must protect against a significant negative transportation impact. You need to change what you are planning to avoid the negative impact.

-In the Final PEIR, the SANDAG ABM transportation model doesn't include the impacts from the Seaport Project, which will make the transportation impact significantly worse, and the Port knows this. That is one reason why CEQA doesn't allow separating parts of a big project. The Port can't just build everything out with high density and then hide behind "we don't know what will happen", and ignore the environmental impact and create a traffic, congestion and emission nightmare anyway. How will the Port keep the significant negative transportation impacts from happening?

-The current PMP and North Embarcadero Visionary Plan include Floor Area Ratio (FAR) as a measure of development density. It was used with both of the Lane Field hotels. The FAR needs to be included in the NE development standards. Hotels with the potential of 1350 rooms between Ash and B Street are too dense.

-A development standard for the public land managed by the Port with goals of open access and public views shouldn't use the City's development standard of having a city wall on each block. The podiums described for the hotels need to be vastly reduced in both height and width so a city wall is not created.

### **Central Embarcadero**

- the Port states in their Final PMPU Draft that the development both landside and waterside includes a conceptual site plan indicating the location of **all** proposed development, including buildings, streets, etc but states conditions will stay the same in the CE when they have been planning prior to 2016 to re-develop the CE. How can the Central Embarcadero be excluded, when an honest description would include the massively dense development with the Seaport Project.

-Explain why the Port believes separating the Central Embarcadero Seaport Project from the PMPU after the 2019 Discussion Draft is not a violation of CEQA's prohibition on Piecemealing a project to reduce the environmental impact.

-Page 161, item 2 states that , "Development that includes scenic vista area(s) shall: a. Not obstruct the designated scenic vista area(s); b. Preserve or enhance physical access to the scenic vista area(s); c. Not directly obscure the physical access to, and views from, a scenic vista area". The Port must include a section that sets forth the rules/policy when a development REPLACES an existing scenic vista area with buildings.

-Page 160 4.3.3 Standards for Walkways states, "To create a pedestrian sense of scale along with the waterfront and avoid a walling-off effect, development shall be designed to integrate public access through the siting of walkways." Emphasis must be placed on ALL development being human scale and avoiding a walling-off effect along the waterfront creating a separation of the water from the city and the city from the water.

-The Port acknowledges on Page 205 that three residential communities are adjacent to their lands in the Embarcaderos (Little Italy, Columbia District and Marina District) yet the Port discounts these neighbors' input and tells them they "don't count" because Port lands are for the benefit of ALL Californians. The Port must study the tourism statistics that show that Californians only account for 20% of all visitors to San Diego and most come for the beaches. There are no beaches in the Embarcaderos.

-Page 206 provides an updated ROS figure of 63.33 acres that before totaled 56.82. Where did the additional 6.51 acres come from?

-Page 218 lays out the vision for the Central Embarcadero Subdistrict and states, "With the exception of the existing restaurant of G Street Mole (currently, the Fish Market) and roadway improvements along Harbor Drive, the PMPU does not propose any new uses, development or change in intensity of development in Central Embarcadero. Rather, the continuation of the existing uses, with potential maintenance of and minor improvements to existing development, such as Seaport Village and Tuna Harbor, could be allowed under the PMPU. Accordingly, the proposed vision in the PMPU

reflects the existing state of the Central Embarcadero." And later, on page 219 section 5.3.3 (C) states, "The Subdistrict, which is mostly made up of Seaport Village, shall remain as existing conditions with the exception of maintenance,..." This is patently false. The developer for the Seaport Project was selected by the Port in 2016 after a Port issued RFP. The Port has had a detailed project description from the developer for several years. It is now 2023 and the Seaport Project CEQA NOP has gone out, received public input, and its EIR is being drafted. The Seaport Project is ENORMOUS and the Port is abrogating its responsibility to provide the development standards for the Central Embarcadero but, instead, is letting the developer set his own standards. The Port has the RESPONSIBILITY to set these standards.

-page 220, section 5.3.3(C)-III states, "The District shall allow permittees of development to modify, or replace in-kind, existing commercial fishing facilities in this subdistrict provided there is no unmitigated increase in shading or fill." This portion must include verbiage that the fish processing facility must not block existing water views from street level. As the Port is aware, the Seaport Project plans to relocate the fish processing plant to the G Street Mole where that facility, office space and a market will tower 65' high and run most of the length of the Tuna Harbor side of the G Street Mole - which is the last street level view of the water from the G Street Mole.

### **South Embarcadero**

-Section 5.3.4 discusses the vision for the South Embarcadero and mentions the expansion of the Convention Center and that the intensity of commercial development is expected to increase to accommodate new hotel rooms, meeting, restaurant and retail space. However, the court has yet to decide if the Convention Center expansion will be allowed. This section also mentions adding 11.1 acres of ROS to the SE with the expansion. How does/can building out the Convention Center, hotel rooms and retail space across existing ROS expand ROS?

If it is expanded, the Final PMPU Draft says the Convention Center will have a rooftop ROS of 5 acres but that is not enough to expand existing ROS to 11.1 acres. What is the breakdown and how does the Port know the potential new Convention Center design in order to calculate ROS in this area? What happens if the court rules against the expansion?

-Page 225, PD3.67 and PD3.68 states the plan to develop a marina and additional boat berthing slips for up to 65 various sized boats. The development of another marina, additional berthing along with the Seaport Project plan would make the Central and South Embarcaderos one continuous concrete walkway of boats that will further diminish water views and the water experience. Currently, we have several unobstructed water views in these areas. How will you protect the scenic water views?

-Page 226 Views PD3.74 discusses preserving scenic vista areas in the following locations: Marriott Marina from the waterside promenade, west of the Convention Center; View of the Bay, from the fishing pier at Embarcadero Marina Park South; View of the Bay, from the South Embarcadero public access mole pier; and Five scenic areas on the rooftop of the expanded Convention Center. The scenic vista of the Marriott Marina only allows us to "keep" the blocked water boat view of the Marriott Marina but not the open, unobstructed views opposite the Convention Center. There are presently more expansive scenic views of the Bay in this location than exist "from the fishing pier". Clarify what is meant by scenic vista in the descriptor "View of the Bay, from the South Embarcadero public access mole pier". And it is premature to include the Five scenic areas on the rooftop of the expanded Convention Center as it may not be approved.

-Section 5.3.4(D)-(II) Building Standards states, "There are no building standards specified in the South Embarcadero Subdistrict." How can the Port not provide building standards for development? There must be building standards setting the parameters to guide development or redevelopment.

On Mon, Jan 8, 2024 at 8:03 PM Lesley Nishihira <[lnishih@portofsandiego.org](mailto:lnishih@portofsandiego.org)> wrote:

Thank you! We'll get back to you with some meeting options before the end of the week.

## Lesley Nishihira, AICP

Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101

(o) 619.686.6469 • (c) 619.961.6322



connect: 

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**From:** Janet Rogers <[jsrogers624@gmail.com](mailto:jsrogers624@gmail.com)>

**Sent:** Friday, January 5, 2024 2:24 PM

**To:** Lesley Nishihira <[lnishihi@portofsandiego.org](mailto:lnishihi@portofsandiego.org)>

**Cc:** Anna Buzaitis <[abuzaiti@portofsandiego.org](mailto:abuzaiti@portofsandiego.org)>; Susan Simon <[rbsandiego@gmail.com](mailto:rbsandiego@gmail.com)>

**Subject:** Re: Meeting re PMPU

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Happy new year to you two. Yes we would like to meet.

I'm ok for in person now.

Susan and I are working through the docs now.

Janet

On Fri, Jan 5, 2024 at 1:49 PM Lesley Nishihira <[lnishih@portofsandiego.org](mailto:lnishih@portofsandiego.org)> wrote:

Hi Janet and Susan,

Happy new year! I'm reaching out to see if the two of you would like to have a meeting with just Anna and I about the PMPU? A few of the questions you raised during the virtual events last month and in recent emails had to do more so with process and it is always easier to explain and talk those issues through together as opposed to in emails.

Let us know if this is something you'd like to schedule. I think in person would be valuable, but we can arrange for a virtual meeting too depending on what you'd prefer. Let us know...

Thanks!

Lesley

## **Lesley Nishihira, AICP**

Assistant Vice President

[3165 Pacific Highway, San Diego, CA 92101](#)

(o) 619.686.6469 • (c) 619.961.6322



connect: 

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Please refer to comment numbers 84-91 for this email.

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**From:** Bill Tippetts <billtippetts@gmail.com>  
**Sent:** Friday, January 12, 2024 9:49 AM  
**To:** Lesley Nishihira; Lily Tsukayama; Dennis Campbell  
**Cc:** Jim Peugh; Mike McCoy  
**Subject:** Recommended Changes to the Draft Final PMPU

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Ms. Nishihira, Mr. Campbell, Ms. Tsukayama:

I have reviewed the Final PMPU that was referenced in the Port's announcement of the Notice of Completion for the PMPU/EIR on December 6, 2023. I also participated in a Port-sponsored public participation event (video meeting) later in December to express my concerns about several aspects of the draft final PMPU that I believe need to be revised before or as part of the Port Commissioner's approval of the PMPU and certification of the EIR.

These comments and recommendations only address certain sections of the final PMPU, focusing on the Water and Land Use, Ecology and Planning District 3 sections of the PMPU. Port staff and its consultants have incorporated important recommendations that I and other environmental representatives have suggested over the 10 years that the PMPU has been in process, which will provide for more effective conservation of and potentially increases to important tideland habitats.

**I request that the following changes be made to the final draft before it is approved by the Commissioners, or these changes should be made as conditions of the PMPU approval by the Commissioners.**

Pages 28, 30, 31, 45 (et seq.). The Coastal Act (<https://www.coastal.ca.gov/coastact.pdf>) does not include a definition of "coastal-enhancing use". This term appears to have been coined by the Port to expand on the kinds of "allowable uses" on tidelands that are not covered by "coastal-dependent" or "coastal-related" development or use, both of which are defined in the Coastal Act. The PMPU's definition ("WLU Policy 1.2.1.c. Coastal-enhancing: Any development or use that does not require a location directly near marine or coastal waters to be able to function but that provides visitor-serving functions and contributions that enhance the Public Trust responsibilities of the District") is so vague that it would allow many uses and activities purporting, but questionably qualifying, to meet the Port's Public Trust responsibilities. The term should be removed from the PMPU and only those project elements that are necessary to implement coastal-dependent and coastal-related developments/uses should be allowed under the PMPU. If the Port retains the term, it must be much more clear and limiting in the types of development/activities/uses that would qualify - such as identifying criteria for what (additional) contribution they must provide to the coastal-dependent and coastal-related developments.

Page 33. WLU Policy 2.4.1 uses the terms "Conservation/Intertidal" and "Conservation Open Space" and describes them in Table 3.1.4, which should be referenced here. The PMPU does not define these terms in the Glossary - add their definitions to the Glossary so that the public and stakeholders

can easily find them. While these descriptions provide general guidance on allowable uses, the PMPU must clarify that because they are essentially the (only) areas where natural resource (i.e., habitat) protection, restoration, and enhancement activities will be implemented, then all developments, uses or activities that would impact them will not be allowed. An exception could be made if the impact is unavoidable to implement an essential coastal-dependent use, and the impact is fully mitigated. Additionally, Table 3.1.1 (Baywide Water and Land Uses) does not include the term "Conservation Open Space", which further complicates and adds uncertainty to the use of the term in the PMPU, and the table must be revised to include all acreage that meets the definition. The PMPU must delineate on the maps - including Figure 3.1.1, 3.3.1, and provide the acreages of all Conservation Open Space areas. Without that information, it is impossible for the Port - and stakeholders who evaluate Port projects - to verify and ensure that there is no net loss of Conservation/Intertidal and Conservation Open Space areas (which is the PMPU WLU Policy 2.4.1 commitment) when projects are proposed.

To be very clear, the Port has current acreages for specific resources such as eelgrass, acreages for each subtidal, intertidal, and marsh habitat type, and other categorized types of acreage within all of the tidelands. Because the Port has created the overlay term "Conservation Open Space", and does not delineate specifically which habitat types and other areas that includes, but commits to no net loss, it needs to specify the current acreages - and locations - of all the areas that fall within that defined term. If (when) in the future those habitat areas shift, the Port will have to report such changes (location and acreages) and describe how it will retain no net loss of Conservation Open Space - as well as Conservation/Intertidal areas.

Page 65. There is no apparent justification for including "Golf Course" as an allowable recreational use on tidelands (Table 3,1,5), as it is neither coastal-dependent nor coastal-related. If it is necessary to denote and "grandfather" a golf course or portion thereof that predated the Port Act, then make that clear. Otherwise, remove the term as an allowable recreational use.

Page 237, et seq. (East Harbor Island Subdistrict). This section does not include any reference to its potential value to contribute to conservation open space or creation of wetlands/intertidal habitats. This portion of the tidelands currently supports minimal development and has significant potential to expand the intertidal/shoreline habitat zone as well as expand shallow subtidal habitat. The bay waters are protected by the jetty/marina to the south, which attenuates waves and is eminently suitable for creating living shoreline features. The text and Figure PD2.10 should be modified to identify conservation open space and conservation/intertidal areas along the shoreline and landward areas (i.e., along Liberator Way) where Recreation Open Space is currently shown that would allow for expansion of natural resource/habitat uses.

Page 389. Add the terms Conservation/Intertidal and Conservation Open Space to the Glossary.

Respectfully,

Bill Tippetts  
619-822-4323

*" However beautiful the strategy, you should occasionally look at the results "*  
Winston Churchill

---

**From:** Lesley Nishihira  
**Sent:** Thursday, February 15, 2024 12:37 PM  
**To:** Port Master Plan Update  
**Subject:** FW: PMPU EIR

**Lesley Nishihira, AICP**

Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.6469 • (c) 619.961.6322



connect: 

Port administration offices are open Monday-Thursday and [every other Friday](#) from 8am-5pm.  
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---

**From:** Scott <scott300@earthlink.net>  
**Sent:** Tuesday, January 23, 2024 10:43 AM  
**To:** Lesley Nishihira <lnishihi@portofsandiego.org>  
**Cc:** John McNab <johnnamcnab@yahoo.com>; David Kennedy DDS <davidkennedydds@gmail.com>; Cameron Havlik <cameron.j.havlik@gmail.com>; Diane Coombs <drbcoombs@msn.com>; Don Wood <dwood8@cox.net>; Janet Rogers <jsrogers624@gmail.com>; rbfssandiego@gmail.com; kallantolles@aol.com  
**Subject:** PMPU EIR

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Hello Lesley,

This is a request to suspend the Port Master Plan Update (PMPU) EIR process pending:

- 104
1. Full port board disclosure of project details as slated for the car rental lots, 1220 Pacific Highway, and Seaport Village.
  2. Delivery of a mark-up copy of the current Coastal Commission-approved Port Master Plan with the final draft of the PMPU.



↑  
104 3. Located legally-required mitigations for the existing PMP's Local Coastal Program's North Embarcadero "two major parks",  
Broadway Pier privatization terminal, and the announced Lane Field 1.25 non-contiguous park acres.

105 Port bundling of all major San Diego Bay parcels from Liberty Station to Chula Vista for commercial hoteliers is now revealed the board's intention under a decades-long "revisioning".

106 The resultant over ten new bayfront highrise hotels exceed the number on the original Las Vega Strip, calling into question board trustees oversight.

107 It has taken public legal pressure for the board to finally move to implement the required Navy Pier memorial park.

108 The required N. Embarcadero 2 major parks will require major underground parking to allow traffic to pull off area roadways instead of circulating endlessly around a dense wall of bayside skyscrapers.

109 Further, San Diego Bayfront's commercial hotel-created traffic demands continuous tram loop service to alleviate area traffic and to reduce downtown's known pollution pocket.

110 Whether created voluntarily or under CCC or public civil action, the board must address the fact any Harbor Drive park mitigation and Ruocco Park are threatened by the enshadowments, these from new towers proposed by Seaport Village hoteliers, the new Wyndham owners. and Lankford/China Lane Field developers at 1220 Pacific Highway.

111 For these reasons full board project disclosure and relevant document mark-up is required prior to delivery of the PMPU for consultant studies and public review comments.

112 Once trustee due diligence is delivered SOA requests in-person public meetings akin to prior gatherings by the port and public to allow for informed public review of San Diego Bay's public tidelands.

Scott Andrews  
V.P. Save Our Access  
(619) 221-5947



---

**From:** Lesley Nishihira  
**Sent:** Tuesday, January 30, 2024 5:47 PM  
**To:** Susan Simon; Janet Rogers  
**Cc:** Anna Buzaitis  
**Subject:** RE: SANDAG Documentation on pdf p. 659 of Vol 3 of PMPU Final PEIR  
**Attachments:** PMP PD3\_Water and Land breakdown by Sub District\_with ENA boundary draft\_Nov2023.pdf

Hi Janet and Susan,

As follow up to our meeting yesterday, attached is the graphic I shared on screen. This exhibit shows the GIS conversion of the land area as depicted in the Port Master Plan for the Planning District and broken out by subdistrict, as well as the acreage of areas designated Park/Plaza (aka Recreation Open Space in PMPU terminology) by Planning District and subdistrict. I apologize that my email with this back in November somehow missed you and I'm hopeful it helps answer some of your questions.

Note that the 6.3 acres of approved rooftop park space is included in the total Park/Plaza number for the planning district, which totals 56.1 acres in the current Port Master Plan. With the conversion of the map to GIS, that figure changed to a total of 57.1 acres of park/plaza due to the increased accuracy of GIS. The subdistrict breakdown, and specifically the 14.8 acres within the ENA boundary of the Central Embarcadero Subdistrict is the baseline acreage that the Seaport Project is required to maintain at a minimum.

Thank you,  
Lesley

**Lesley Nishihira, AICP**

Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.6469 • (c) 619.961.6322



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---

**From:** Susan Simon <rbsandiego@gmail.com>  
**Sent:** Tuesday, January 30, 2024 7:23 AM  
**To:** Anna Buzaitis <abuzaiti@portofsandiego.org>  
**Cc:** Janet Rogers <jsrogers624@gmail.com>; Lesley Nishihira <lnishihi@portofsandiego.org>  
**Subject:** Re: SANDAG Documentation on pdf p. 659 of Vol 3 of PMPU Final PEIR

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for this Anna! Susan

On Mon, Jan 29, 2024, 1:16 PM Anna Buzaitis <[abuzaiti@portofsandiego.org](mailto:abuzaiti@portofsandiego.org)> wrote:

Hi Janet,

The SANDAG's VMT Model document (as referenced on pdf page 659 of Volume 3 of the PMPU Final PEIR) is now here: [Appendix T - SANDAG Travel Demand Model and Forecasting Documentation](#)

As explained in the response to comment A7-10 (City of San Diego – PEIR Volume 1 of 4), the SANDAG link referenced in the Transportation Impact Study no longer works. However, SANDAG moved that same documentation to the link above.

Let me know if you have any questions about this.

Thank you,

Anna

**Anna Buzaitis**

Program Director, Planning

3165 Pacific Highway, San Diego, CA 92101

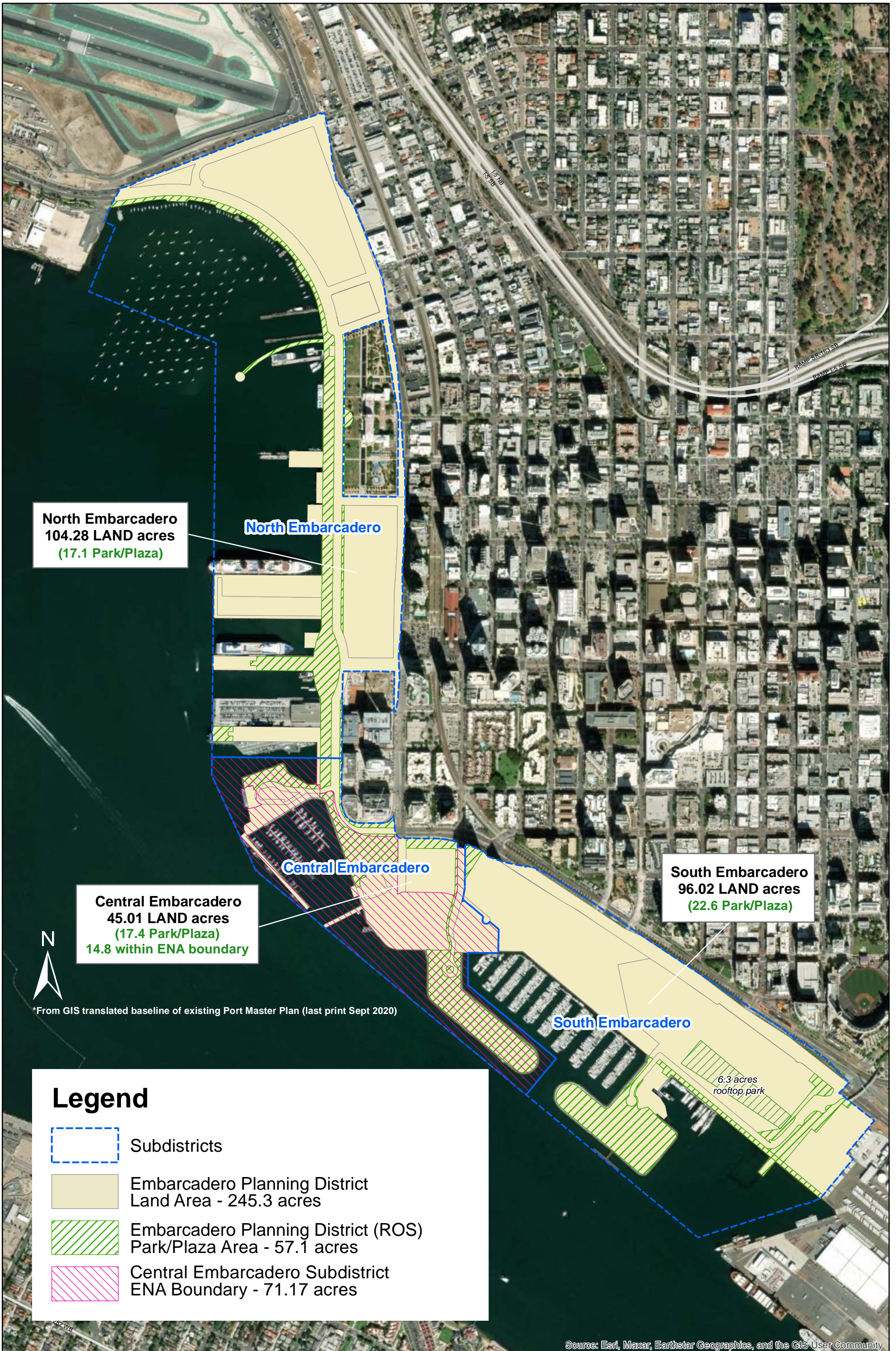
(o) (619) 686.7263 • (c) 619.458.5519



connect:

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**Please refer to comment number 93 for this email.**

---

**From:** Janet Callow <janoc1331@gmail.com>  
**Sent:** Thursday, February 8, 2024 6:19 PM  
**To:** Lily Tsukayama  
**Cc:** Janet Callow  
**Subject:** Re: PMPU: Janet Callow & Port of SD Planning staff re: SIBLR  
**Attachments:** Cross Over vs Entrance to Lower Launch Ramp.docx

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, I am attaching a snapshot of the Lower Launch Ramp Cross Over and the Lower Launch Ramp Entrance. A safety zone between the two would be ideal. Thank you.

On Wed, Feb 7, 2024 at 4:38 PM Janet Callow <[janoc1331@gmail.com](mailto:janoc1331@gmail.com)> wrote:

Thank you Lily, it was a pleasure meeting you. I appreciated your presentation and was proud of all of us for staying the course, working to form the best possible plan for the future of the Shelter Island Boat Launch area.

On Wed, Feb 7, 2024 at 11:13 AM Lily Tsukayama <[lsukayama@portofsandiego.org](mailto:lsukayama@portofsandiego.org)> wrote:

Hi Janet,

Nice to meet you this morning and thank you for the productive discussion!

As a follow-up, please see the attached for the slides from our meeting. We will let you know when the materials are available for the Feb 28 Board of Port Commissioners meeting.

Thank you!

Lily

**Lily Tsukayama** (she/her/hers)

Senior Planner, Planning

3165 Pacific Highway, San Diego, CA 92101



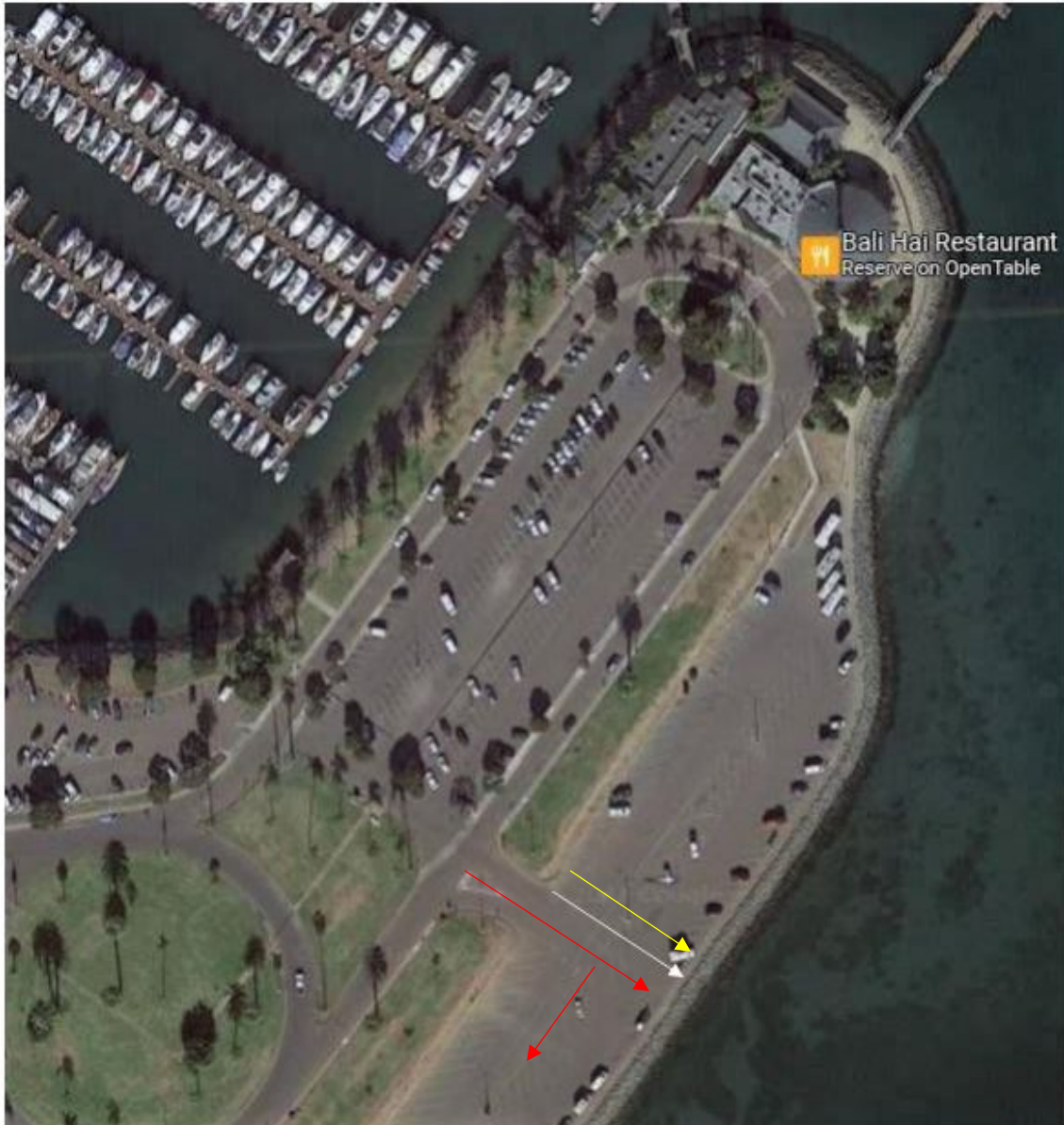
connect: 

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## The Entrance to the Lower Launch Ramp Parking Lot and the Pedestrian Cross Over.

This is the section of the lower parking lot for a proposed cross over pedestrian path. There are 13 boat/trailer parking spaces in this area.



The entrance to the lower launch ramp parking must be protected from pedestrian traffic.

# Port of San Diego

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# Port Master Plan Update

## *Status & Next Steps*



Outboard Boating Club  
February 7, 2024



# Port Master Plan Update

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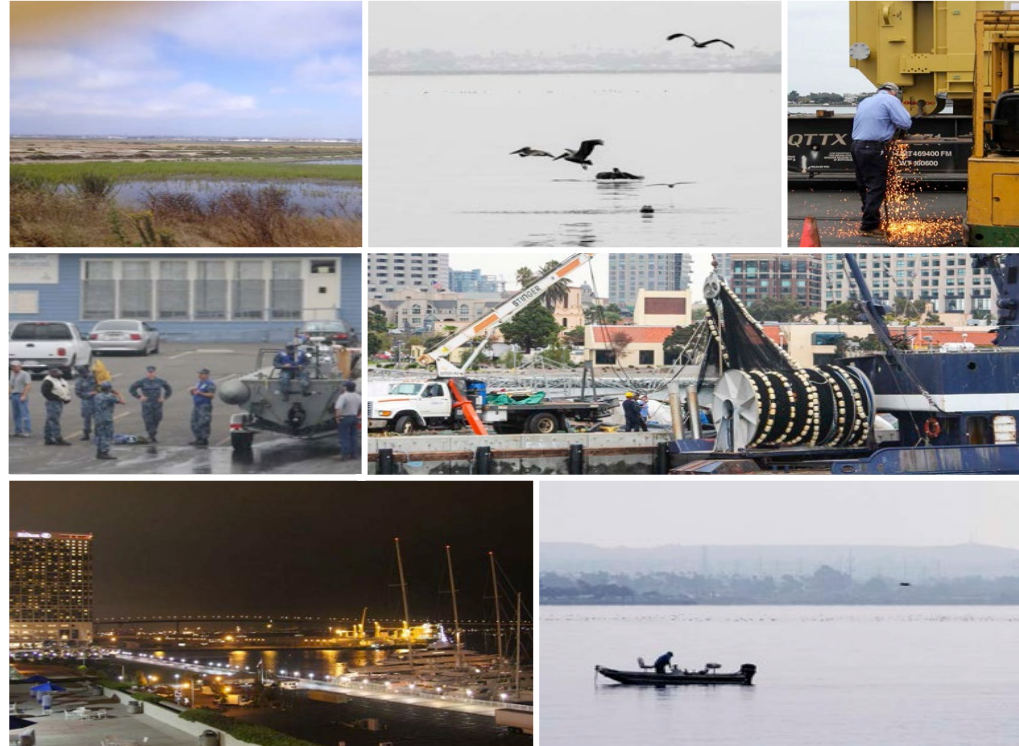
## *PMPU Process*



**PORT** of  
**SAN DIEGO**  
Waterfront of Opportunity

# The Port Master Plan Update *Objectives*

- Advance a **“Market Ready”** approach for development
- Provide greater **certainty** while increasing **flexibility**
- Provide a **streamlined permitting process**
- **Balance** the Port of San Diego’s public trust purpose
  - Commerce, navigation, fisheries, recreation, and environmental stewardship



The Port Master Plan is a long-range planning document that focuses on *policies* not **projects**



PROJECTS



POLICIES

# Shelter Island Boat Launch Ramp

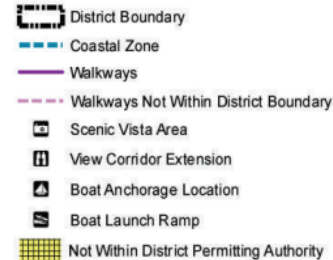
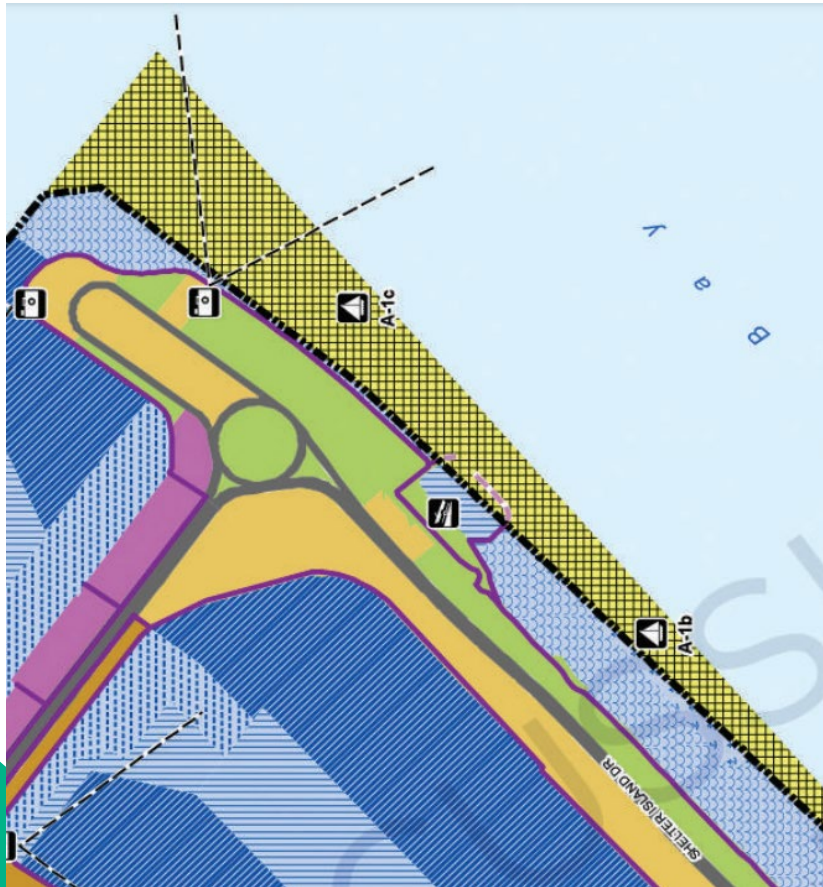
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*PMPU Changes Over Time*



# Discussion Draft (2019)

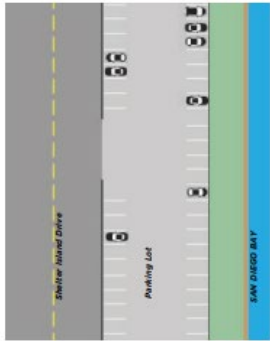
- Identified walkway to and around boat launch ramp, including existing conditions where public access already exists along waterfront and on perimeters of the boat launch
- Designated parking areas around boat launch ramp as Recreation Open Space



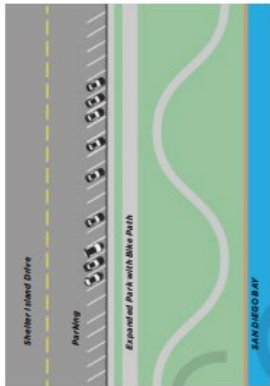
## LAND USES



# Discussion Draft (2019)



**Existing**



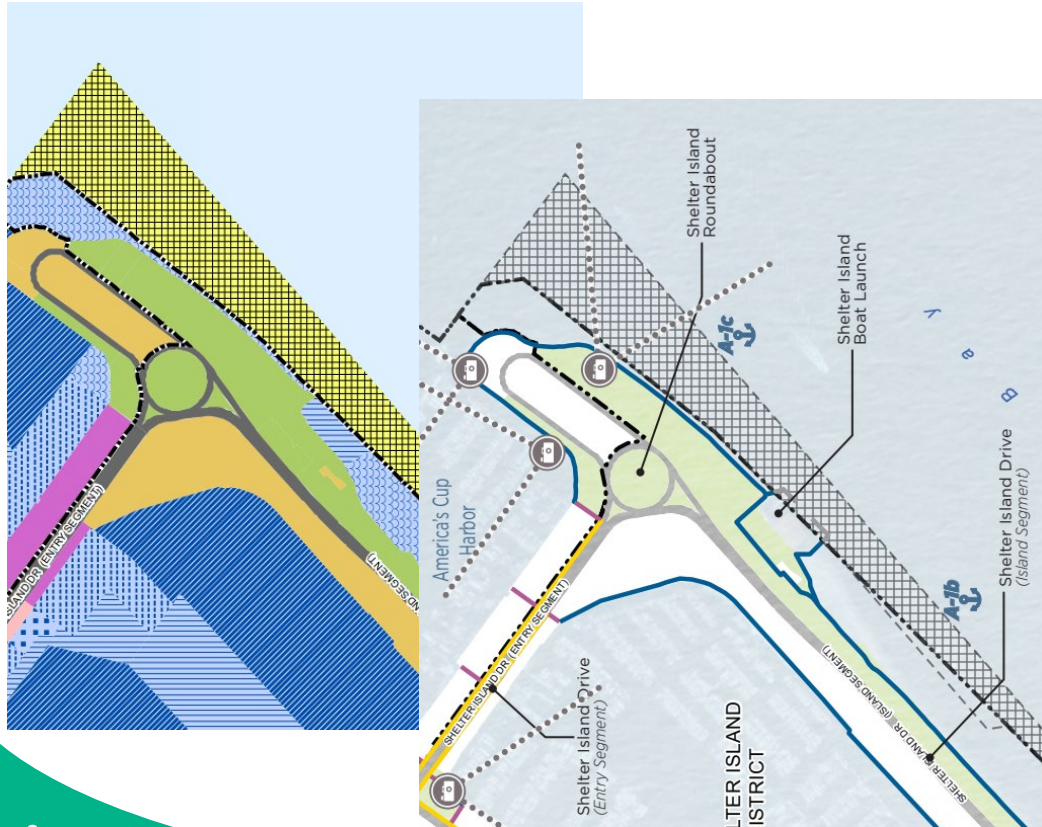
**Conceptual**

*Figure PD1.4 - Redesign Shelter Island Drive to expand open space and mobility options*



- PD1.19** Redesign Shelter Island Drive to optimize open space, improve circulation, and optimize on-street parking by:
- Narrowing the street by reducing drive lane width to maximize Recreation Open Space to the southeast of Shelter Island Drive;
  - Enhancing the current walkway on the southside of Shelter Island to include bike lanes; and
  - Expanding on-street parking which may include restriping to convert parallel parking to diagonal parking at both sides of Shelter Island Drive.

# Revised Draft (2020)



- Identified walkway to and around boat launch ramp (similar to Discussion Draft, however in the Revised Draft the walkway goes behind Outboard Boating Club – in response to comments from Outboard Boating Club), including existing conditions where public access already exists along waterfront and on perimeter “fingers” of the boat launch
- Designated parking areas around boat launch ramp as Recreation Open Space

## Pathways

October 19, 2020

### Multi-Use Path

An accessway intended or suitable for more than one mode (e.g., pedestrians and bicycles), such as walking, jogging, cycling, and wheelchair use.

### Waterside Promenade

A pathway along the waterfront designed to enhance access and enjoyment of District Tidelands. Waterside Promenades are primarily for pedestrians (non-exclusive use) and may also function as a multi-use pathway and/or include a designated multi-use pathway.

### Sidewalk

A non-waterside pathway that provides a dedicated area for pedestrians adjacent and parallel to a roadway.

### Walkway (Non-Waterside)

A non-waterside pathway that provides access from the waterfront to the nearest public road perpendicular to the waterfront, also known as vertical access or a vertical connection. Walkways are primarily for pedestrians (non-exclusive use) and may also function as a multi-use pathway and/or include a designated multi-use pathway.

### Nature Trail

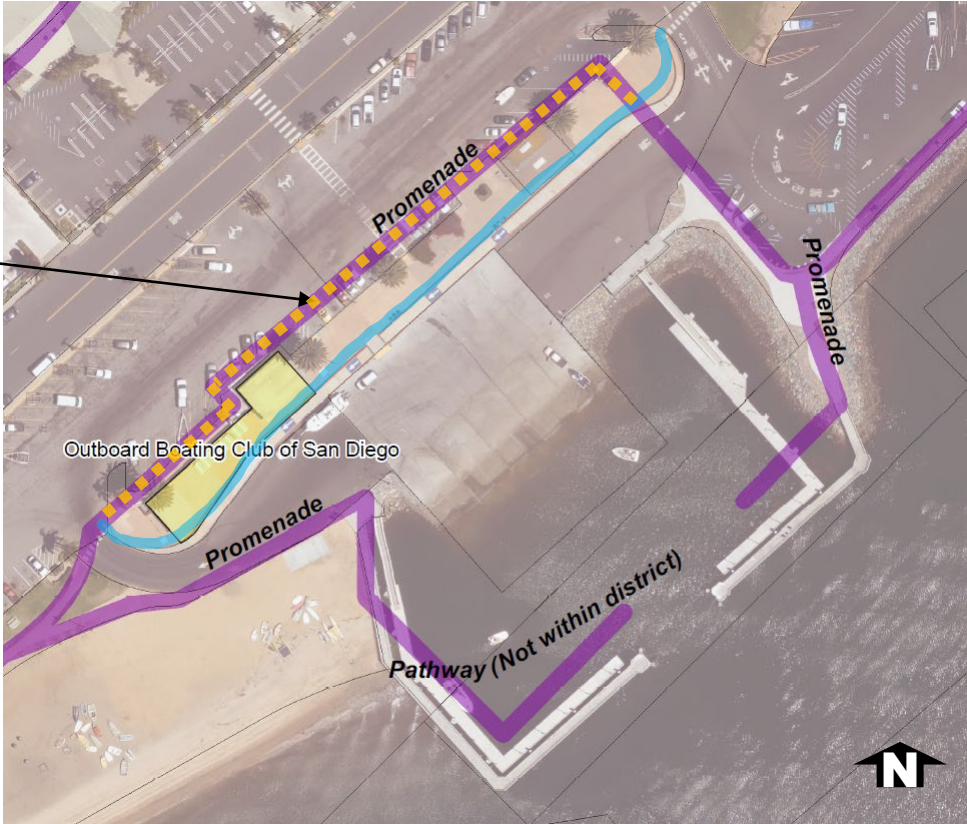
An unpaved pathway.

### Non-District Pathway

Not Within District Permitting Authority

# Revised Draft (2020)

- Waterside Promenade Proposed in Revised Draft PMPU

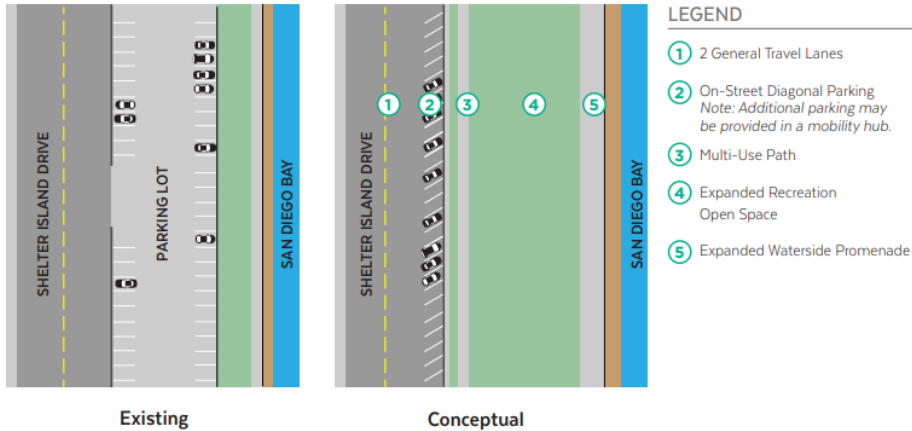


Shelter Island Boat Launch



# Revised Draft (2020)

- PD1.8** Reconfigure Shelter Island Drive (Island Segment) between the Shelter Island roundabout and the Yokohama Friendship Bell roundabout, as generally depicted in *Figure PD1.6*:
- Narrowing to two general travel lanes;
  - Reconfiguring existing off-street parking into diagonal on-street parking;
  - Creating a multi-use path between the waterside promenade and the street, along the south side of Shelter Island Drive; and
  - Upon reconfiguration, expanding and activating Recreation Open Space on the bayside of Shelter Island Drive, as described in PD1.9.



**Figure PD1.6** Illustrative Diagram of Shelter Island Drive Reconfiguration

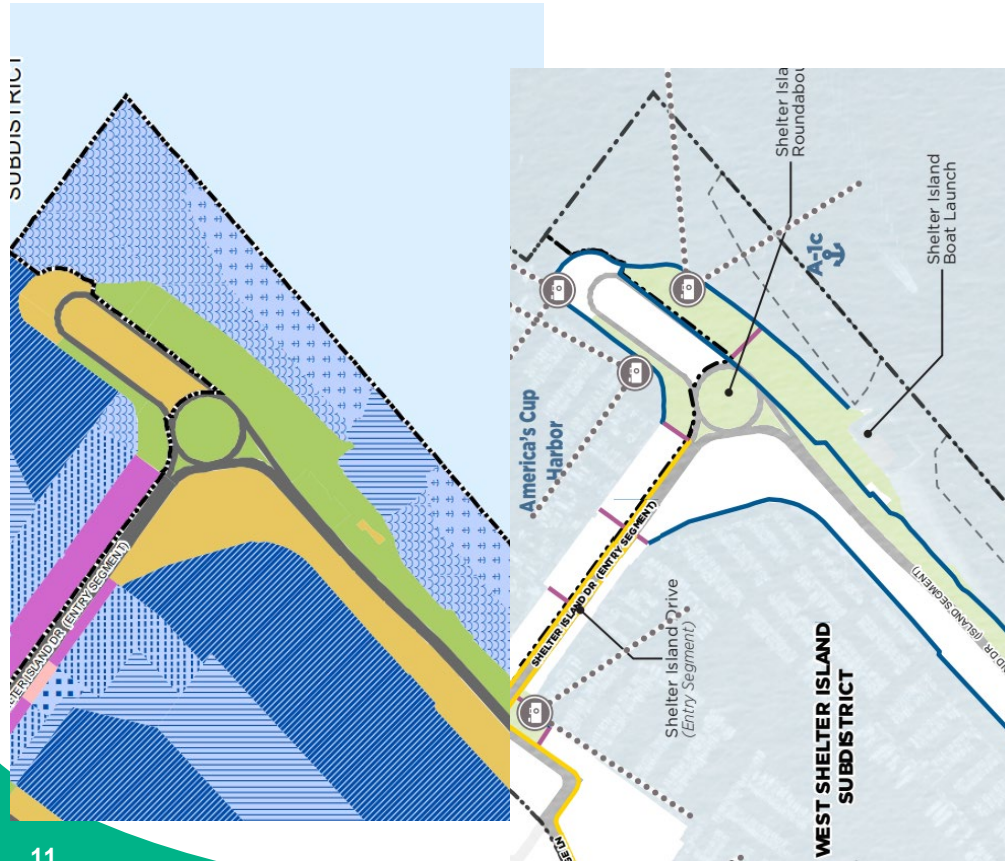
*For illustrative purposes only.*

## Parking

- PD1.36** Provide parking for the general public as follows:
- The location and configuration of existing parking areas may be modified if an equivalent amount of public parking is provided through a mobility hub, on-street parking, or a combination, subject to the requirements of the Mobility Element.
  - The parking lot directly adjacent to the Shelter Island Boat Launch should provide convenient parking for boat trailers and others using the launch as an access point into the Bay.
  - Diagonal on-street parking is not allowed where its location creates a conflict with ingress to/egress from the Shelter Island Boat Launch.

- Revised Draft incorporated parking standards specific to the Shelter Island Boat Launch, in response to comments from Outboard Boating Club
- Revised Draft also added “Parking Areas and Mobility Hubs” as an allowable use type in the Recreation Open Space designation

# Draft PMPU (2021)



- Identified waterside promenade up to the Boat Launch and identifies walkway north of the Boat Launch to discourage pedestrian crossing closer to the Boat Launch – in response to Outboard Boating Club comments
- No longer identified currently used and existing public access along perimeter “fingers” of the Boat Launch
- Designated parking areas around boat launch ramp as Recreation Open Space

## Pathways

November 2, 2021

### Multi-Use Path

An accessway intended or suitable for more than one mode (e.g., pedestrians and bicycles), such as walking, jogging, cycling, and wheelchair use.

### Waterside Promenade

A pathway along the waterfront designed to enhance access and enjoyment of District Tidelands. Waterside Promenades are primarily for pedestrians (non-exclusive use) and may also function as a multi-use pathway and/or include a designated multi-use pathway.

### Sidewalk

A non-waterside pathway that provides a dedicated area for pedestrians adjacent and parallel to a roadway.

### Walkway (Non-Waterside)

A non-waterside pathway that provides access from the waterfront to the nearest public road perpendicular to the waterfront, also known as vertical access or a vertical connection. Walkways are primarily for pedestrians (non-exclusive use) and may also function as a multi-use pathway and/or include a designated multi-use pathway.

### Nature Trail

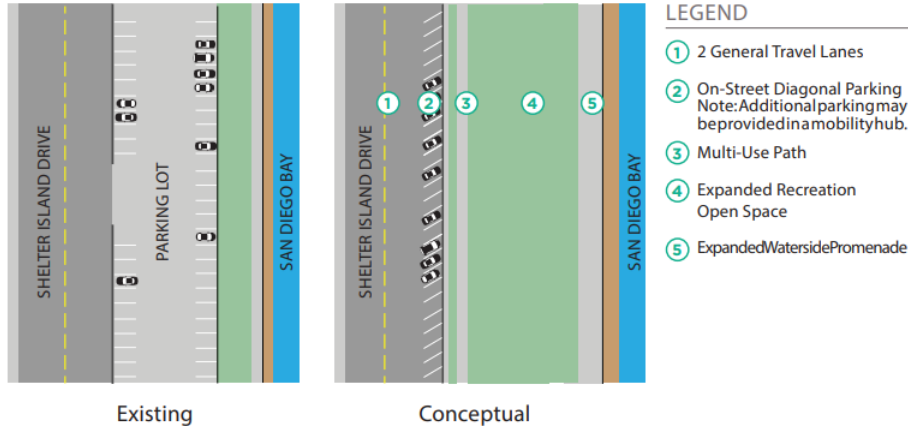
An unpaved pathway.

### Non-District Pathway

Not Within District Permitting Authority

# Draft PMPU (2021)

- PD1.8** Reconfigure Shelter Island Drive (Island Segment) between the Shelter Island roundabout and the Yokohama Friendship Bell roundabout, as generally depicted in *Figure PD1.6*:
- Narrowing to two general travel lanes;
  - Reconfiguring existing off-street parking into diagonal on-street parking;
  - Creating a multi-use path between the waterside promenade and the street, along the south side of Shelter Island Drive; and
  - Upon reconfiguration, expanding and activating Recreation Open Space on the bayside of Shelter Island Drive, as described in PD1.9.



**Figure PD1.6** Illustrative Diagram of Shelter Island Drive Reconfiguration  
For illustrative purposes only.

## Parking

- PD1.37** Provide parking for the general public as follows:
- The location and configuration of existing parking areas may be modified if an equivalent amount of public parking is provided through a mobility hub, on-street parking, or a combination, subject to the requirements of the Mobility Element.
  - There will be no net loss of parking spaces in the parking lot directly adjacent to the Shelter Island Boat Launch, which provides convenient parking for boat trailers and others using the launch as an access point into the Bay.
  - Diagonal on-street parking is not allowed where its location creates a conflict with ingress to/egress from the Shelter Island Boat Launch.







- Draft PMPU advanced parking standards specific to the Shelter Island Boat Launch, including “no net loss” in item b in response to comments requesting protecting parking spaces dedicated for those using the Boat Launch
- Similar to Revised Draft, the Draft PMPU included “Parking Areas and Mobility Hubs” as an allowable use type in the Recreation Open Space designation

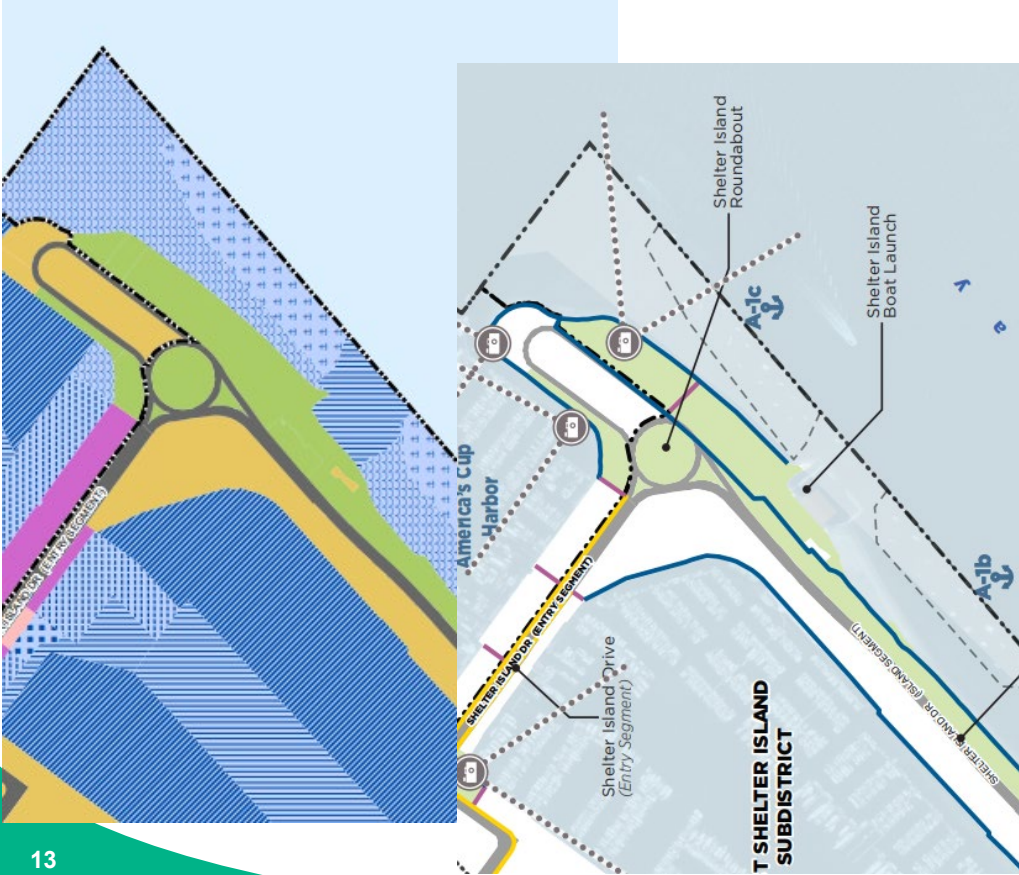
# Final Draft PMPU (2023)

- Identifies waterside promenade up to the Boat Launch and identifies walkway north of the Boat Launch to discourage pedestrian crossing closer to the Boat Launch (*same as Draft PMPU*)
- No longer identifies currently used and existing public access along perimeter “fingers” of the Boat Launch (*same as Draft PMPU*)
- Designates parking areas around boat launch ramp as Recreation Open Space (*same as Draft PMPU*)

Pathways (See Mobility Element for definitions)

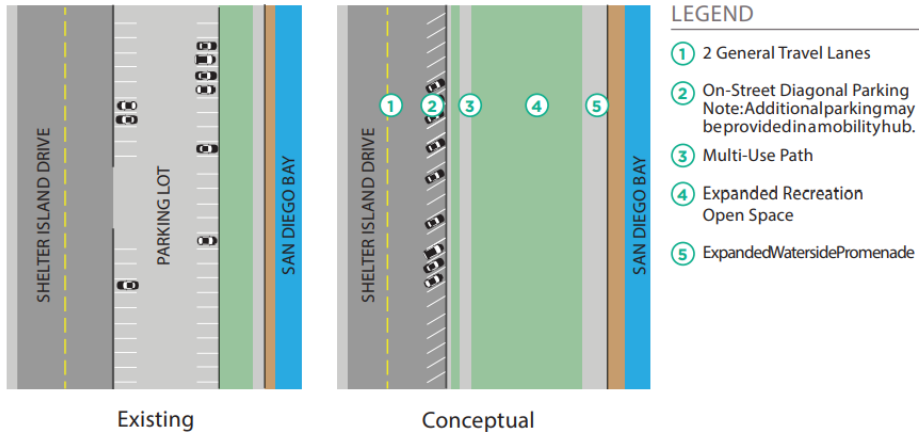
December 6, 2023

	Multi-Use Path		Walkway (Non-Waterside)
	Waterside Promenade		Nature Trail
	Sidewalk		Non-District Pathway <small>Not Within District Permitting Authority</small>



# Final Draft PMPU (2023)

- PD1.8** Reconfigure Shelter Island Drive (Island Segment) between the Shelter Island roundabout and the Yokohama Friendship Bell roundabout, as generally depicted in *Figure PD1.6*:
- Narrowing to two general travel lanes;
  - Reconfiguring existing off-street parking into diagonal on-street parking;
  - Creating a multi-use path between the waterside promenade and the street, along the south side of Shelter Island Drive; and
  - Upon reconfiguration, expanding and activating Recreation Open Space on the bayside of Shelter Island Drive, as described in PD1.9.



**Figure PD1.6** Illustrative Diagram of Shelter Island Drive Reconfiguration  
For illustrative purposes only.

## Parking

- PD1.37** Provide parking for the general public as follows:
- The location and configuration of existing parking areas may be modified if an equivalent amount of public parking is provided through a mobility hub, on-street parking, or a combination, subject to the requirements of the Mobility Element.
  - There will be no net loss of parking spaces in the parking lot directly adjacent to the Shelter Island Boat Launch, which provides convenient parking for boat trailers and others using the launch as an access point into the Bay.
  - Diagonal on-street parking is not allowed where its location creates a conflict with ingress to/egress from the Shelter Island Boat Launch.

- Final Draft PMPU advanced parking standards specific to the Shelter Island Boat Launch, including “no net loss” in item b in response to comments requesting protecting parking spaces dedicated for those using the Boat Launch (*same as Draft PMPU*)
- Similar to Revised Draft, the Draft PMPU included “Parking Areas and Mobility Hubs” as an allowable use type in the Recreation Open Space designation (*same as Draft PMPU*)

# Final Draft PMPU (2023)

## *Proposed revisions*

**PD1.37** Provide parking for the general public as follows:

- a. The location and configuration of existing parking areas not associated with the Shelter Island Boat Launch may be modified if an equivalent amount of public parking is provided through a mobility hub, on-street parking, or a combination, subject to the requirements of the Mobility Element.
- b. There will be no net loss of vehicle-only parking spaces and vehicle-trailer parking spaces, pursuant to the Shelter Island Boat Launching Facility Grant Agreement (#C4126022) with the California Department of Parks and Recreation, Division of Boating and Waterways, in the parking lots north, northeast, northwest of the Shelter Island Boat Launch, which provides convenient parking for boat trailers and others using the launch as an access point into the Bay.
- c. Diagonal on-street parking is not allowed where its location creates a conflict with ingress to/egress from the Shelter Island Boat Launch.

# Final Draft PMPU

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## *Next Steps*

# Upcoming Milestones

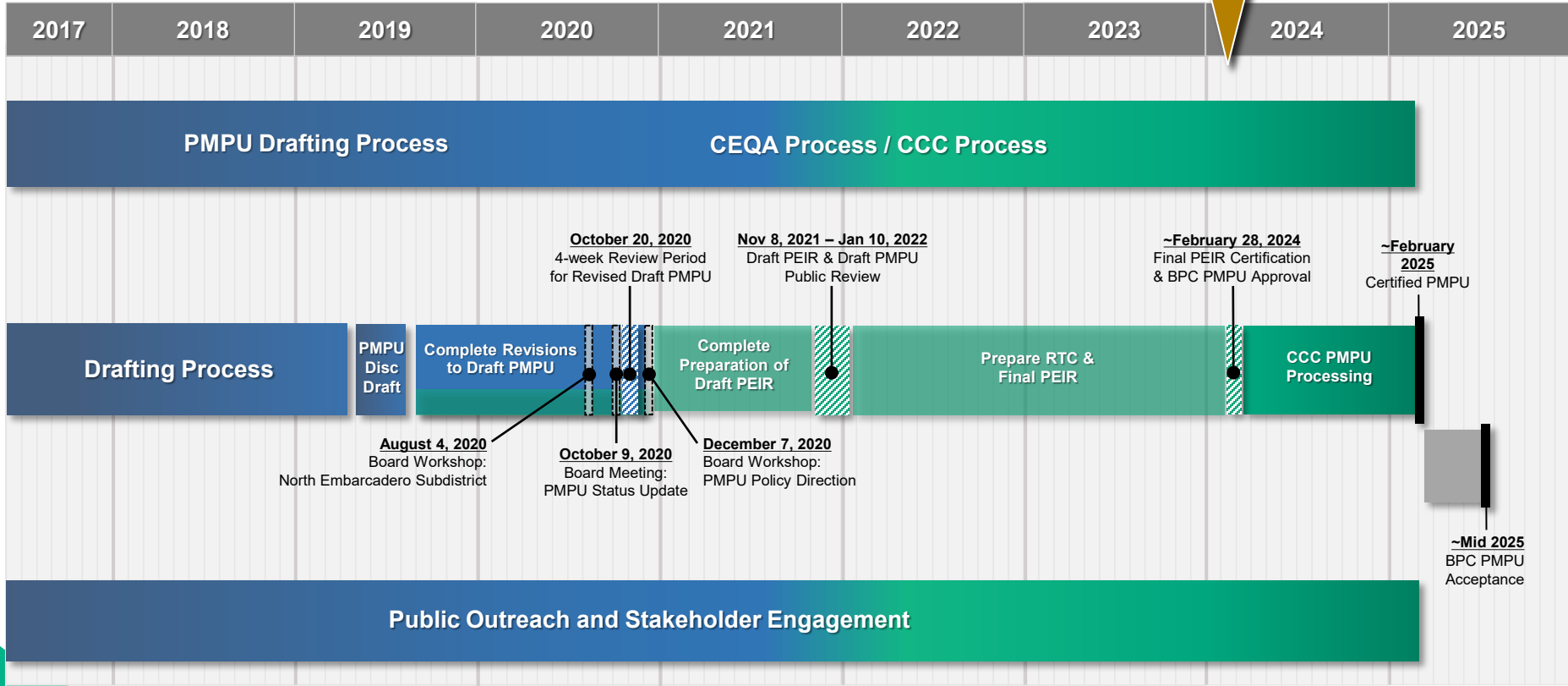
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- **February 28, 2024:** Board of Port Commissioners Public Hearing
  - Port staff to present overview of Final Draft PMPU and findings of Final Program EIR
  - Staff will request the Board:
    - Certify the Final PEIR, and
    - Approve the Final Draft PMPU
- **If the Board approves the Final Draft PMPU**, Port staff will submit the PMPU “application” to Coastal Commission staff
- **Coastal Commission Certification Process** (anticipated to take at least 1 year to complete)



# Port Master Plan Update Timeline

We Are Here



# Stay Involved!

## Port Master Plan Update

One Bay, Rich Diversity



- Click “Sign Up” at Port’s PMPU webpage: [www.portofsandiego.org/pmpu](http://www.portofsandiego.org/pmpu)
- Click “**CLICK HERE TO SIGN UP FOR EMAIL UPDATES**” (half-way down page)
- Check “*Integrated Planning/Port Master Plan Update*” box on form
- **Between now and February 28** Board meeting
  - **Submit testimony, statements and evidence relative to the Final Draft PMPU in written form** to the Port District Clerk ([PublicRecords@portofsandiego.org](mailto:PublicRecords@portofsandiego.org))
- **February 28** Board meeting – provide written or oral comment on the Final Program EIR and/or Final Draft PMPU
  - Attend in-person or virtually
- Future Coastal Commission Certification Hearing: **Date TBD**
  - Date will be posted on PMPU webpage ([www.portofsandiego.org/pmpu](http://www.portofsandiego.org/pmpu))
- **Questions?** [pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)

# Port of San Diego

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# Port Master Plan Update

## *Status & Next Steps*



Outboard Boating Club  
February 7, 2024



**From:** Anna Buzaitis  
**Sent:** Monday, February 12, 2024 10:33 AM  
**To:** Susan Simon  
**Cc:** Lesley Nishihira; Janet Rogers  
**Subject:** RE: Searchable versions of PMPU and PEIR Final documents

When you want to search using a web browser, hold down “Control” and “F” at the same time. This search box should show up near the top. In the screengrab below, I am searching the word “embarcadero.” Let me know if this works for you. You could also download the file by clicking the little disc (or a downward pointing arrow, depending on the browser) next to the printer icon. If you’re on an Apple computer, it could be different than all of what I just said.

Issues to be Resolved .....  
Summary of Project Impacts.....  
Summary of Project Alternatives .....  
Environmentally Superior Alternative .....

**Chapter 1 Introduction** .....

1.1 Project Overview .....

1.2 Purpose of the California Environmental Quality Act and the Program Environmental Impact Report .....

1.3 Background.....

1.3.1 San Diego Unified Port District Act .....

1.3.2 California Coastal Act.....

1.3.3 Current Port Master Plan.....

1.4 District CEQA Documents Incorporated by Reference.....

1.4.1 Tenth Avenue Marine Terminal Redevelopment Plan, Final Impact Report, and Addenda to the Final Environmental Impact Report .....

1.4.2 North **Embarcadero** Port Master Plan Amendment Project Environmental Impact Report .....

1.5 Scope and Content of the ~~Draft-Final~~ Program Environmental Impact Report .....

1.5.1 Comments Received in Response to the Notice of Preparation Controversy.....

1.6 Organization of the ~~Draft-Final~~ Program Environmental Report .....

**Chapter 2 Environmental Setting** .....

2.1 Introduction.....

2.2 Existing Setting .....

2.2.1 Location.....

2.2.2 Surrounding Conditions .....

2.2.3 Existing Conditions.....

Port Master Plan Update  
~~Draft-Final~~ Program Environmental Impact Report i

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**From:** Susan Simon <[rbfsandiego@gmail.com](mailto:rbfsandiego@gmail.com)>  
**Sent:** Monday, February 12, 2024 10:19 AM  
**To:** Anna Buzaitis <[abuzaiti@portofsandiego.org](mailto:abuzaiti@portofsandiego.org)>  
**Cc:** Lesley Nishihira <[lnishihi@portofsandiego.org](mailto:lnishihi@portofsandiego.org)>; Janet Rogers <[jsrogers624@gmail.com](mailto:jsrogers624@gmail.com)>  
**Subject:** Re: Searchable versions of PMPU and PEIR Final documents

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Specifically, Vol 2

On Mon, Feb 12, 2024, 10:18 AM Susan Simon <[rbfsandiego@gmail.com](mailto:rbfsandiego@gmail.com)> wrote:

Thank you for your speedy response Anna. I am using the links on the Port's website. I admit I am no computer whiz but I can't locate the search function. I appreciate your help!

Thank you,  
Susan

On Mon, Feb 12, 2024, 7:31 AM Anna Buzaitis <[abuzaiti@portofsandiego.org](mailto:abuzaiti@portofsandiego.org)> wrote:

Hi Susan,

I believe all the files are searchable. Which volume are you having trouble searching? It could be that depending on whether you're looking at them on the Internet, or in the actual Adobe Acrobat program, the search location may be in a different location - sometimes at the top and sometimes at the bottom. Let me know if you want me to send you screen grabs of the locations of the search buttons.

Thank you,  
Anna

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**From:** Susan Simon <[rbfsandiego@gmail.com](mailto:rbfsandiego@gmail.com)>  
**Sent:** Sunday, February 11, 2024 1:08:35 PM  
**To:** Lesley Nishihira <[lnishihi@portofsandiego.org](mailto:lnishihi@portofsandiego.org)>; Anna Buzaitis <[abuzaiti@portofsandiego.org](mailto:abuzaiti@portofsandiego.org)>; Janet Rogers <[jsrogers624@gmail.com](mailto:jsrogers624@gmail.com)>  
**Subject:** Searchable versions of PMPU and PEIR Final documents

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lesley and Anna,

Thank you for meeting with us and clarifying some things. As you know, this is a mountain of info made more challenging to review with all the references to other documents. Do you have a searchable version of these documents that could be sent to us (or link provided)? If so, it would be greatly appreciated!

Best to you,  
Susan



---

**From:** Bill Tippetts <billtippetts@gmail.com>  
**Sent:** Thursday, February 15, 2024 9:36 AM  
**To:** Lily Tsukayama  
**Cc:** Lesley Nishihira; Anna Buzaitis; Dennis Campbell  
**Subject:** Re: Public Trust Doctrine documents

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Thanks Lily. I've drafted a letter from SWIA that the board is reviewing.

We'll submit it in time to be included in the agenda package, and I expect to speak at the hearing.

Bill Tippetts  
(619) 822-4323

"However beautiful the strategy, you should occasionally look at the results" - Winston Churchill

On Thu, Feb 15, 2024, 9:29 AM Lily Tsukayama <[ltzukayama@portofsandiego.org](mailto:ltzukayama@portofsandiego.org)> wrote:

Hi Bill,

Just as an additional follow-up, we wanted to share a couple more resources with you:

1. Regarding COS and Lesley's explanation that COS is in the Chula Vista Bayfront, which is not a part of the PMPU – there is a footnote to this effect in the Final Program EIR (see footnote 3 on pdf page 253/page 3-14 of the Final PEIR here: [Final Program Environmental Impact Report \(Volume 2 of 4\) - Revised Draft Program Environmental Impact Report for the Port Master Plan Update Project \(windows.net\)](#))
2. As we showed onscreen on Monday, Additional Requirement #6 under Water and Land Use Section 3.1.7 (page 57 of the PMPU, PDF page 76) states: "6. Habitat Management and Wildlife Conservation: Uses consistent with this use type may be permitted in additional water and land use designations."

We hope these are helpful for you. Thank you again for meeting with us this week!

Sincerely,  
Lily

---

**From:** Bill Tippetts <[billtippetts@gmail.com](mailto:billtippetts@gmail.com)>  
**Sent:** Monday, February 12, 2024 6:55 PM  
**To:** Lesley Nishihira <[lnishihi@portofsandiego.org](mailto:lnishihi@portofsandiego.org)>  
**Cc:** Anna Buzaitis <[abuzaiti@portofsandiego.org](mailto:abuzaiti@portofsandiego.org)>; Dennis Campbell <[dcampbell@portofsandiego.org](mailto:dcampbell@portofsandiego.org)>; Lily Tsukayama <[ltzukayama@portofsandiego.org](mailto:ltzukayama@portofsandiego.org)>  
**Subject:** Re: Public Trust Doctrine documents

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Lesley.

The discussion helped me gain a clearer understanding of the intended applications of COS vs. C/IT and how they are intended to be complementary. I do believe that there are locations that should be labeled as COS (to which other areas may be added later) - at a minimum a portion of Grand Caribe (~6 acres) and East Harbor Island (~5 acres) - because they former fill sites that are eminently suitable for enhancing habitat creation/restoration, particularly in light of sea level rise.

I misspoke about where I found the definitions for coastal-dependent and coastal-related - as you probably assumed, they are in the Coastal Act's "Definitions" and not SLC's Public Trust Doctrine. I'm still concerned about "coastal-enhancing", which the Port may be treating as comparable to the "Incidental Non-Trust Use" category that is identified in the Public Trust doctrine? But I will spend more time reading the information you provided.

I appreciate the time and effort that you and the team have spent to meet with stakeholders over the years.

Regards,

Bill Tippetts  
(619) 822-4323

"However beautiful the strategy, you should occasionally look at the results" - Winston Churchill

On Mon, Feb 12, 2024, 5:51 PM Lesley Nishihira <[lnishihi@portofsandiego.org](mailto:lnishihi@portofsandiego.org)> wrote:

Hi Bill,

As follow up to our meeting earlier today, here are links to the Public Trust documents found on the Port's webpage that I was referencing:

[California-Public-Trust-Doctrine.pdf \(windows.net\)](#)

[Public Trust Doctrine Handout Wksp #1-051403.PDF \(windows.net\)](#)

Also below is a link to the San Diego Port District Act:

[San-Diego-Unified-Port-District-Act.pdf \(windows.net\)](#)

And although we didn't specifically discuss this document today, below is a link to the Port's response to the SD County Grand Jury Report which includes a good summary of the Port's governance under the Public Trust Doctrine and Port District Act.

[2023 Port Response to Grand Jury Report.pdf \(windows.net\)](#)

It was nice to see you today! And we really do appreciate all the years of participation and helpful input you have given to this effort.

Thanks!

Lesley

**Lesley Nishihira, AICP**

Assistant Vice President

3165 Pacific Highway, San Diego, CA 92101

(o) 619.686.6469 • (c) 619.961.6322

connect:

Port administration offices are open Monday-Thursday and [every other Friday](#) from 8am-5pm.

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**ATTORNEYS AT LAW**  
225 Broadway, Suite 1900  
San Diego, CA 92101  
619.231.5858  
619.231.5853 (fax)

[www.envirolawyer.com](http://www.envirolawyer.com)

**SUZANNE R. VARCO**  
[svarco@envirolawyer.com](mailto:svarco@envirolawyer.com)

**S. WAYNE ROSENBAUM**  
[swr@envirolawyer.com](mailto:swr@envirolawyer.com)

**ENVIRONMENTAL  
LAW GROUP LLP**  
Varco & Rosenbaum

February 12, 2024

**Sent Via Email to: [PublicRecords@portofsandiego.org](mailto:PublicRecords@portofsandiego.org)**

San Diego Unified Port Commission  
Attn: District Clerk  
P.O. Box 120488  
San Diego, CA 92112-0488

Re: Comments on Final PEIR and Final Draft Port Master Plan Update

Dear Sir/Madam:

Varco & Rosenbaum Environmental Law Group LLP represents Arthur Engel, a current resident of the La Playa community on Shelter Island. On behalf of Mr. Engel, our firm has submitted several prior comments letters and have attended workshops and public meetings associated with the proposed Port Master Plan Update (PMPU). We have received and reviewed a copy of the Final Program Environmental Impact Report (Final PEIR) prepared for the proposed Port Master Plan Update, as well as the Final Draft Port Master Plan Update (PMPU) document.

While we have submitted multiple prior letters, each with attachments, addressing the deficiencies in the Final PEIR and PMPU, we note that only one of our comment letters (dated January 7, 2022), without attachments, is included in the comment letters listed in the Final PEIR. Consequently, with this letter, we again submit each of our prior comment letters, with full attachments, and ask that they be included in the administrative record for the Final PEIR and PMPU.

As our prior comments have indicated, my client is particularly concerned with the prohibition of the construction of new piers in the La Playa area of the West Shelter Island Subdistrict: "***No new quasi-private/quasi-public piers or docks associated with residential properties, or for residential use, shall be allowed.***" (Emphasis added; Final PEIR, p. 3-31; PMPU p. 204, PD1.3.) This prohibition is inconsistent with Port District policies and the California Coastal Act. Our previously submitted comment letters (attached) have detailed these policies and the conflict presented by the PMPU prohibitory language.

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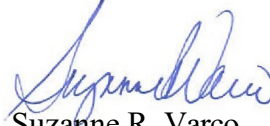
113

The District's prohibitory language ignores the express actions of the Coastal Commission in allowing for the construction of new piers while ensuring continued public access to the ocean, shoreline, and scenic vistas. PMPU PD1.3, which prohibits the construction of new piers in the La Playa area of the West Shelter Island subdistrict, should be removed. We appreciate the Board's consideration of these comments.

Yours very truly,

VARCO & ROSENBAUM

ENVIRONMENTAL LAW GROUP LLP



Suzanne R. Varco

SRV/ssr

Attachments:

January 7, 2022 Letter to Board of Port Commissioners with attachments:

- A. January 25, 2018 Letter to Board of Port Commissioners with attachments;
- B. April 29, 2019 Letter to Board of Port Commissioners with attachments;
- C. November 6, 2020 Letter to Board of Port Commissioners.

cc: Mr. Dennis Campbell, District Planning Dept.

Mr. Arthur Engel (via email)

Ms. Rebecca Harrington, Port Counsel (via email to [rharrington@portofsandiego.org](mailto:rharrington@portofsandiego.org))

Board of Port Commissioners:

Frank Urtasun ([furtasun@portofsandiego.org](mailto:furtasun@portofsandiego.org))

Danielle Moore ([dmoore@portofsandiego.org](mailto:dmoore@portofsandiego.org))

Michael Zucchet ([mzucchet@portofsandiego.org](mailto:mzucchet@portofsandiego.org))

Dan Malcolm ([dmalcolm@portofsandiego.org](mailto:dmalcolm@portofsandiego.org))

Ann Moore ([amoore@portofsandiego.org](mailto:amoore@portofsandiego.org))

Sandy Naranjo ([snaranjo@portofsandiego.org](mailto:snaranjo@portofsandiego.org))

January 7, 2022

**Sent Via Email to: [pmpu@portofsandiego.org](mailto:pmpu@portofsandiego.org)**

San Diego Unified Port Commission  
Attn: Dennis Campbell, Planning Department  
P.O. Box 120488  
San Diego, CA 92112-0488

Re: Comments on Draft PEIR for the Port Master Plan Update

Dear Mr. Campbell:

Varco & Rosenbaum Environmental Law Group LLP represents Arthur Engel, a current resident of the La Playa community on Shelter Island. On behalf of Mr. Engel, our firm has submitted several prior comments letters (attached for your reference as Exhibits A, B and C) and attended workshops and public meetings relative to the proposed Port Master Plan Update (PMPU). We have received and reviewed a copy of the Draft Program Environmental Impact Report (Draft PEIR) prepared for the proposed Port Master Plan Update, and provide the below comments.

As noted in the Draft PEIR at page 3-31, four piers presently exist in the La Playa beach area of the West Shelter Island subdistrict. These four of these piers were originally constructed as privately-owned piers, allowing no public access. The docks at the end of the piers were occupied by private boats owned by the pier users. In 1982, the Board of Port Commissioners adopted Master Plan modifications which required that these privately-owned piers either be removed or made available for public use. (*See Attachment 1 to Exhibit A.*) Each of these piers has now been made available for public use for the length of the pier, with gate access to a private dock at the end of each pier. The current use of these quasi-private/quasi-public piers is governed by Tideland Use and Occupancy Permits (TUOPs).

The Draft PEIR and proposed PMPU provide that these four piers will be required to continue to provide public access, with the limited exception of the private docks at the end of each pier. (See Draft PEIR, page 3-31.) However, the PMPU proposes to prohibit the construction of any new similarly situated piers: “No new quasi-private/quasi-public piers or docks associated with residential properties, or residential use, are proposed and ***will be explicitly disallowed.***” (Emphasis added; Draft PEIR, page 3-31; PMPU PD1.3.) This prohibition is inconsistent with Port District policies and the California Coastal Act.

Public access to the Bay is a priority for both the Port District and the California Coastal Commission. The proposed PMPU, includes policies and goals to provide accessibility to the Bay, provide vistas, allow for safe interaction with the water, promote shoreline walkways, provide direct shoreline access and provide recreation activities that attract visitors. Many of these proclaimed policies specifically recognize the importance of piers for coastal access, fishing and scenic vistas. For example, the PMPU includes the following listed policies:

WLU Policy 3.1.3: The District and its permittees shall maintain, protect, and enhance existing public coastal-dependent recreational facilities, such as boat ramps and *piers* that provide coastal access.

WLU Policy 3.2.1: Visual access locations (*scenic vista areas*, view corridor extensions, Window to the Bay, and walkways) shall be maintained and protected, as shown on the *Chapter 5, Planning Districts: Coastal Access Views and Pathways Maps*.

WLU Policy 4.2.2: The District shall encourage establishment of activating features that support existing amenities and introduce new activities in recreation areas.

WLU Policy 4.3.1: The District shall encourage boating and *pier access* for recreational and subsistence fishing throughout Tidelands, where feasible, by requiring permittees of applicable development *to provide public fishing or viewing piers and boating access*. Maintenance may be provided by third parties.

WLU Policy 5.1.1: The District shall continue to maintain, expand, and enhance District facilities consistent with the Port Act and in support of the District's mission.

WLU Goal 6: *Expand the collection of lower cost visitor and recreational facilities*. Lower cost visitor and recreational facilities offer valuable opportunities for coastal access to the public. These recreational places are located throughout Tidelands and include facilities such as parks and waterside amenities such as *public fishing piers*, launch areas for motorized and nonmotorized watercraft, and overnight accommodations.

M Policy 1.1.2: Permittees of development with waterside access shall create new, or improve access to, *publicly accessible piers*, docks, slips, moorings, anchorages, floats, and platforms.

M Policy 1.1.3: Through CDPs issued by the District, permittees shall increase the number of boat slips and berthing opportunities in the Bay, where feasible, in accordance with Chapter 5, Planning Districts, including any planned improvements within the applicable planning district or subdistrict.

ECON Policy 2.3.9: The District and applicable permittees shall support existing recreational boating on Tidelands through maintenance of marina-related facilities, including docks, *piers*, slips, and boat launch ramps.

ECON Policy 2.3.17: The District shall promote and support recreational fishing on Tidelands by providing informational signage about recreational fishing opportunities at public locations, such as *fishing piers* and boat launches, and *promoting recreational fishing* through joint public-private marketing, fishing-related festivals, and other fishing events and activities.

ECON Policy 2.4.1: The District encourages the provision of a variety of active and passive recreational opportunities to attract a diverse mix of visitors to Tidelands.

ECON Policy 2.4.3: The District shall promote and support implementation of visitor-serving development and amenities that celebrate the San Diego region's binational setting, natural resources, history, culture, and arts.

(Emphasis added throughout.)

All of these goals and policies demonstrate that public access to the Bay is a priority. New quasi-private/quasi-public piers would not be inconsistent with these goals and policies, but would, in fact, help to promote these goals and policies by providing additional opportunities for the public to access piers for fishing, recreation and scenic vistas, and promoting visitor-serving amenities.

The Draft PEIR notably acknowledges the difference between the La Playa piers in the West Shelter Island subdistrict and the piers located in the Silver Strand Planning District. Unlike the piers in the West Shelter Island subdistrict which are made available for public access, piers in the Silver Strand Planning District include "piers and docks with no associated public access" and "extend into the planning district from off-Tidelands residences." (See Draft PEIR, p. 3-91, p. 4.9-38.) It is understandable that private piers that provide no public access do not contribute to the policies set forth by the Port District and the Coastal Act. However, this is not the case with the West Shelter Island piers.

The Draft PEIR acknowledges that the West Shelter Island piers "will be accessible to the public daily from sunrise to sunset, ... Signs are proposed that indicate availability for public use and such signs will be clearly posted on the landward portion of the pier for all piers retained." (Draft PEIR, p. 3-31.) The Draft PEIR further acknowledges that piers can be a focal point in certain areas, providing "expansive views of the Bay and unique waterfront space." (Draft PEIR, p. 3-51 to 3-52.) The Draft PEIR reports that "West Shelter Island includes panoramic views of the San Diego Bay, which are available along the entire length of the publicly accessible southern waterfront. From the northern portion of West Shelter Island, views are available from the public walkways that border the shoreline, including La Playa Trail, which runs along the northern shore of the Shelter Island Yacht

Basin.” (Draft PEIR, p. 4.1-7.) Moreover, “because the subdistrict draws a high number of visitors, provides ample public access space, and is located on the Bay, and contains the La Playa Trail, viewer sensitivity in this area would be considered high.” (Id.) The addition of new piers in this area would provide additional public access to the available scenic resources and opportunities for public fishing. The Draft PEIR and PMPU contemplate the addition of 10 anchorage moorings within this viewshed presumably to allow for more opportunities for recreational boating on the Bay. (See Draft PEIR, p. 4.1-45.) New piers, in addition to providing public access points along the Bay, would also provide opportunities for additional recreational boating.

Notably, the Draft PEIR states that “the proposed PMPU contains several policies that promote connections within Tidelands,” including WLU Policy 4.1.8 prohibiting “any new private or quasi-private piers connected to residential uses.” (Draft PEIR, p. 4.9-29.) It is unclear how policies which proclaim the value of coastal access, scenic vistas, public fishing, increased physical accessibility to water, and enjoyment of the waterfront can be consistent with prohibitions which limit such coastal interaction. Prohibiting the establishment of new public piers is not promoting connections within the Tidelands, but acts to sever those connections.

It is noteworthy that in 1988, the Port attempted to amend its Master Plan specifically to address the La Playa area piers, attempting to remove the 1982 requirement that the piers be opened to the public. The Port-prepared EIR at that time characterized the piers as a “visual amenity,” and stated that the piers provide:

“points of visual reference along the shoreline that are in character with the surrounding views of boating activity. The shoreline, with the piers, is scenic enough to have been used in postcards and other photographic souvenirs of the area.”

(See Attachment 2 to Exhibit A.) The Port’s 1998 EIR further recognized the scenic-visual quality of the shoreline offered by the piers, and the recreational opportunities provided by the piers. (See Attachment 2 to Exhibit A.) While the Coastal Commission disallowed the continued private ownership of the piers, requiring that the piers be open to public access, the Coastal Commission determined that opening the piers to public use would be consistent with section 30211 of the Coastal Act, “in that public access in the area would be increased.” (See Attachment 2 to Exhibit A.)

The Draft EIR erroneously claims that the PMPU is consistent with the California Coastal Act. (See Draft EIR, p. 4.9-41.) Section 30210 of the Coastal Act requires that maximum public access and recreational opportunities be provided. The prohibition of additional piers providing public access is inconsistent with this Coastal Act requirement. Moreover, the Coastal Act also specifically contemplates the construction of new “structural pilings for public recreational piers that provide public access and recreational opportunities.” Specifically, Section 30233 states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

...

***(3) In open coastal waters, other than wetlands, including streams, estuaries, lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that would provide public access and recreational opportunities.***

...

(Emphasis added.) Contrary to the statement in the Draft EIR, the proposed PMPU prohibition of new piers is not consistent with these Coastal Act provisions which encourage expanded opportunities to access recreational piers.

Only in San Diego is the construction of new piers controversial. Along the coastline of California, the Coastal Commission has approved new public and private piers. Since 2009, the Coastal Commission has approved the construction of more than 25 **new** piers along the California coastline, including in San Diego, Coronado, Newport Beach, Huntington Beach, Long Beach, Morro Bay, Oxnard, Redondo Beach, Humboldt and other locations. Since 2017, the Coastal Commission has approved the replacement of more than 27 piers along the California coast. These Coastal Commission project approvals demonstrate that the Coastal Commission is not averse to the construction of new piers, so long as public access is made a priority.

A particularly relevant example includes a 2019 Coastal Commission approval of the construction of a twenty-nine-foot pier with a private dock float, gangway landing and staircase in Long Beach. The approved pier and dock are associated with the adjacent single-family residence and would be used for recreational boating purposes. (*See Attachment 1 to Exhibit B.*) Similarly, a private pier, gangway and dock float in Corona del Mar was approved by the Coastal Commission in 2017. The proposed dock and pier system was associated with the adjacent residence and was intended for recreational purposes. The Coastal Commission permit specifically notes that “the project is being constructed on public tidelands and/or within an area subject to the public trust doctrine.” (*See Attachment 3 to Exhibit A.*) The Coastal Commission found that, despite the fact that the pier was associated with the adjacent residence, the proposed pier and dock did not impair public access and was not a violation of the public trust doctrine or the Coastal Act.

The Port District has no reasonable basis to ignore the express actions of the Coastal Commission in allowing for the construction of new piers while ensuring continued public access to the ocean, shoreline, and scenic vistas. PD1.3 in the proposed Port Master Plan Update, which prohibits the construction of new piers in the La Playa area of the West Shelter Island subdistrict, should be removed. We appreciate the Board's consideration of these comments.

Yours very truly,

VARCO & ROSENBAUM  
ENVIRONMENTAL LAW GROUP LLP



Suzanne R. Varco

SRV/ssr

Attachments:

- A. January 25, 2018 Letter to Board of Port Commissioners with attachments;
- B. April 29, 2019 Letter to Board of Port Commissioners with attachments;
- C. November 6, 2020 Letter to Board of Port Commissioners.

cc: Mr. Stephen Padilla, California Coastal Commission (via email to [stephen.Padilla@coastal.ca.gov](mailto:stephen.Padilla@coastal.ca.gov))

Mr. Arthur Engel (via email)

Ms. Rebecca Harrington, Port Counsel (via email to [rharrington@portofsandiego.org](mailto:rharrington@portofsandiego.org))

Mr. Joe Stuyvesant, President/CEO ([jstuyvesant@portofsandiego.org](mailto:jstuyvesant@portofsandiego.org))

Board of Port Commissioners:

Michael Zucchet, Chair ([mzucchet@portofsandiego.org](mailto:mzucchet@portofsandiego.org))

Dan Malcolm, Vice Chair ([dmalcolm@portofsandiego.org](mailto:dmalcolm@portofsandiego.org))

Rafael Castellanos ([rcastellanos@portofsandiego.org](mailto:rcastellanos@portofsandiego.org))

Ann Moore, Chair ([amoore@portofsandiego.org](mailto:amoore@portofsandiego.org))

Jennifer Lesar ([jlesar@portofsandiego.org](mailto:jlesar@portofsandiego.org))

Sandy Naranjo ([snaranjo@portofsandiego.org](mailto:snaranjo@portofsandiego.org))



January 25, 2018

**Sent Via Email**

Board of Port Commissioners  
Rafael Castellanos, Chairman  
Ms. Randa Coniglio, Executive Director  
San Diego Unified Port Commission  
3165 Pacific Highway  
San Diego, CA 92101

Re: Construction of New Piers for Public Access

Dear Commissioners, Chair Castellanos and Ms. Coniglio:

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At the Board of Port Commissioners meeting on December 12, 2017, our firm made a presentation on behalf of Mr. Art Engel, a current resident of the La Playa community on Shelter Island. For over a year, Mr. Engel and his representatives have engaged in discussions with Port staff regarding the construction of a new public pier in the La Playa area.

Some background may be helpful to a full understanding of this issue. Five piers presently exist in this area. Four of these piers were originally constructed as privately-owned piers, allowing no public access. The docks at the end of the piers were occupied by private boats owned by the pier users. In 1982, the Board of Port Commissioners adopted Master Plan modifications which required that these privately-owned piers either be removed or made available for public use. (*See Attachment I.*) Each of these piers has now been made available for public use for the length of the pier, with gate access to a dock at the end of each pier. The current use of the docks is governed by Tideland Use and Occupancy Permits (TUOPs); however, each TUOP is limited to two permittees, as the docks can only accommodate two boats.

Mr. Engel has a boat that he uses recreationally on the Bay. He is also a resident of the La Playa community on Shelter Island, with a house located directly adjacent to the Bay and tidelands. In March 2017, one of the TUOP permittees (Dene Oliver) sold his home, which allowed the Port to terminate that TUOP or assign it to another user. At that time, Mr. Engel made a formal request to Port staff seeking assignment of that TUOP to allow his use of the dock on the pier. Port staff provided no response to his request and ultimately assigned the TUOP to a different user.

Mr. Engel and his representatives have repeatedly approached Port staff regarding the construction of a new pier in the La Playa area, and have been advised by Port staff that new piers are not allowed under the Port Master Plan, and that construction of a new pier would violate the public trust doctrine. In our review of the Port Master Plan and the public trust doctrine, neither of these assertions appear correct.

### Port Master Plan

Port staff has advised that Appendix C of the Port Master Plan (*see Attachment 1*), prohibits the construction of new piers in the La Playa area. However, this reading of Appendix C is not accurate. While Appendix C disallows “privately owned” piers, it does not include any similar prohibition for piers available for public use.

The current Port Master Plan, in Section IV discussing Shelter Island, provides the goals and policies for the Shelter Island area, demonstrating that public access to the bay is a priority:

- “Additional people oriented spaces, providing vistas and accessibility to the water and waterside activities, are felt appropriate.”
- “The major emphasis of the development program is directed toward the . . . improvement in the quality of landscape, visual and physical access to the Bayfront.”

Additionally, the development guidelines in the Port Master Plan specifically contemplate that recreational piers are not prohibited, by providing requirements such as: “any increase in water coverage from that which previously exists shall be subject to further environmental review and mitigation as required.” This language alone suggests that over-water improvements, such as a public pier, are not prohibited, but their development must be protective of the environment.

All of these provisions in the existing Port Master Plan evidence that public access is a priority. Nothing in the Plan prohibits the construction of additional piers, but the development guidelines exist to protect both public access and environmental resources.

The proposed Port Master Plan Amendment, continues to express these same policies and goals to provide accessibility to the bay, provide vistas, allow for safe interaction with the water, promote shoreline walkways, provide direct shoreline access and provide recreation activities that attract visitors. Comments at the Port’s December 12 public meeting reflected the varied public use of the existing piers and the value the piers add to the shoreline experience. All of these goals and policies demonstrate that public access to the bay is a priority. A new public pier would not be inconsistent with these goals and policies, but would, in fact, help to promote these goals and policies.

It is noteworthy that in 1988, the Port attempted to amend its Master Plan specifically to address the La Playa area piers, attempting to remove the 1982 requirement that the piers be opened to the public. The Port-prepared EIR at that time characterized the piers as a “visual amenity,” and stated that the piers provide:

“points of visual reference along the shoreline that are in character with the surrounding views of boating activity. The shoreline, with the piers, is scenic enough to have been used in postcards and other photographic souvenirs of the area.”

The EIR further stated that “removal of some or all of the piers could affect the scenic-visual quality of the shoreline, and result in the loss of the recreational opportunities provided by the piers.” (*See Attachment 2, p. 8.*) The Coastal Commission disallowed the Master Plan amendment, finding, not that the piers should be removed, but that public access must be provided. The Coastal Commission determined that retaining the piers and opening the piers to public use would be consistent with section 30211 of the Coastal Act, “in that public access in the area would be increased.” (*See Attachment 2, p. 10.*)

The Coastal Commission is not averse to the construction of new piers, so long as public access is made a priority. A new private pier was approved by the Coastal Commission in July of 2017, and an examination of public access was a key issue in that approval. The Coastal Commission approved the construction of a new pier, dock float and gangway in Corona del Mar. Much like the pier proposed by Mr. Engel, the proposed dock and pier system is associated with the adjacent residence and will be used for recreational purposes. The Coastal Commission permit specifically notes that “the project is being constructed on public tidelands and/or within an area subject to the public trust doctrine.” (*See Attachment 3, p. 3.*) The Coastal Commission issued the permit finding that the proposed pier and dock did not impair public access and was not a violation of the public trust doctrine.

#### Public Trust Doctrine

In discussions with Port staff and counsel, we have been advised that the public trust doctrine prohibits uses accessory to residential property and that a pier, such as proposed by Mr. Engel, would violate this rule. The Public Trust Doctrine, in fact, does not include any language which specifically prohibits the construction of piers which allow for public access.

The public trust doctrine is implemented through the application of the Coastal Act. The Coastal Act emphasizes the need to protect and provide for public access to and along the coast. Section 30210 of the Coastal Act requires that maximum public access and recreational opportunities be provided. The construction of a pier, open for public access, is not inconsistent with this Coastal Act requirement. Moreover, the Coastal Act (see

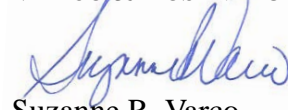
section 30233) also specifically contemplates the construction of new “structural pilings for public recreational piers that provide public access and recreational opportunities.” A new pier, constructed by Mr. Engel, which is open to the public and provides both public access and recreational opportunities, does not violate the public trust doctrine, but, in fact, provides the specific coastal access mandated by the public trust doctrine.

Mr. Engel has, moreover, expressed his willingness to include the construction of, or funding for, other public improvements along the shoreline with the pier construction. The Port Master Plan states that in the La Playa area of Shelter Island, “it is recommended that sometime in the future, the beach area be served by a pedestrian promenade and bike route . . .” and that the area should be “enhanced by providing landscaped sitting and viewing areas and rest stops for bicyclists and pedestrians using the trail system.”

We certainly understand the Port’s desire not to support the construction of private piers; however, the construction of a new pier, providing access to the public, new scenic vistas, and low intensive recreational use promotes the goals and policies of the Master Plan and the Coastal Act and should be allowed, and specifically included in the Port Master Plan. We appreciate the Board’s consideration of this issue.

Yours very truly,

ENVIRONMENTAL LAW GROUP LLP  
VARCO & ROSENBAUM



Suzanne R. Varco

SRV/ssr

Attachments:

1. Appendix C to Port Master Plan, Adopted 5/12/82.
2. California Coastal Commission Staff Recommendation, March 31, 1988.
3. California Coastal Commission Administrative Permit, July 20, 2017

cc: Mr. Stephen Padilla, California Coastal Commission (via email to [stephen.Padilla@coastal.ca.gov](mailto:stephen.Padilla@coastal.ca.gov))  
Mr. Arthur Engel (via email)  
Ms. Rebecca Harrington, Port Counsel (via email to [rharrington@portofsandiego.org](mailto:rharrington@portofsandiego.org))

Board of Port Commissioners:

Rafael Castellanos, Chairman ([rcastellanos@portofsandiego.org](mailto:rcastellanos@portofsandiego.org))

Garry J. Bonelli, Vice Chairman ([gbonelli@portofsandiego.org](mailto:gbonelli@portofsandiego.org))

Ann Moore ([amoore@portofsandiego.org](mailto:amoore@portofsandiego.org))

Dan Malcolm ([dmalcolm@portofsandiego.org](mailto:dmalcolm@portofsandiego.org))

Marshall Merrifield ([mmerrifield@portofsandiego.org](mailto:mmerrifield@portofsandiego.org))

Robert Valderrama ([rvalderrama@portofsandiego.org](mailto:rvalderrama@portofsandiego.org))

Michael Zuccet ([mzuccet@portofsandiego.org](mailto:mzuccet@portofsandiego.org))

Randa Coniglio, Executive Director ([rconiglio@portofsandiego.org](mailto:rconiglio@portofsandiego.org))

# Attachment 1

# APPENDIX C

## COASTAL COMMISSION CERTIFICATION (05-12-82) OF THE SAN DIEGO UNIFIED PORT DISTRICT PORT MASTER PLAN

### I. Certification with Conditions

The California Coastal Commission certifies and finds the San Diego Unified Port District Port Master Plan, with the following Plan modifications as conditions for certification, is consistent with the policies of Chapter 8 of the Coastal Act. The Commission also finds that proposed appealable developments and land and water area uses, with the following Plan modifications as conditions, are consistent with the policies of Chapter 3 of the Coastal Act; and although the Plan may have significant adverse impact on the environment within the meaning of the California Environmental Quality Act, conditions have been developed or will be imposed in future permit proceedings to minimize and mitigate impacts occurring within the Coastal Zone.

### II. Modifications

The following Plan modifications have been adopted by the Board of Port Commissioners and the California Coastal Commission's certification has become effective:

1. **Shelter Island - Planning District 1. La Playa/Kellogg Beach Area Private Piers.**  
The Board of Port Commissioners shall not renew the existing leases on the five privately owned piers in the La Playa and adjacent Kellogg Beach areas that extend out from the tidelands into the yacht Basin near Shelter Island. At the termination of the existing leases in 1986 the Board of Port Commissioners shall either: a) make the piers available for public use; or b) cause them to be removed. Any piers retained which create a severe impediment to lateral shoreline access shall be modified to correct this situation. Signs indicating availability for public use shall be posed on any piers retained.
2. **Tenth Avenue Marine Terminal - Planning District 4.**  
Pending the submission and certification of a Port Master Plan amendment that includes a land use plan for the 5.4 acre Crosby Street site, that section of Planning District 4 and commercial recreation development projects on the Coronado tidelands in Planning District 6 shall not be certified by the Commission and developments in those areas require a permit from the State Coastal Commission.
3. **Coronado Bayfront - Planning District 6.**  
The Port District shall prepare a precise plan to conform to either the MOU or the TOZ, whichever provides the greatest consistency with Coastal Act policies, for those 53 acres of tidelands north of the Coronado Bridge. The final review and approval of the reviewed plan shall be subject to the written approval of the Executive Director in consultation with the Commission.

# Attachment 2



**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT  
1333 CAMINO DEL RIO SOUTH, SUITE 125  
SAN DIEGO, CA 92108-3520  
(619) 297-9740



March 31, 1988

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: TOM CRANDALL, DEPUTY DIRECTOR, OCEAN AND COASTAL RESOURCES; and,  
MILTON PHEGLEY, PORTS COORDINATOR

SUBJECT: STAFF RECOMMENDATION ON SAN DIEGO UNIFIED PORT DISTRICT PORT MASTER  
PLAN AMENDMENT NO. 10 (La Playa Piers). (For Commission  
consideration at meeting of April 14, 1988).

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**STAFF NOTES:**

Master Plan Amendment Procedure: Section 13636 of the Commission's regulations call for port master plan amendments to be certified in the same manner as master plans. Within 90 days after the submittal, the Commission, after public hearing, must certify or reject the amendment, in whole or in part. If the Commission fails to act upon the master plan submittal within 90 days following filing, the proposed amendment is automatically certified, as submitted. This amendment was filed on February 19, 1987. The date by which the Commission needs to take final action is May 19, 1988.

Section 30714 of the Coastal Act states that the Commission may not modify the plan or amendment, as submitted, as a condition of certification. Section 30714 also states that the Commission shall certify the plan, or amendment, if the Commission finds both that:

(1) The certified portions of the amendment conform with and carry out the policies of Chapter 8.

(2) Where the amendment provides for development listed as appealable, in Section 30715, such developments are in conformity with all of the policies of Chapter 3.

The uses which are the subject of this amendment are "appealable." Therefore, the policies of Chapter 3 of the Coastal Act are the standard of review for this amendment. The procedural requirements of Chapter 8 would also be applicable.

---

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Denial of Amendment.

The Commission hereby denies the San Diego Unified Port District Port Master Plan Amendment No. 10, as submitted, and finds for the reasons discussed below that the proposed port master plan amendment would not conform with and carry out the policies of Chapter 3 of the Coastal Act.

II. Findings and Declarations.

The Commission finds and declares as follows:

1. Proposed Master Plan Amendment. In 1980, as a condition of certification of the San Diego Unified Port District Port Master Plan, the Commission required that four private piers in the Peninsula community of the City of San Diego either be converted to public use or removed when the leases on the piers expired in 1986.

At the time of the original master plan consideration in 1980, the Commission had the legal ability to condition a master plan or amendment submittal. Subsequently, the Coastal Act was amended so that the Commission's current authority is only to "... certify the plan or portion of a plan and reject any portion of a plan which is not certified. The Commission may not modify the plan as submitted as the condition of certification."

The specific condition of certification, in 1980, was:

"The Board of Port Commissioners shall not renew the existing leases on the five privately owned piers in the La Playa and adjacent Kellogg Beach areas that extend out from the tidelands into the Yacht Basin near Shelter Island. At the termination of the existing leases in 1986, the Board of Port Commissioners shall either: a) make the piers available for public use; or b) cause them to be removed. Any piers retained which create a severe impediment to lateral shoreline access shall be modified to correct this situation. Signs indicating availability for public use shall be posted on any piers retained."

At that time, the Commission found that:

"The five private piers in the La Playa/Kellogg Beach area that extend across the public beach interferes, in varying degrees, with public access along the beach. Section 30001.5 of the Coastal Act declares that one of the basic goals of the state for the coastal zone is to maximize the public access to and along the coast. Section 30211 states:

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 piers are not considered in the Port Master Plan or the EIR, though Planning Goal IX of the Port Master Plan states:

Provide access along the waterfront wherever possible with promenades and paths where appropriate, and elimination of unnecessary barricades which extend into the water.

It may be to the public benefit if some or all of the piers are allowed to remain with the condition that they be open to the public. The removal or public use of these piers is necessary to bring the Port Master Plan into conformation with the Coastal Act. The Commission recognizes there is already lateral access along this area."

The port's proposed amendment would delete that portion of the port master plan which requires that the existing piers either be removed or opened to public use.

In 1980, there were five piers which were the subject of the condition of certification. Since that time, the port has determined and the Commission staff has agreed that the pier at the La Playa Yacht Club is not subject to the removal/opening requirement as it is available for use by club members and the general public.

2. Description of Site Conditions. The piers and the surrounding area are described in the Environmental Impact Report for this amendment, as follows:

"The recreational piers are located along the beaches of La Playa, a bayfront residential community in Point Loma that forms the western shore of the Shelter Island Yacht Basin in northern San Diego Bay. The La Playa shoreline is composed of narrow stretches of periodically inundated sandy beaches, low, steep banks, and narrow and discontinuous strips of District tidelands abutting the privately owned properties fronting the bay between the San Diego Yacht Club and the Point Loma Naval Reservation.

The piers and adjacent shoreline areas are described in detail from north to south as follows:

Lacy Pier: The Lacy pier is located near the foot of Talbot Street. It was apparently constructed between 1935-1938, however, a pier has existed in this location since the 1920's. The pier, approximately 130 feet

long, is supported by rail piles with concrete jackets and has wood decking and white wooden railings. The shoreline (District lands between the top of bank at water's edge and the adjacent privately owned property) is about 42 feet wide in the area of the pier.

Wyatt Pier: The Wyatt pier is located northerly of the foot of Bessemer Street. The pier is about 125 feet in length and is supported by wood piles with wood decking and white wood picket railings. The shoreline behind the pier is about 42 feet wide. This was apparently the last of the piers to be built, about 1946.

Donnelley Pier: The Donnelley pier is south of the foot of Bessemer Street. It is pile supported with a wood decking and white wooden railing and is only about 65 feet in length. The pier structure does not extend beyond water's edge at low tides. It was apparently built between 1935-1938. The shoreline behind the pier is about 42 feet wide. Note the storm drain outfalls along the beach, which interrupt lateral beach access.

La Playa Yacht Club Pier: The La Playa pier is located at the foot of San Antonio Avenue at its intersection with Qualtrough Street. The pier is pile supported with a white railing and wood decking. This pier also only extends to water edge at lower tides, and is about 70 feet in length. The pier is located about 16 feet northerly of the foot of San Antonio Avenue, a public street. It was apparently built between 1935-1938.

Cotton-West Pier: The Cotton-West pier extends about 175 feet out from the foot of the Nichols Street right-of-way. The pier has wood decking and white wooden railing. Two access ramps for the pier extend over the top of bank to the upland private property line. Pedestrian access along the shore is possible underneath these ramps along a 15-foot wide section of the bank above the beach. It was apparently built between 1935-1938."

3. Contents of Port Master Plan Amendments. Section 13636 of the Commission's regulations calls for port master plan amendments to be certified in the same manner as master plans. Section 30711 of the Coastal Act states, in part, that a port master plan shall include all of the following:

- (1) The proposed uses of land and water areas, where known.
- (2) The proposed design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port

governing body.

- (3) An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact.
- (4) Proposed projects listed as appealable in Section 30715 in sufficient detail to be able to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of this division.
- (5) Provisions for adequate public hearings and public participation in port planning and development decisions.

The Commission finds that the proposed port master plan amendment conforms with the provisions of Coastal Act Section 30711. The proposed land and water uses are listed as "open space" and "open bay." There are adequate details in the port master plan submittal and the Environmental Impact Report (EIR) for the Commission to make a determination of the amendment's consistency with Chapter 3 policies.

The proposed project has been subjected to environmental review under the provisions of the California Environmental Quality Act (CEQA). The amendment EIR was subject to public review and hearing and was certified on January 19, 1988.

Public hearings on the proposed master plan amendment were held by the Port on June 10, 1986, December 15, 1987, and January 19, 1988. Numerous letters and petitions, as well as public testimony, was given regarding the master plan amendment.

4. Appealable Development. Section 30715 of the Coastal Act states that:

"... After a port master plan ... has been certified, ... approvals of any of the following categories of development by the port governing body may be appealed to the commission: ...

(4) Office and residential buildings not principally devoted to the administration of activities within the port; hotels, motels, and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes; commercial fishing facilities; and recreational small craft marina related facilities."

The existing piers are found to be "recreational small craft marina related facilities" and, therefore, are appealable development. The standard of review for this master plan amendment would, thus, be the policies of Chapter 3 of the Coastal Act.

5. Applicable Policies of California Coastal Act of 1976. The most applicable policies of Chapter 3 of the Coastal Act are Sections 30211, 30212.5, 30214, and 30223.

Section 30211 states that:

"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."

Section 30212.5 states:

"Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, or overcrowding or overuse by the public of any single area."

Section 30214 states:

"(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, regional commissions, 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."

Finally, Section 30223 states:

"Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible."

6. Inconsistency of Proposed Master Plan Amendment with Coastal Act Policies. The port's certified master plan classifies public access based upon site characteristics and the potential impact of the the access in adjacent areas. The amendment EIR states that:

"The shoreline areas adjacent to the project area are considered to be Class II public access areas:

"Class II applies to undeveloped shoreline, the property is generally unleased, and may be small, scattered parcels somewhat isolated, irregular in shape and difficult to develop. While a user fee is usually not involved, planning policy encourages limited use to meet the restraints of the limited carrying capacity of the natural resource area involved.

Class II applies to those shoreline areas shown on the Land and Water Use Maps of the Precise Plans as habitat replacement, wetlands, salt ponds, and in one instance (Kellogg-La Playa Beach) as open space. Of the total shoreline under the jurisdiction of the Port District, 8.26 miles of 24.95 percent is in Class II."

Port Master Plan text specific to the Project shoreline and beach areas states that "limited access to the beaches is to be maintained consistent with the existing isolated and low intensive recreational use orientation which is geared to serve the immediate neighborhood."

The EIR also states that "Current recreational opportunities in the project area consist of passive shoreline uses such as sunning, walking, jogging, picnicking, bike riding, etc. The piers are used for recreational boating by their lessees, and have also been used by invited community organizations for this purpose." The EIR also states:

"The piers do not physically restrict lateral access along the shoreline. Access is available along the top of the bank and is not limited by the layout of the piers. Beach access is dependent upon tidal conditions and is not restricted by the piers, however, lateral beach access is somewhat encumbered by a number of storm drain outfalls that are exposed at low tide. The piers do not interfere with any of the passive recreational opportunities currently available to the public nor with boating activities in the Shelter Island Yacht Basin. Their existing use for boat berthing is a very low intensity use that neither interferes with shoreline activities, nor creates a demand for additional public facilities or enhanced access requirements. No significant adverse impact to Public Recreation would occur as a result of the project, and no mitigation measures are necessary."

In a consideration of visual quality, the EIR states that "The piers are a visual amenity ... They provide points of visual reference along the shoreline that are in character with the surrounding views of boating activity. The shoreline, with the piers, is scenic enough to have been used in postcards and other photographic souvenirs of the area."

The EIR, in summary, concludes that:

"Removal of some or all of the piers could affect the scenic-visual quality of the shoreline, and result in the loss of the recreational opportunities provided by the piers. However, these effects are not considered to be individually or cumulatively "significant." Conversion of some or all of the piers to public use could cause increased traffic, parking, and upland-to-shoreline access requirements, and depending upon the kinds and intensities of public uses permitted, impacts upon the surrounding bayfront neighborhood could also result. The only parking and vehicular access available is on local residential streets which are limited in capacity.

Examples of higher intensity public uses which might be considered include the use of the piers for public fishing, in connection with small boat launching, as accommodation docks for regattas, etc. These uses would generate increased demands upon parking, traffic, and access in the area."

The certified EIR determines that the proposed project (the deletion of opening/removal language and the retention of the piers) would not result in any significant, adverse environmental impacts. The EIR also considers one alternative to the proposed project and evaluates its impacts. The alternative considered was the "no project" alternative, i.e. removal or public use conversion of the piers. The EIR, in its evaluation of this



alternative, states:

"The only alternative evaluated for purposes of this EIR is the "No Project Alternative", which would require either the removal of the piers or their conversion to public use. No other feasible alternatives have been identified that would meet the planning goals for the area.

The removal of some or all of the piers could affect the scenic-visual quality of the shoreline, and result in the loss of recreational opportunities traditionally provided by piers along the shoreline. While the piers are picturesque and established shoreline features, their removal would not diminish the scenic character of the Yacht Basin as seen from established vista points, nor result in a significant loss of recreational opportunity as numerous facilities for boat berthing are available in the Shelter Island area.

Recreational piers have been traditional features of the shoreline, but these piers are not associated with persons or events of local or regional historic importance, nor architecturally significant structures. Therefore, their removal would not constitute a substantial adverse impact upon historic resources or values.

The conversion of some or all of the piers to public use could cause increased traffic, parking, and upland-to-shoreline access requirements. Depending upon the kinds and intensities of public uses permitted, impacts upon the surrounding bayfront neighborhood could also result. Examples of higher intensity public uses which might be considered include the use of the piers for public fishing, in connection with small boat launching, as accommodation docks for regattas, etc. These uses would generate increased demands upon parking, traffic, and access in the area. The only parking and vehicular access available is on local residential streets which are limited in capacity. Conversion to public use could result in intensification of uses that maybe adverse. Therefore, conversion would require planning studies and, after the specific uses are decided upon, evaluation of the environmental consequences before project approval."

The proposed amendment is inconsistent with Section 30211 in that the existing development does interfere with public access along the shoreline and does interfere with the use of the public beach in this area. The opportunity exists, through the port's non-renewal of the existing leases, to correct the current interference and increase the opportunity for public access consistent with Section 30211.

The potential exists for adverse impacts resulting from increased public use of the beach area. There are not now any significant reservoirs of parking in the area for beach users and there are not other support facilities, such as restrooms, in the area. However, the mere removal of the piers would not necessarily result in a significantly increased demand for public access. The conversion of the piers to public use could result in undesirable demands on parking, etc., depending upon the types of activities for which the piers are used. However, there has not been any study of the appropriate levels of uses and the types of support facilities which would be needed. The Commission finds that the Port's choice to exclude the public from full use of the area because of the absence of a knowledge of the appropriate level of public use and the support facilities which would be needed is unacceptable.

The Commission is not finding that a high level of beach use is necessarily desirable, but that the removal of the piers would be consistent with Section 30211. The retention of the piers and their opening to public use would also be consistent with Section 30211 in that public access in the area would be increased. The current proposal - to continue private use - is inconsistent with Sections 30212.5 and 30214 in that it completely excludes public use and does not balance an appropriate level of public use with a strategy to supply support facilities consistent with the desirable level of use.

The Port has two options available to it under the policy language which is currently a part of the certified port master plan. The port can either remove the existing piers or convert their use to a public, rather than private one. If the conversion option has the potential of creating substantial adverse impacts, as the port argues that it does, then the removal option is available.

In consideration of the potential impacts from the alternative of the piers being removed, the EIR concludes that existing non-beach recreational opportunities or visual qualities will not be significantly decreased. The Commission finds that the availability of a beach area without significant impediments to lateral access could result in the pursuit of support facilities in the area.

In summary, the Commission finds that continued private use of the area is not consistent with the public recreation and public access policies and goals of the Coastal Act. Removal of the existing piers or their conversion to public use would provide greater public access opportunities in the area and the level of public use could be commensurate with the support facilities available. The opportunity to provide greater public access and recreation opportunities is available to the port through compliance with the policy language of the certified port master plan.

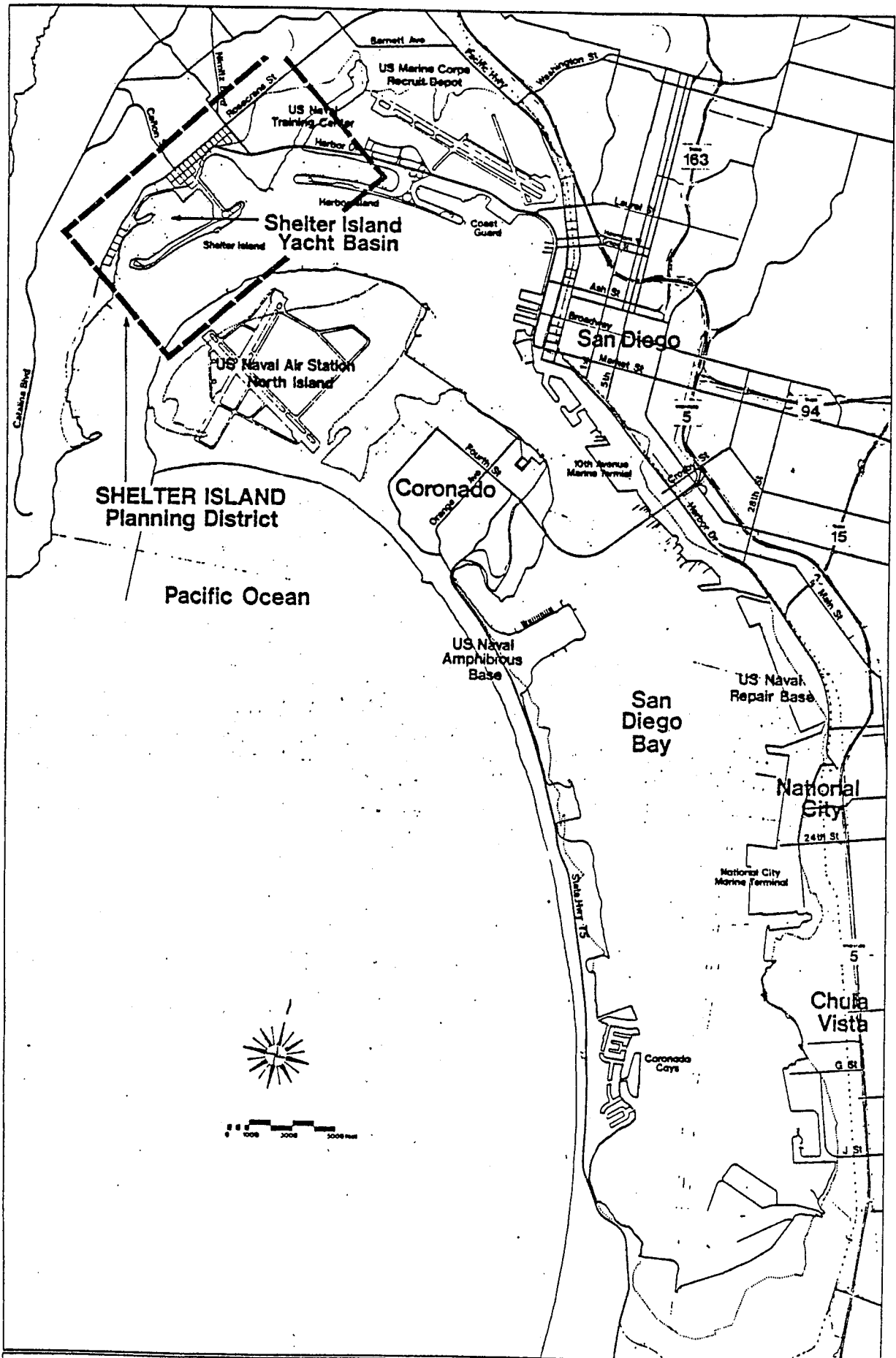
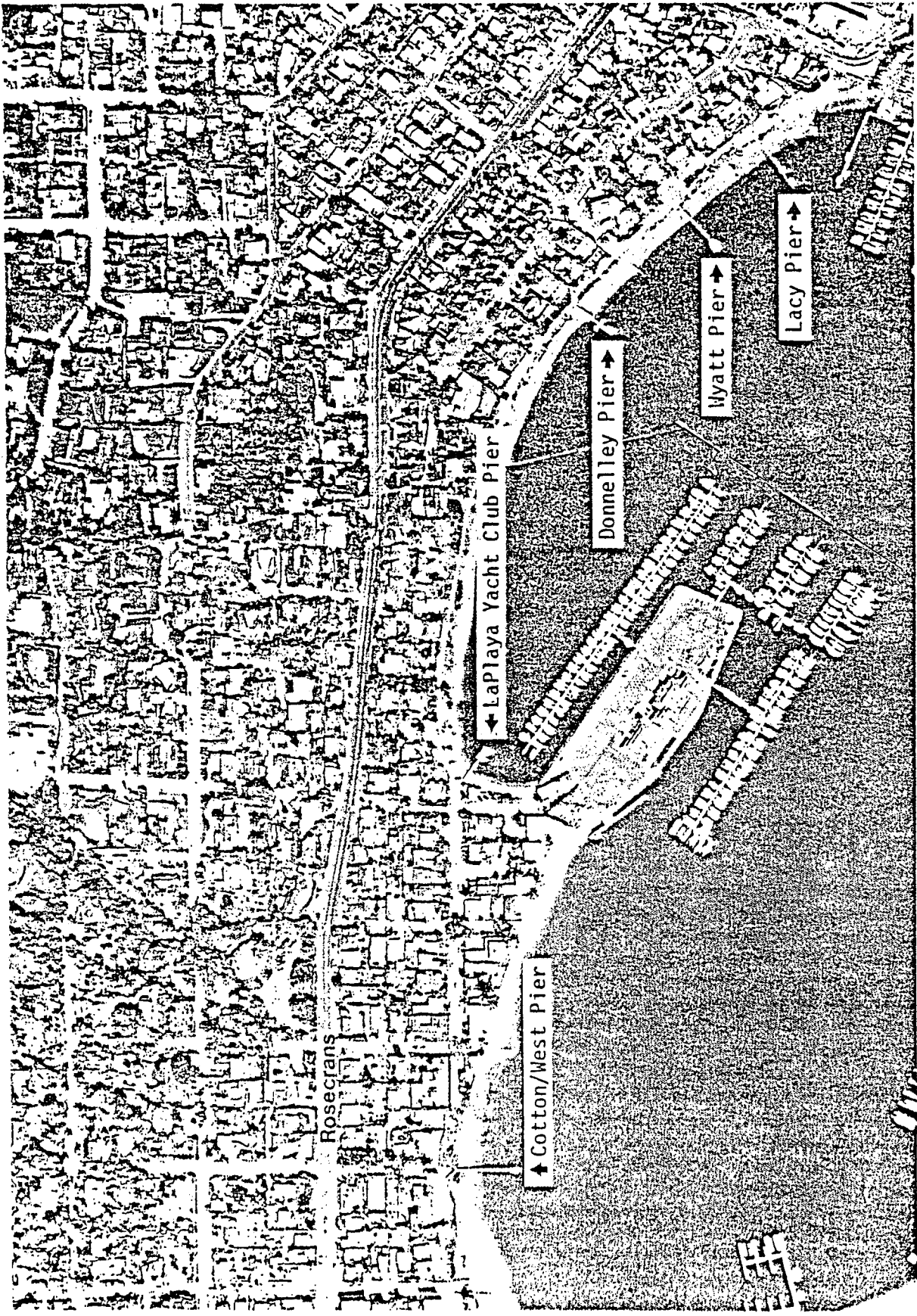



Figure 1 Planning Department	LaPlaya Piers Plan Amendment <b>Vicinity Map</b>	Date 6/24/87	
		Drawn KCS	
Base	No.		

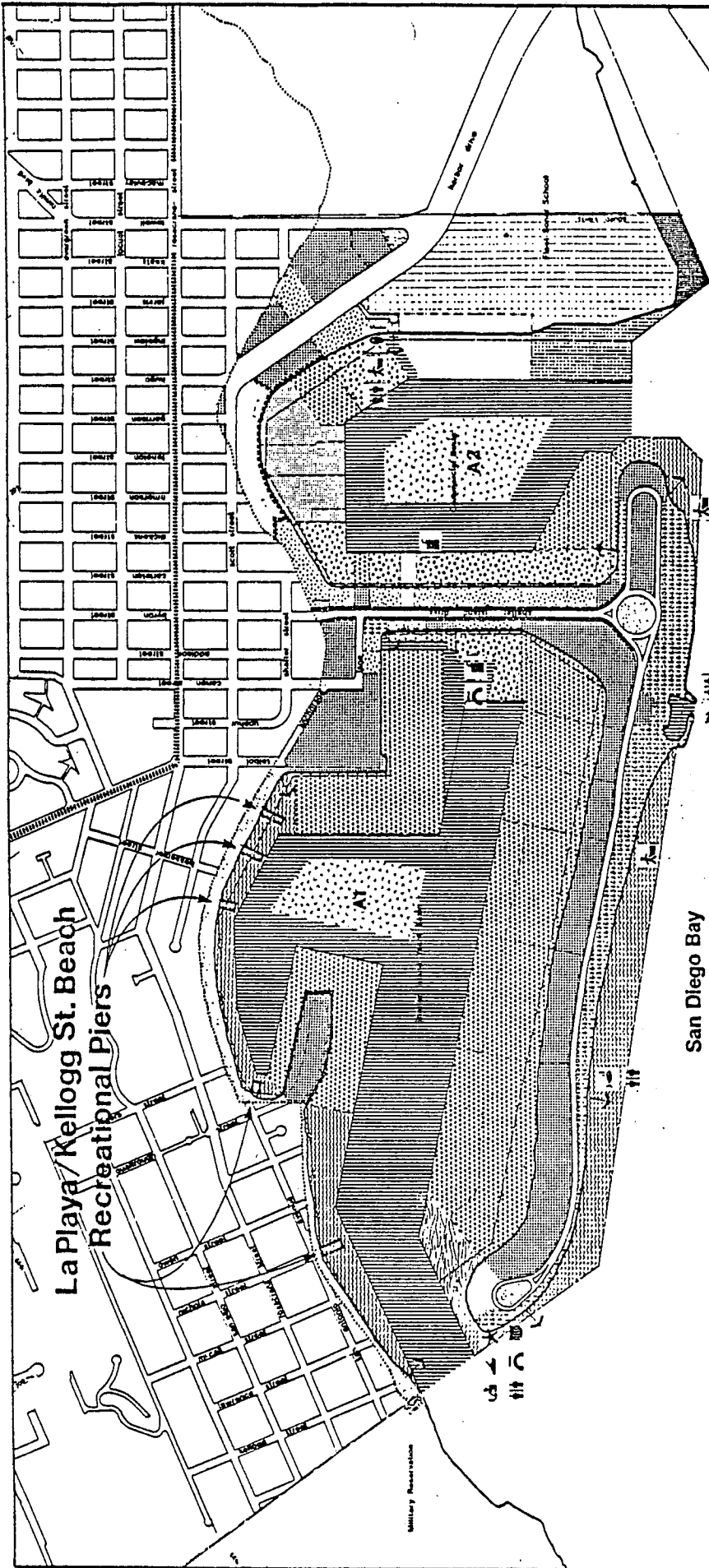


Date 6/27/67 Revised \_\_\_\_\_  
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 Check CS  
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 No. \_\_\_\_\_

**La Playa Piers Plan Amendment - Figure 2**  
**Aerial View of Project Area & Piers**

Scale  400'  
 Planning Department





**PUBLIC FACILITIES**

- Harbor Services
- Harbor Police Station
- Comfort Station
- US Customs
- Anchorage Landing
- US Coast Guard
- Navy Fleet School
- Navy Small Craft Berthing
- Navy Ship Berthing

**MILITARY**

- Harbor Master Pier/Transient Berthing
- Boat Anchorage
- Boat Navigation Corridor
- Fireboat Station
- Sanitary Pumpout

**Land**

- Commercial Fishing
- Commercial Recreation
- Sportfishing
- Marine Sales & Services
- Park
- Promenade
- Open Space
- Public Access
- Vista Area

**COMMERCIAL**

- Commercial Fishing Berthing
- Recreational Boat Berthing
- Sportfishing Berthing
- Marine Services Berthing
- Fueling Dock

**Water**

- Open Bay
- Boat Launching Ramp
- Public Fishing Pier

**PUBLIC RECREATION**

**LEGEND**

- Mean High Tide Line
- US Purchased Land
- Combined US Purchased/Reclaimed Land
- Planning Public Lands
- Coastal Zone Boundary

Scale: 1" = 300'

planning department

Adopted by SDUPD Resolution No. 80-74 Date - March 18, 1980.

La Playa Piers Plan Amendment - Figure 3  
**Master Plan Land & Water Uses**

Planning District 1  
**SHELTER ISLAND/LA PLAYA**

Scale: 1" = 300'

planning department

DATE: 01/31/74  
 DRAWN BY: J. M. B. N.  
 CHECKED BY: J. M. B. N.  
 PROJECT NO.: 22221  
 SHEET NO.: 12/121

MASTER PLAN REVISION

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT  
1333 CAMINO DEL RIO SOUTH, SUITE 125  
SAN DIEGO, CA 92108-3520  
(619) 297-9740



IMPORTANT PUBLIC HEARING NOTICE  
SAN DIEGO UNIFIED PORT DISTRICT MASTER PLAN AMENDMENT NO. 10  
(LA PLAYA PIERS)

HEARING DATE, TIME AND LOCATION

DATE and TIME: Thursday, April 14, 1988; 9:00 a.m.

LOCATION: Burton Chace Park, West end of Mindanao Way, Marina del Rey, CA

AMENDMENT DESCRIPTION

The Port proposes to amend the certified port master plan to allow four private piers in the Kellogg and La Playa Beach areas to remain in private use. The certified plan requires that the piers be either removed or opened to public use by June 30, 1986. The four piers and their locations are: 1) Cotton and West, foot of Nichols Street at San Antonio Avenue; 2) Donnelley, 180 feet west of Bessemer Street; 3) Wyatt, 195 feet east of Bessemer Street; 4) Lacy, 325 feet west of Talbot Street.

HEARING PROCEDURES

At the time of the public hearing, the Coastal Commission staff will make a brief oral presentation to the Commission. Immediately following the staff presentation representatives of the Port will address the Commission regarding the amendment. Upon conclusion of the Port's presentation, interested members of the public and agencies will have an opportunity to address the Commission and comment on the submittal. Following the public hearing, the Commission will discuss the proposed amendment; and, as there are preliminary recommendations and findings prepared for the Commission, the Commission may take final action on the amendment at this time.

STAFF RECOMMENDATION

A staff report has been prepared for the Commission. Staff is recommending that the Port Master Plan Amendment be denied.

AVAILABILITY OF STAFF REPORT

A staff report has been prepared for the Commission on the submitted Master Plan Amendment. Above is a summary of the staff recommendation; if you would like the full text of the staff report, please call or write the above-noted office and request the "San Diego Unified Port District Master Plan Amendment No. 10 Staff Recommendation." Questions regarding the report or hearing should be directed to Milton Phegley, Ports Coordinator, (619) 297-9740.

(3332A)

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT  
1333 CAMINO DEL RIO SOUTH, SUITE 125  
SAN DIEGO, CA 92108-3520  
(619) 297-9740



PUBLIC HEARING NOTICE (Continued Hearing)  
SAN DIEGO UNIFIED PORT DISTRICT MASTER PLAN AMENDMENT NO. 10  
(LA PLAYA PIERS)

HEARING DATE, TIME AND LOCATION

DATE and TIME: Thursday, May 12, 1988; 9:00 a.m.

LOCATION: Burton Chace Park, West end of Mindanao Way, Marina del Rey, CA

AMENDMENT DESCRIPTION

The Port proposes to amend the certified port master plan to allow four private piers in the Kellogg and La Playa Beach areas to remain in private use. The certified plan requires that the piers be either removed or opened to public use by June 30, 1986. The four piers and their locations are: 1) Cotton and West, foot of Nichols Street at San Antonio Avenue; 2) Donnelley, 180 feet west of Bessemer Street; 3) Wyatt, 195 feet east of Bessemer Street; 4) Lacy, 325 feet west of Talbot Street.

HEARING PROCEDURES

The public hearing on this matter was continued from the Commission meeting of April 14, 1988. At the conclusion of this continued hearing, the Commission may take final action on the amendment.

STAFF RECOMMENDATION

A staff report has been prepared for the Commission. The staff report of March 31, 1988, will not be modified for this hearing. Staff is recommending that the Port Master Plan Amendment be denied.

AVAILABILITY OF STAFF REPORT

A staff report has been prepared for the Commission on the submitted Master Plan Amendment. Above is a summary of the staff recommendation; if you would like the full text of the staff report, please call or write the above-noted office and request the "San Diego Unified Port District Master Plan Amendment No. 10 Staff Recommendation." Questions regarding the report or hearing should be directed to Milton Phegley, Ports Coordinator, (619) 297-9740.

# Attachment 3



**CALIFORNIA COASTAL COMMISSION**

45 Fremont St, Suite 2000  
San Francisco, CA 94105-2219  
Phone: (415) 904-5200  
Fax: (415) 904-5400

**W7b**

Staff: Daniel Nathan – SF

Date: July 20, 2017

**ADMINISTRATIVE PERMIT****Application No.**      **5-17-0526****Applicant:**            **Bryan Sheehy****Agents:**                **Swift Slip Dock and Pier Builders Inc.,  
Attention: Jacquelyn Chung****Project****Description:**            Construct 14' x 10' pier and remove 1,080 square foot F-shaped dock float and replace with 1,138 square foot F-shaped dock float (the float's existing headwalk and one dock finger will be re-used), and install a 24' x 5' gangway. The dock system will be secured in place by seven 10-inch round steel pipe piles.**Project****Location:**                2495 Ocean Boulevard, Corona del Mar, City of Newport Beach (Orange County, APN: 052-013-32)**EXECUTIVE DIRECTOR'S DETERMINATION**

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

**Wednesday, August 9, 2017 9:00 am**  
**King Gillette Ranch Auditorium**  
**26800 Mulholland Highway**  
**Calabasas, CA 91302**

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

**BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.**

JOHN AINSWORTH  
Executive Director

By: Daniel Nathan  
Title: Coastal Program Analyst

**STANDARD CONDITIONS**

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**SPECIAL CONDITIONS: SEE PAGES FIVE THROUGH EIGHT.**

## **EXECUTIVE DIRECTOR'S DETERMINATION (continued):**

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

## **FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION**

### **A. PROJECT DESCRIPTION**

The proposed project involves the construction of a 140 square foot pier and the removal and replacement of a dock adjacent to a residential property in Corona del Mar, a neighborhood within the City of Newport Beach, Orange County ([Exhibit No. 1](#)). The existing 1,080 square foot F-shaped dock float will be partially dismantled, removed and replaced with a new 1,138 square foot F-shaped dock float to allow for the dock to be located in deeper waters near the pierhead line. The existing headwalk and one existing dock finger will be reused. A new dock finger will be installed, along with a new 24-ft. x 5-ft. gangway that will connect the dock float to the new 10-ft. x 14-ft. pier to provide storage space for boating-related items. All seven existing 10-inch round steel pipe piles will be removed from their existing locations and will be relocated and installed to support the new pier and dock float ([Exhibit No. 2](#)). The partial removal of the existing dock float and the installation of a new dock float will result in an increase of 58 square feet of water coverage, though much of this increase in water coverage will be due to the installation of the new pier and not the floating dock itself, which is 82 square feet smaller in size.

The proposed dock system is associated with the adjacent residence located at 2495 Ocean Boulevard and will be for recreational boating purposes. The proposed dock system will extend approximately 90 feet from the existing property line into Newport Bay near the Harbor Entrance, but will remain within the U.S. pierhead line. The dock is located on public tidelands that are under the jurisdiction of the County of Orange, but may partially extend onto public tidelands that are under the jurisdiction of the City of Newport Beach. Thus a "Newport Tidelands Encroachment Permit" from the County of Orange is required, while an encroachment permit from the City is not required since the City does not issue encroachment permits for private residential docks and the applicant has received its Harbor Permit/Approval in Concept from the City's Harbor Resources Division. This situation is similar to the docks in the adjacent area and is consistent with past Commission issued permits.

The proposed development is located seaward of the mean high tide and is within the Commission's original permit jurisdiction. The standard of review for development within the Commission's original permit jurisdiction is Chapter 3 of the Coastal Act. The City's certified LCP is advisory in nature and may provide guidance for development.

The project is being constructed on public tidelands and/or within an area subject to public trust doctrine. There is no direct public pedestrian access to public tidelands through the subject site as it is a private residential property with a private dock. However, public access to public tidelands is

available approximately 2000 feet to the south of the subject site at the Corona del Mar public beach. Therefore, the proposed project does not result in adverse impacts to public access. In order to preserve and maintain access to public tidelands, [Special Condition No. 4](#) is imposed stating that the approval of a coastal development permit for the project does not waive any public rights or interest that exist or may exist on the property.

The subject site was surveyed for eelgrass by Dive Works on June 1, 2017, within the requisite active growth phase surveying period (typically March through October) required by the City of Newport Beach Harbor Resources Division. Eelgrass was discovered in the project area, but is not anticipated to be impacted by the new dock system. Eelgrass surveys completed during the active growth phase of eelgrass are valid for 60-days with the exception of surveys completed in August-October, which shall be valid until the resumption of the next active growth phase (i.e., the following March). However, since the project is agendized for the August 2017 Coastal Commission Hearing, the existing eelgrass survey will no longer be valid. Therefore, in order to document existing conditions and ensure that the proposed development does not adversely affect coastal resources and biological productivity, [Special Condition No. 2](#) requires a new eelgrass survey and identifies the procedures necessary to be completed prior to beginning construction, in case the new survey also expires prior to commencement of construction. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit. In addition, the special condition identifies post-construction eelgrass procedures. These conditions will ensure that should impacts to eelgrass occur (though none are expected), the impacts will be identified and appropriate mitigation required under strict protocol provided in the “California Eelgrass Mitigation Policy and Implementing Guidelines” dated October 2014, which will ensure full mitigation of any impacts to eelgrass should the post-construction survey show that unforeseen eelgrass impacts occurred during construction.

A pre-construction *Caulerpa taxifolia* survey was also completed by Dive Works on June 1, 2017, as required by the City of Newport Beach Harbor Resources Division. No *Caulerpa taxifolia* was discovered in the project area and *Caulerpa taxifolia* surveys are valid for 90 days. Since the project is agendized for the August 2017 Coastal Commission Hearing, the *Caulerpa taxifolia* survey is still valid since 90-days have not passed since the survey was completed. However, an up-to-date *Caulerpa taxifolia* survey may be required if construction does not commence before the 90<sup>th</sup> day. Therefore, the Commission imposes [Special Condition No. 3](#), which identifies the procedures necessary to be completed prior to beginning any construction if construction is to commence after the 90<sup>th</sup> day of the original pre-construction *Caulerpa taxifolia* survey, as well as the procedures necessary to be completed prior to beginning any construction if *Caulerpa taxifolia* is found.

The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To ensure that all impacts (pre- and post- construction) to water quality are minimized, however, and to reduce the potential for construction related impacts on water quality, the Commission imposes [Special Condition No. 1](#), which requires, but is not limited to, appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters; and the continued use and maintenance of post construction BMPs.

## **B. MARINE RESOURCES**

The proposed project and its associated structures are an allowable and encouraged marine related use. The project design includes the minimum sized pilings and the minimum number of pilings necessary for structural stability. There are no feasible less environmentally damaging alternatives available. As conditioned, the project will not significantly adversely impact eelgrass beds and will not contribute to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. Further, as proposed and conditioned, the project, which is to be used for recreational boating purposes, conforms to Sections 30224 and 30233 of the Coastal Act.

## **C. WATER QUALITY**

The proposed work will be occurring on, within, or adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. To reduce the potential for post-construction impacts to water quality the Commission requires the continued use and maintenance of post construction BMPs. As conditioned, the Commission finds that the development conforms to Sections 30230 and 30231 of the Coastal Act.

## **D. LOCAL COASTAL PROGRAM (LCP)**

The City of Newport Beach LCP was effectively certified on January 13, 2017. The proposed development is located seaward of the mean high tide and is within the Commission's original permit jurisdiction. The standard of review for development within the Commission's original permit jurisdiction is Chapter 3 of the Coastal Act. The City's certified LCP is advisory in nature and may provide guidance for development. As conditioned, the proposed development is consistent with the Chapter 3 policies of the Coastal Act.

## **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

## **SPECIAL CONDITIONS**

This permit is granted subject to the following special conditions:

### **1. Water Quality**

#### **A. Construction Responsibilities and Debris Removal**

- (1) No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;

- (2) Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
- (3) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- (4) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
- (5) If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;
- (6) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;
- (7) Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
- (8) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- (9) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- (10) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- (11) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (12) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- (13) The discharge of any hazardous materials into any receiving waters shall be prohibited;
- (14) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- (15) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- (16) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

**B. Best Management Practices Program**

By acceptance of this permit the applicant agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

(1) Boat Cleaning and Maintenance Measures:

- a. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris;
- b. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls shall be prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and the amounts used minimized; and
- c. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

(2) Solid and Liquid Waste Management Measures:

- a. All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits will be disposed of in a proper manner and will not at any time be disposed of in the water or gutter.

(3) Petroleum Control Management Measures:

- a. Boaters will practice preventive engine maintenance and will use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed in accordance with hazardous waste disposal regulations. The boaters will regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. The use of soaps that can be discharged by bilge pumps is prohibited;
- b. If the bilge needs more extensive cleaning (e.g., due to spills of engine fuels, lubricants or other liquid materials), the boaters will use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids; and
- c. Bilge cleaners which contain detergents or emulsifiers will not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps.

**2. Eelgrass Survey(s)**

- A. Pre-Construction Eelgrass Survey. Pre-Construction Eelgrass Survey. A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed within 60 days before the start of construction. The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicant shall submit the eelgrass

survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

- B. Post-Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within 30 days of completion of construction if completion of construction occurs within the active growth period, or within the first 30 days of the next active growth period following completion of construction that occurs outside of the active growth period, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted by project construction, the applicant shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another appropriate location subject to the approval of the Executive Director, in accordance with the California Eelgrass Mitigation Policy. Any exceptions to the required 1.38:1 mitigation ratio found within CEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is legally required.

**3. Pre-construction *Caulerpa Taxifolia* Survey**

- A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit (the "project"), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.
- C. Within five (5) business days of completion of the survey, the applicant shall submit the survey:
- (1) for the review and approval of the Executive Director; and
  - (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through California Department of Fish & Wildlife (858/467-4218) National Marine Fisheries Service (562/980-4043).
- D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director, subject to concurrence by the Executive Director, that all *C. taxifolia* discovered within the project and buffer area has been eliminated in a manner that



complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**4. Public Rights**

The approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

**5. Resource Agencies**

The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

**ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS**

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date of Signing

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400  
TDD (415) 597-5885



**W7b**

**5-17-0526 (SHEEHY)**

**JULY 20, 2017**

**EXHIBITS**

**Table of Contents**

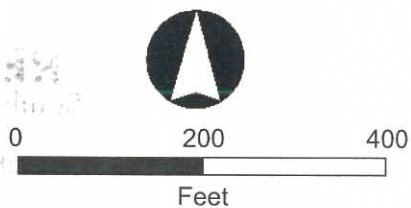
**Exhibit 1 – Project Location**

**Exhibit 2 – Site Plan**

# Exhibit 1



Newport  
Beach  
GIS



**Disclaimer:** Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

**Imagery:** 2009-2013 photos provided by Eagle Imaging [www.eagleaerial.com](http://www.eagleaerial.com)

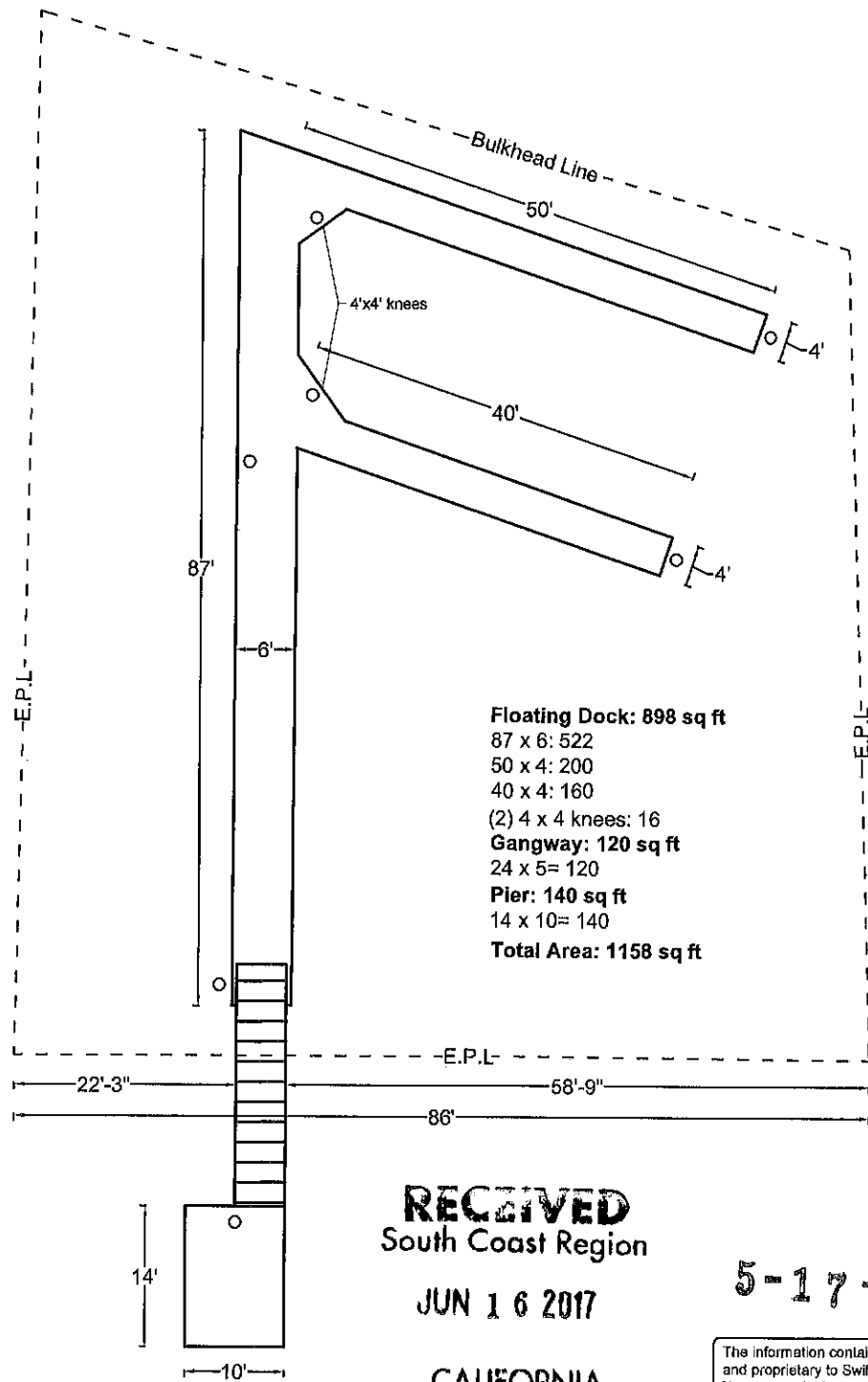
Proposed Exhibit 2



Swift Slip Dock & Pier Builders, Inc

642 Baker St, Costa Mesa, CA, 92626  
 Phone: (949) 631-3121  
 Fax: (714) 509-0618

CLIENT: Sheehy	EN DRAWN.	PS CHECKED.	REVISION.	5/26/17 DATE.	AMENDMENTS:			
SITE: 2495 Ocean Blvd, Corona Del Mar					REV:	DESCRIPTION:	BY:	DATE:



**Floating Dock: 898 sq ft**  
 87 x 6= 522  
 50 x 4= 200  
 40 x 4= 160  
 (2) 4 x 4 knees= 16  
**Gangway: 120 sq ft**  
 24 x 5= 120  
**Pier: 140 sq ft**  
 14 x 10= 140  
**Total Area: 1158 sq ft**

**RECEIVED**  
 South Coast Region  
 JUN 16 2017  
 CALIFORNIA  
 COASTAL COMMISSION

5-17-0526

The information contained in this drawing is confidential and proprietary to Swift Slip Dock & Pier Builders, Inc. No part of this drawing may be distributed, disclosed or reproduced in any form to any third party without consent from Swift Slip Dock & Pier Builders, Inc.

April 29, 2019

**Sent Via Email to PMPU@portofsandiego.org**

Port of San Diego  
Attn: Planning Department  
3165 Pacific Highway  
San Diego, CA 92101

Re: Comment on Discussion Draft of Port Master Plan Update

Dear Port of San Diego Planning Department:

Varco & Rosenbaum Environmental Law Group LLP represents Arthur Engel. On December 12, 2017, our firm made a presentation on behalf of Mr. Engel, a current resident of the La Playa community on Shelter Island, at the Board of Port Commissioners, regarding his desire to construct a new public pier in the La Playa area. For over two years Mr. Engel and his representatives have engaged in discussions with Port staff regarding the construction of a new public pier in the La Playa area. In January 2018, we provided a letter to the Port Commissioners addressing this issue. A copy of that letter is attached for your reference. Since January 2018, we have appeared at two public meetings of the Port Commission (August 2018 and December 2018), each time articulating Mr. Engel's desire to construct a new public pier. At each of these meetings, the Port Commissioners instructed Port staff to meet with Mr. Engel and his representatives to discuss this issue. The Port staff's outreach to Mr. Engel occurred via a public workshop on March 27, 2019, at which we were advised that the Port staff would be recommending the prohibition on any new piers (public or private) in the La Playa area, as well as the complete removal of all existing piers.

We have reviewed the Discussion Draft of the Port Master Plan Update and note that the proposed text, in fact, does prohibit the construction of any new (public or private) piers in the La Playa area (PD1.30) and does require that all of the existing La Playa piers, **including** those providing public access, be removed within two years following certification of the updated Port Master Plan (PD1.31).

Port staff have repeatedly informed us that the Coastal Commission is requiring the removal of the La Playa piers. I have had conversations with Coastal Commission staff, including in San Diego, as well as other Districts, and have been advised that they are unaware of any request for complete removal of the La Playa piers, or any other public access piers in the state. Quite to the contrary, since 2009, the Coastal Commission has

approved the construction of more than 25 new piers along the California coastline, including in San Diego, Coronado, Newport Beach, Huntington Beach, Long Beach, Morro Bay, Oxnard, Redondo Beach, Humboldt and other locations. Since 2017, the Coastal Commission had approved the replacement of 27 piers. Contrary to suggestions by staff, the Coastal Commission is not requesting that public, private or joint public/private piers be removed as a matter of policy from any area in California.

As you are aware, five piers presently exist in the La Playa beach area. Four of these piers were originally constructed as privately-owned piers, allowing no public access. The docks at the end of the piers were occupied by private boats owned by the pier users. In 1982, the Board of Port Commissioners adopted Master Plan modifications which required that these privately-owned piers either be removed or made available for public use. Each of these piers has now been made available for public use for the length of the pier, with gate access to a dock at the end of each pier. The current use of the docks is governed by Tideland Use and Occupancy Permits (TUOPs).

It is noteworthy that in 1988, the Port attempted to amend its Master Plan specifically to address the La Playa area piers, attempting to remove the 1982 requirement that the piers be opened to the public. The Port-prepared EIR at that time characterized the piers as a “visual amenity,” and stated that the piers provide:

“points of visual reference along the shoreline that are in character with the surrounding views of boating activity. The shoreline, with the piers, is scenic enough to have been used in postcards and other photographic souvenirs of the area.”

The Port’s 1988 EIR further stated that “removal of some or all of the piers could affect the scenic-visual quality of the shoreline, and result in the loss of the recreational opportunities provided by the piers.” The Coastal Commission disallowed the continued private ownership of the piers, requiring that the piers be open to public access. The Coastal Commission determined that retaining the piers and opening the piers to public use would be consistent with section 30211 of the Coastal Act, “in that public access in the area would be increased.” (*See Attachment 2 to January 25, 2018 letter.*)

As noted above, the Coastal Commission project approvals evidence that the Coastal Commission is not averse to the construction of new piers, so long as public access is made a priority. Private and public piers have been approved by the Coastal Commission throughout the state, including as recently as February 2019, when the Coastal Commission approved the construction of a twenty-nine-foot pier with a private dock float, gangway landing and staircase in Long Beach. The approved pier and dock are associated with the adjacent single-family residence and would be used for recreational boating purposes. (See Attached Administrative Permit, Application No. 5-18-0879.)

Such approvals by the Coastal Commission are not uncommon. In July 2017, the Coastal Commission also approved a new private dock and pier system associated with the adjacent residence, to be used for recreational purposes. The Coastal Commission permit specifically noted that “the project is being constructed on public tidelands and/or within an area subject to the public trust doctrine.” (*See Attachment 3 to January 25, 2018 letter.*) The Coastal Commission issued the permit finding that the proposed pier and dock did not impair public access and was not a violation of the public trust doctrine.

The Public Trust Doctrine and Coastal Act both allow for the construction of new public piers. The public trust doctrine is implemented through the application of the Coastal Act. The Coastal Act emphasizes the need to protect and provide for public access to and along the coast. Section 30210 of the Coastal Act requires that maximum public access and recreational opportunities be provided. The construction of a pier, open for public access, is not inconsistent with this Coastal Act requirement. Moreover, the Coastal Act (see section 30233) also specifically contemplates the construction of new “structural pilings for public recreational piers that provide public access and recreational opportunities.”

The language in the discussion draft of the Port Master Plan Update, prohibiting construction of public piers and requiring the removal of all existing public piers which provide valuable public access, is in violation of both the Public Trust Doctrine and the Coastal Act.

We certainly understand the Port’s desire not to support the construction of private piers; however, the construction of new piers, providing access to the public, new scenic vistas, and low intensive recreational use promotes the goals and policies of the Port Master Plan and the Coastal Act and should be allowed. The language proposed by staff, prohibiting construction of public piers and requiring the removal of all existing public piers, should be stricken from the document.

We suggest replacement of the staff-proposed PD1.30 and PD1.31 with the following language:

**PD1.30** No new private residential piers are permitted.

**PD1.31** New public and/or public/private piers shall only be permitted if the private portion is limited to floating docks attached to the pier and the full length of the pier is open to the public daily between sunrise and sunset. Signs shall be posted which permit public access.

We appreciate the Commission's consideration of this issue.

Yours very truly,

ENVIRONMENTAL LAW GROUP LLP  
VARCO & ROSENBAUM



Suzanne R. Varco

SRV/ssr

Attachments:

1. Coastal Commission Administrative Permit, Application No. 5-18-0879;
2. Letter from Varco & Rosenbaum Environmental Law Group LLP, dated January 25, 2018.

cc: Mr. Stephen Padilla, California Coastal Commission (via email to [stephen.Padilla@coastal.ca.gov](mailto:stephen.Padilla@coastal.ca.gov))

Mr. Ryan Moroney, California Coastal Commission (via email to [ryan.moroney@coastal.ca.gov](mailto:ryan.moroney@coastal.ca.gov))

Mr. Arthur Engel (via email)

Ms. Rebecca Harrington, Port Counsel (via email to [rharrington@portofsandiego.org](mailto:rharrington@portofsandiego.org))

Board of Port Commissioners (via email):

Garry J. Bonelli, Chairman ([gbonelli@portofsandiego.org](mailto:gbonelli@portofsandiego.org))

Ann Moore ([amoore@portofsandiego.org](mailto:amoore@portofsandiego.org))

Dan Malcolm ([dmalcolm@portofsandiego.org](mailto:dmalcolm@portofsandiego.org))

Marshall Merrifield ([mmerrifield@portofsandiego.org](mailto:mmerrifield@portofsandiego.org))

Robert Valderrama ([rvalderrama@portofsandiego.org](mailto:rvalderrama@portofsandiego.org))

Michael Zuccet ([mzuccet@portofsandiego.org](mailto:mzuccet@portofsandiego.org))

Rafael Castellanos, ([rcastellanos@portofsandiego.org](mailto:rcastellanos@portofsandiego.org))

Randa Coniglio, Executive Director (via email to [rconiglio@portofsandiego.org](mailto:rconiglio@portofsandiego.org))



# **ATTACHMENT 1**

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



# W7a

Staff: A. Spencer – LB  
Date: February 14, 2019

**ADMINISTRATIVE PERMIT**

**Application No.**      **5-18-0879**

**Applicants:**        **Roberta Sniderman and Ann Keitel**

**Agent:**                Pinnacle Docks (c/o Rafael Holcombe)

**Project Location:**    State tidelands adjacent to 64 Rivo Alto Canal, City of Long Beach, Los Angeles County (APN: 7244-022-014).

**Project Description:** Construct a 29 ft. x 6 ft. dock float, 18 ft. x 2.5 ft. gangway, 3 ft. x 4 ft. gangway landing, and staircase.

**EXECUTIVE DIRECTOR'S DETERMINATION**

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

**March 06, 2019, 9:00 a.m.**  
**California African American Museum**  
**600 State Drive**  
**Los Angeles, CA 90037**

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

**BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.**

John Ainsworth  
Executive Director

by: Amrita Spencer  
Coastal Program Analyst

#### **STANDARD CONDITIONS**

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**SPECIAL CONDITIONS:** See pages five through nine.

## **EXECUTIVE DIRECTOR'S DETERMINATION (continued):**

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

## **FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION**

### **A. PROJECT DESCRIPTION**

The applicant proposes to install a 6 ft. x 29 ft. (174 sq. ft.) rectangular dock float, one 18 ft. x 2.5 ft. gangway, one 3 ft. by 4 ft. gangway landing, and an access staircase in the Rivo Alto Canal located in southeast Long Beach ([Exhibit 1](#) and [Exhibit 3](#)). The proposed 6 ft. x 29 ft. dock float complies with the maximum six-ft. width of new or reconstructed dock systems within the Rivo Alto Canal as set forth in Special Condition 8 of Coastal Development Permit 5-11-085 [Naples Seawall Repair Project (Phase 1), City of Long Beach]. There will be no fill of coastal waters as a result of the subject development. No bottom disturbance or dredging is proposed or permitted by the subject application. The proposed project has received the approval of the City of Long Beach Marine Bureau (08/10/18) and the City of Long Beach Department of Development Services (09/14/2018).

Naples Island (which consists of three islands) and the Naples Canals (Rivo Alto Canal and Naples Canal) were constructed (dredged and filled) in the early 1900s in the delta of the San Gabriel River, the area that is now Alamitos Bay. Rivo Alto Canal is currently 65 to 70 ft. wide and 7 to 14 ft. deep, depending on the tide. A 20-ft. wide portion of public land exists on the upland portions along each side of the Rivo Alto Canal right-of-way, between the seawalls and the property lines of the residents whose homes line the canal and is open to the public.

In 2013, the Commission approved Coastal Development Permit 5-11-085, which authorized repair activities for the existing seawall that surrounds Naples Island. Subject to the conditions of Coastal Development Permit 5-11-085, the City of Long Beach is in the process of installing new steel sheet-pile seawalls on the water side of the existing vertical concrete seawalls along both sides of Rivo Alto Canal (1,915 linear ft.), and new guardrails, landscape beds, sidewalks, improved drainage, and relocated street lighting in the public right-of-way along the canal. Due to the scale of work required for the project, the seawall repair project was broken up into phases. CDP 5-11-085 permitted Phase One of the project, which includes the Rivo Alto Canal properties located between Ravenna Drive Bridge and the Toledo east bridge, where the project site is not located. During Phase One, the City removed the dock floats and associated structures in order to access and repair the seawall. Upon completion of the repair activities, the City replaced the private dock float systems. The project site is located in the Northeast quadrant of the Naples Canal system, which has been categorized as Phase Three of the Naples Seawall Repair Project ([Exhibit 2](#)). At this time, the City has not prepared an amendment to Coastal Development Permit 5-11-085 to authorize Phase Three repair activities.

The proposed dock system is associated with the adjacent single-family residence at 64 Rivo Alto Canal and would be used for recreational boating purposes. The applicant submitted an eelgrass survey dated September, 2018, which indicated that no eelgrass was present within the project site. The closest patch of eelgrass was observed approximately 17 ft. from the northwest corner of the dock; however, the proposed project is not expected to impact eelgrass. Invasive algae (*Caulerpa taxifolia*) were not observed at the site. The City of Long Beach has developed eelgrass mitigation plans for the Phase One and Phase Two areas of the Naples Seawall Repair Project under Coastal Development Permits 5-11-085 and 5-11-085-A1, respectively. However, because the City has not started the procedures for the Phase Three area, it is unclear whether or if the City will undertake a similar eelgrass mitigation plan for the area. The Commission therefore imposes Special Condition 2 and Special Condition 3, which require the applicant to undergo pre-construction eelgrass and caulerpa surveys for the project site and within a 10 meter buffer area. In addition, **Special Condition 4** and **Special Condition 5** require the applicant to implement best management practices during construction and post-construction in order to avoid any significant adverse effects to marine resources. Therefore, as proposed and conditioned herein, the development will not have any significant adverse effects on marine resources.

The proposed project (a new dock float) requires an access point (gangway and gangway platform) , which may partially obstruct the approximately 20-ft. wide public right-of-way that runs between the applicant's property and the Rivo Alto Canal. The public right-of-way features a concrete walkway and may be partially landscaped in the area adjacent to the seawall by the applicant, but is subject to improvement by the City of Long Beach, consistent with the requirements of Coastal Development Permit 5-11-085. The applicant is not proposing any landscaping or improvements in the public right-of-way at this time. However, should the applicant decide to place improvements within the designated portion of the public right-of-way, the improvements would need to be consistent with the requirements found in Coastal Development Permit 5-11-085. Therefore, the Commission imposes **Special Condition 6**, which states that the only permitted improvements to the public right-of-way are the gangway platform adjacent to the seawall associated with the proposed dock system, seating available to the public, and drought tolerant non-invasive landscaping. Additionally, **Special Condition 6** requires that a minimum of six ft. of the reconstructed sidewalk shall remain open and accessible to the general public 24 hours a day, consistent with the other Naples Island public walkways and Special Condition 12 of Coastal Development Permit 5-11-085.

## **B. MARINE RESOURCES**

The proposed recreational boat dock development and its associated structures are an allowable and encouraged marine related use. There will be no net increase in number of piles or fill of coastal waters. The proposed development has been conditioned to minimize any significant adverse effect the project may have on the environment by avoiding or mitigating impacts upon sensitive marine resources, such as eelgrass. There are no feasible less environmentally damaging alternatives available. As conditioned, the project will not significantly adversely impact eelgrass beds and will not contribute to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. Further, as proposed and conditioned, the project, which is to be used solely for recreational boating purposes, conforms to Sections 30224 and 30233 of the Coastal Act.

### **C. PUBLIC ACCESS AND RECREATION**

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

### **D. WATER QUALITY**

The proposed dock work will be occurring on or within coastal waters. The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates best management practices (BMPs) to minimize the effect of construction and post-construction activities on the marine environment. These BMPs include, but are not limited to, the appropriate management of equipment and construction materials and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

### **E. LOCAL COASTAL PROGRAM**

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

### **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

## **SPECIAL CONDITIONS**

This permit is granted subject to the following special conditions:

- 1. Permit Compliance.** Boating related uses are the only uses permitted by the approved development. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved

project must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit or a new coastal development permit is required.

- 2. Pre-Construction Eelgrass Survey.** A valid pre-construction eelgrass survey (whether for *Zostera marina* or *Z. pacifica*) shall be completed for the project site and a 10m buffer area by the Permittees during the period of active eelgrass growth (this period varies in different regions; consult the CEMP for the relevant season in the project area). The pre-construction survey shall be completed no more than 60 days prior to the beginning of construction and shall be valid until the next period of active growth. If any portion of the project is subsequently proposed to occur in a previously unsurveyed area, a new survey is required during the active growth period for eelgrass in that region and no more than 60 days prior to commencement of work in that area. The eelgrass survey and mapping shall be prepared in full compliance with the CEMP, and in consultation with the National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW). If side-scan sonar methods will be used, evidence of a permit issued by the California State Lands Commission (CSLC) for such activities shall also be provided prior to the commencement of survey work. The applicant shall submit the pre-construction eelgrass surveys for review and approval by the Executive Director within five (5) business days of completion of each eelgrass survey and in any event, no later than fifteen (15) business days prior to commencement of any development. If eelgrass surveys identify any eelgrass within the project area, which may be potentially impacted by the proposed project, the Permittees are required to complete post-project eelgrass surveys consistent with subsection A (below).

- A. Post-Construction Eelgrass Survey.** If any eelgrass is identified in the project site or the 10m buffer area by surveys required in subsection B of this condition (above), within 30 days of completion of construction, or within the first 30 days of the next active growth period following completion of construction that occurs outside of the active growth period, the applicant shall survey the project site and the 10m buffer area to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the CEMP adopted by the NMFS (except as modified by this special condition), and in consultation with the CDFW. If side-scan sonar methods are to be used, evidence of a valid permit from CSLC must also be provided prior to the commencement of each survey period. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been adversely impacted, the applicant shall replace the impacted eelgrass at a minimum final 1.2:1 (mitigation:impact) ratio on-site, or at another location, in accordance with the CEMP. Any exceptions to the required 1.2:1 minimum final mitigation ratio found within the CEMP shall not apply. Based on past performance of eelgrass mitigation efforts, in order to achieve this minimum, the appropriate regional initial planting ratio provided in the CEMP should be used. Implementation of mitigation to ensure success in achieving the minimum final mitigation ratio (1.2:1) shall require an amendment to this permit or a new coastal development permit unless the Executive Director provides a written determination that no amendment or new permit is required.

### 3. Pre-Construction *Caulerpa taxifolia* Survey

- a. Not more than 90 days nor less than 30 days prior to commencement or recommencement of any development authorized under this coastal development permit (the “project”), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive green alga, *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- b. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service (see [http://www.westcoast.fisheries.noaa.gov/habitat/aquatic\\_invasives/caulerpa\\_taxifolia.html](http://www.westcoast.fisheries.noaa.gov/habitat/aquatic_invasives/caulerpa_taxifolia.html)).
- c. Within five (5) business days of completion of the survey, the applicant shall submit the survey
  - i. for the review and written approval of the Executive Director; and
  - ii. to the Surveillance Subcommittee to the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Wildlife (858-467-4218/William.Paznokas@wildlife.ca.gov) or Bryant Chesney, National Marine Fisheries Service (562-980-4037/Bryant.Chesney@noaa.gov).
- d. If *C. taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director provides a written determination that no amendment is legally required.

### 4. Construction Responsibilities and Debris Removal. By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:

- a. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- b. Any and all construction material shall be removed from the site within ten days of completion of construction and disposed of at an appropriate location.
- c. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- d. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- e. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.



- f. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water, and that the project has not created any hazard to navigation.

**5. Best Management Practices (BMP) Program.** By acceptance of this permit, the permittee agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs:

a. Boat Cleaning and Maintenance Measures:

- In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints and debris.
- In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls is prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and only minimal amounts shall be used.
- The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

b. Solid and Liquid Waste Management Measures:

- All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the water or gutter.

c. Petroleum Control Management Measures:

- Oil absorbent materials should be examined at least once a year and replaced as necessary. The applicant shall recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The boaters are encouraged to regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters are also encouraged to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services to clean oily bilge areas. Clean and maintain bilges. Do not use detergents while cleaning. The use of soaps that can be discharged by bilge pumps is discouraged.

**6. Public Access along the Public Right-of-Way.** The proposed project shall not interfere with public access and use of the public right-of-way that runs between the permittee's property and Rivo Alto Canal. The only permitted improvements to the public right-of-way are the gangway platform to the seawall associated with the proposed dock system, seating available to the public, and drought tolerant non-invasive landscaping.

A minimum of six ft. of the reconstructed sidewalk shall remain open and accessible to the general public 24 hours a day, consistent with the other Naples Island public walkways and Special Condition 12 of Coastal Development Permit 5-11-085.

Vegetated landscaped areas shall consist of drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>). Irrigation systems are not permitted within the public right-of-way.

- 7. Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

#### **ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS**

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

---

Applicant's Signature

---

Date of Signing

# **ATTACHMENT 2**

January 25, 2018

**Sent Via Email**

Board of Port Commissioners  
Rafael Castellanos, Chairman  
Ms. Randa Coniglio, Executive Director  
San Diego Unified Port Commission  
3165 Pacific Highway  
San Diego, CA 92101

Re: Construction of New Piers for Public Access

Dear Commissioners, Chair Castellanos and Ms. Coniglio:

At the Board of Port Commissioners meeting on December 12, 2017, our firm made a presentation on behalf of Mr. Art Engel, a current resident of the La Playa community on Shelter Island. For over a year, Mr. Engel and his representatives have engaged in discussions with Port staff regarding the construction of a new public pier in the La Playa area.

Some background may be helpful to a full understanding of this issue. Five piers presently exist in this area. Four of these piers were originally constructed as privately-owned piers, allowing no public access. The docks at the end of the piers were occupied by private boats owned by the pier users. In 1982, the Board of Port Commissioners adopted Master Plan modifications which required that these privately-owned piers either be removed or made available for public use. (*See Attachment 1.*) Each of these piers has now been made available for public use for the length of the pier, with gate access to a dock at the end of each pier. The current use of the docks is governed by Tideland Use and Occupancy Permits (TUOPs); however, each TUOP is limited to two permittees, as the docks can only accommodate two boats.

Mr. Engel has a boat that he uses recreationally on the Bay. He is also a resident of the La Playa community on Shelter Island, with a house located directly adjacent to the Bay and tidelands. In March 2017, one of the TUOP permittees (Dene Oliver) sold his home, which allowed the Port to terminate that TUOP or assign it to another user. At that time, Mr. Engel made a formal request to Port staff seeking assignment of that TUOP to allow his use of the dock on the pier. Port staff provided no response to his request and ultimately assigned the TUOP to a different user.

Mr. Engel and his representatives have repeatedly approached Port staff regarding the construction of a new pier in the La Playa area, and have been advised by Port staff that new piers are not allowed under the Port Master Plan, and that construction of a new pier would violate the public trust doctrine. In our review of the Port Master Plan and the public trust doctrine, neither of these assertions appear correct.

### Port Master Plan

Port staff has advised that Appendix C of the Port Master Plan (*see Attachment 1*), prohibits the construction of new piers in the La Playa area. However, this reading of Appendix C is not accurate. While Appendix C disallows “privately owned” piers, it does not include any similar prohibition for piers available for public use.

The current Port Master Plan, in Section IV discussing Shelter Island, provides the goals and policies for the Shelter Island area, demonstrating that public access to the bay is a priority:

- “Additional people oriented spaces, providing vistas and accessibility to the water and waterside activities, are felt appropriate.”
- “The major emphasis of the development program is directed toward the . . . improvement in the quality of landscape, visual and physical access to the Bayfront.”

Additionally, the development guidelines in the Port Master Plan specifically contemplate that recreational piers are not prohibited, by providing requirements such as: “any increase in water coverage from that which previously exists shall be subject to further environmental review and mitigation as required.” This language alone suggests that over-water improvements, such as a public pier, are not prohibited, but their development must be protective of the environment.

All of these provisions in the existing Port Master Plan evidence that public access is a priority. Nothing in the Plan prohibits the construction of additional piers, but the development guidelines exist to protect both public access and environmental resources.

The proposed Port Master Plan Amendment, continues to express these same policies and goals to provide accessibility to the bay, provide vistas, allow for safe interaction with the water, promote shoreline walkways, provide direct shoreline access and provide recreation activities that attract visitors. Comments at the Port’s December 12 public meeting reflected the varied public use of the existing piers and the value the piers add to the shoreline experience. All of these goals and policies demonstrate that public access to the bay is a priority. A new public pier would not be inconsistent with these goals and policies, but would, in fact, help to promote these goals and policies.

It is noteworthy that in 1988, the Port attempted to amend its Master Plan specifically to address the La Playa area piers, attempting to remove the 1982 requirement that the piers be opened to the public. The Port-prepared EIR at that time characterized the piers as a “visual amenity,” and stated that the piers provide:

“points of visual reference along the shoreline that are in character with the surrounding views of boating activity. The shoreline, with the piers, is scenic enough to have been used in postcards and other photographic souvenirs of the area.”

The EIR further stated that “removal of some or all of the piers could affect the scenic-visual quality of the shoreline, and result in the loss of the recreational opportunities provided by the piers.” (*See Attachment 2, p. 8.*) The Coastal Commission disallowed the Master Plan amendment, finding, not that the piers should be removed, but that public access must be provided. The Coastal Commission determined that retaining the piers and opening the piers to public use would be consistent with section 30211 of the Coastal Act, “in that public access in the area would be increased.” (*See Attachment 2, p. 10.*)

The Coastal Commission is not averse to the construction of new piers, so long as public access is made a priority. A new private pier was approved by the Coastal Commission in July of 2017, and an examination of public access was a key issue in that approval. The Coastal Commission approved the construction of a new pier, dock float and gangway in Corona del Mar. Much like the pier proposed by Mr. Engel, the proposed dock and pier system is associated with the adjacent residence and will be used for recreational purposes. The Coastal Commission permit specifically notes that “the project is being constructed on public tidelands and/or within an area subject to the public trust doctrine.” (*See Attachment 3, p. 3.*) The Coastal Commission issued the permit finding that the proposed pier and dock did not impair public access and was not a violation of the public trust doctrine.

#### Public Trust Doctrine

In discussions with Port staff and counsel, we have been advised that the public trust doctrine prohibits uses accessory to residential property and that a pier, such as proposed by Mr. Engel, would violate this rule. The Public Trust Doctrine, in fact, does not include any language which specifically prohibits the construction of piers which allow for public access.

The public trust doctrine is implemented through the application of the Coastal Act. The Coastal Act emphasizes the need to protect and provide for public access to and along the coast. Section 30210 of the Coastal Act requires that maximum public access and recreational opportunities be provided. The construction of a pier, open for public access, is not inconsistent with this Coastal Act requirement. Moreover, the Coastal Act (see

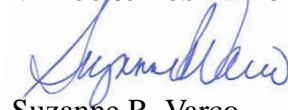
section 30233) also specifically contemplates the construction of new “structural pilings for public recreational piers that provide public access and recreational opportunities.” A new pier, constructed by Mr. Engel, which is open to the public and provides both public access and recreational opportunities, does not violate the public trust doctrine, but, in fact, provides the specific coastal access mandated by the public trust doctrine.

Mr. Engel has, moreover, expressed his willingness to include the construction of, or funding for, other public improvements along the shoreline with the pier construction. The Port Master Plan states that in the La Playa area of Shelter Island, “it is recommended that sometime in the future, the beach area be served by a pedestrian promenade and bike route . . .” and that the area should be “enhanced by providing landscaped sitting and viewing areas and rest stops for bicyclists and pedestrians using the trail system.”

We certainly understand the Port’s desire not to support the construction of private piers; however, the construction of a new pier, providing access to the public, new scenic vistas, and low intensive recreational use promotes the goals and policies of the Master Plan and the Coastal Act and should be allowed, and specifically included in the Port Master Plan. We appreciate the Board’s consideration of this issue.

Yours very truly,

ENVIRONMENTAL LAW GROUP LLP  
VARCO & ROSENBAUM



Suzanne R. Varco

SRV/ssr

Attachments:

1. Appendix C to Port Master Plan, Adopted 5/12/82.
2. California Coastal Commission Staff Recommendation, March 31, 1988.
3. California Coastal Commission Administrative Permit, July 20, 2017

cc: Mr. Stephen Padilla, California Coastal Commission (via email to [stephen.Padilla@coastal.ca.gov](mailto:stephen.Padilla@coastal.ca.gov))  
Mr. Arthur Engel (via email)  
Ms. Rebecca Harrington, Port Counsel (via email to [rharrington@portofsandiego.org](mailto:rharrington@portofsandiego.org))

Board of Port Commissioners:

Rafael Castellanos, Chairman ([rcastellanos@portofsandiego.org](mailto:rcastellanos@portofsandiego.org))

Garry J. Bonelli, Vice Chairman ([gbonelli@portofsandiego.org](mailto:gbonelli@portofsandiego.org))

Ann Moore ([amoore@portofsandiego.org](mailto:amoore@portofsandiego.org))

Dan Malcolm ([dmalcolm@portofsandiego.org](mailto:dmalcolm@portofsandiego.org))

Marshall Merrifield ([mmerrifield@portofsandiego.org](mailto:mmerrifield@portofsandiego.org))

Robert Valderrama ([rvalderrama@portofsandiego.org](mailto:rvalderrama@portofsandiego.org))

Michael Zucchet ([mzucchet@portofsandiego.org](mailto:mzucchet@portofsandiego.org))

Randa Coniglio, Executive Director ([rconiglio@portofsandiego.org](mailto:rconiglio@portofsandiego.org))



# Attachment 1

# APPENDIX C

## COASTAL COMMISSION CERTIFICATION (05-12-82) OF THE SAN DIEGO UNIFIED PORT DISTRICT PORT MASTER PLAN

### I. Certification with Conditions

The California Coastal Commission certifies and finds the San Diego Unified Port District Port Master Plan, with the following Plan modifications as conditions for certification, is consistent with the policies of Chapter 8 of the Coastal Act. The Commission also finds that proposed appealable developments and land and water area uses, with the following Plan modifications as conditions, are consistent with the policies of Chapter 3 of the Coastal Act; and although the Plan may have significant adverse impact on the environment within the meaning of the California Environmental Quality Act, conditions have been developed or will be imposed in future permit proceedings to minimize and mitigate impacts occurring within the Coastal Zone.

### II. Modifications

The following Plan modifications have been adopted by the Board of Port Commissioners and the California Coastal Commission's certification has become effective:

- 1. Shelter Island - Planning District 1. La Playa/Kellogg Beach Area Private Piers.**  
The Board of Port Commissioners shall not renew the existing leases on the five privately owned piers in the La Playa and adjacent Kellogg Beach areas that extend out from the tidelands into the yacht Basin near Shelter Island. At the termination of the existing leases in 1986 the Board of Port Commissioners shall either: a) make the piers available for public use; or b) cause them to be removed. Any piers retained which create a severe impediment to lateral shoreline access shall be modified to correct this situation. Signs indicating availability for public use shall be posed on any piers retained.
- 2. Tenth Avenue Marine Terminal - Planning District 4.**  
Pending the submission and certification of a Port Master Plan amendment that includes a land use plan for the 5.4 acre Crosby Street site, that section of Planning District 4 and commercial recreation development projects on the Coronado tidelands in Planning District 6 shall not be certified by the Commission and developments in those areas require a permit from the State Coastal Commission.
- 3. Coronado Bayfront - Planning District 6.**  
The Port District shall prepare a precise plan to conform to either the MOU or the TOZ, whichever provides the greatest consistency with Coastal Act policies, for those 53 acres of tidelands north of the Coronado Bridge. The final review and approval of the reviewed plan shall be subject to the written approval of the Executive Director in consultation with the Commission.

# Attachment 2

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT  
1333 CAMINO DEL RIO SOUTH, SUITE 125  
SAN DIEGO, CA 92108-3520  
(619) 297-9740



March 31, 1988

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: TOM CRANDALL, DEPUTY DIRECTOR, OCEAN AND COASTAL RESOURCES; and,  
MILTON PHEGLEY, PORTS COORDINATOR

SUBJECT: STAFF RECOMMENDATION ON SAN DIEGO UNIFIED PORT DISTRICT PORT MASTER  
PLAN AMENDMENT NO. 10 (La Playa Piers). (For Commission  
consideration at meeting of April 14, 1988).

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**STAFF NOTES:**

Master Plan Amendment Procedure: Section 13636 of the Commission's regulations call for port master plan amendments to be certified in the same manner as master plans. Within 90 days after the submittal, the Commission, after public hearing, must certify or reject the amendment, in whole or in part. If the Commission fails to act upon the master plan submittal within 90 days following filing, the proposed amendment is automatically certified, as submitted. This amendment was filed on February 19, 1987. The date by which the Commission needs to take final action is May 19, 1988.

Section 30714 of the Coastal Act states that the Commission may not modify the plan or amendment, as submitted, as a condition of certification. Section 30714 also states that the Commission shall certify the plan, or amendment, if the Commission finds both that:

(1) The certified portions of the amendment conform with and carry out the policies of Chapter 8.

(2) Where the amendment provides for development listed as appealable, in Section 30715, such developments are in conformity with all of the policies of Chapter 3.

The uses which are the subject of this amendment are "appealable." Therefore, the policies of Chapter 3 of the Coastal Act are the standard of review for this amendment. The procedural requirements of Chapter 8 would also be applicable.

---

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Denial of Amendment.

The Commission hereby denies the San Diego Unified Port District Port Master Plan Amendment No. 10, as submitted, and finds for the reasons discussed below that the proposed port master plan amendment would not conform with and carry out the policies of Chapter 3 of the Coastal Act.

II. Findings and Declarations.

The Commission finds and declares as follows:

1. Proposed Master Plan Amendment. In 1980, as a condition of certification of the San Diego Unified Port District Port Master Plan, the Commission required that four private piers in the Peninsula community of the City of San Diego either be converted to public use or removed when the leases on the piers expired in 1986.

At the time of the original master plan consideration in 1980, the Commission had the legal ability to condition a master plan or amendment submittal. Subsequently, the Coastal Act was amended so that the Commission's current authority is only to "... certify the plan or portion of a plan and reject any portion of a plan which is not certified. The Commission may not modify the plan as submitted as the condition of certification."

The specific condition of certification, in 1980, was:

"The Board of Port Commissioners shall not renew the existing leases on the five privately owned piers in the La Playa and adjacent Kellogg Beach areas that extend out from the tidelands into the Yacht Basin near Shelter Island. At the termination of the existing leases in 1986, the Board of Port Commissioners shall either: a) make the piers available for public use; or b) cause them to be removed. Any piers retained which create a severe impediment to lateral shoreline access shall be modified to correct this situation. Signs indicating availability for public use shall be posted on any piers retained."

At that time, the Commission found that:

"The five private piers in the La Playa/Kellogg Beach area that extend across the public beach interferes, in varying degrees, with public access along the beach. Section 30001.5 of the Coastal Act declares that one of the basic goals of the state for the coastal zone is to maximize the public access to and along the coast. Section 30211 states:

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 piers are not considered in the Port Master Plan or the EIR, though Planning Goal IX of the Port Master Plan states:

Provide access along the waterfront wherever possible with promenades and paths where appropriate, and elimination of unnecessary barricades which extend into the water.

It may be to the public benefit if some or all of the piers are allowed to remain with the condition that they be open to the public. The removal or public use of these piers is necessary to bring the Port Master Plan into conformation with the Coastal Act. The Commission recognizes there is already lateral access along this area."

The port's proposed amendment would delete that portion of the port master plan which requires that the existing piers either be removed or opened to public use.

In 1980, there were five piers which were the subject of the condition of certification. Since that time, the port has determined and the Commission staff has agreed that the pier at the La Playa Yacht Club is not subject to the removal/opening requirement as it is available for use by club members and the general public.

2. Description of Site Conditions. The piers and the surrounding area are described in the Environmental Impact Report for this amendment, as follows:

"The recreational piers are located along the beaches of La Playa, a bayfront residential community in Point Loma that forms the western shore of the Shelter Island Yacht Basin in northern San Diego Bay. The La Playa shoreline is composed of narrow stretches of periodically inundated sandy beaches, low, steep banks, and narrow and discontinuous strips of District tidelands abutting the privately owned properties fronting the bay between the San Diego Yacht Club and the Point Loma Naval Reservation.

The piers and adjacent shoreline areas are described in detail from north to south as follows:

Lacy Pier: The Lacy pier is located near the foot of Talbot Street. It was apparently constructed between 1935-1938, however, a pier has existed in this location since the 1920's. The pier, approximately 130 feet

long, is supported by rail piles with concrete jackets and has wood decking and white wooden railings. The shoreline (District lands between the top of bank at water's edge and the adjacent privately owned property) is about 42 feet wide in the area of the pier.

Wyatt Pier: The Wyatt pier is located northerly of the foot of Bessemer Street. The pier is about 125 feet in length and is supported by wood piles with wood decking and white wood picket railings. The shoreline behind the pier is about 42 feet wide. This was apparently the last of the piers to be built, about 1946.

Donnelley Pier: The Donnelley pier is south of the foot of Bessemer Street. It is pile supported with a wood decking and white wooden railing and is only about 65 feet in length. The pier structure does not extend beyond water's edge at low tides. It was apparently built between 1935-1938. The shoreline behind the pier is about 42 feet wide. Note the storm drain outfalls along the beach, which interrupt lateral beach access.

La Playa Yacht Club Pier: The La Playa pier is located at the foot of San Antonio Avenue at its intersection with Qualtrough Street. The pier is pile supported with a white railing and wood decking. This pier also only extends to water edge at lower tides, and is about 70 feet in length. The pier is located about 16 feet northerly of the foot of San Antonio Avenue, a public street. It was apparently built between 1935-1938.

Cotton-West Pier: The Cotton-West pier extends about 175 feet out from the foot of the Nichols Street right-of-way. The pier has wood decking and white wooden railing. Two access ramps for the pier extend over the top of bank to the upland private property line. Pedestrian access along the shore is possible underneath these ramps along a 15-foot wide section of the bank above the beach. It was apparently built between 1935-1938."

3. Contents of Port Master Plan Amendments. Section 13636 of the Commission's regulations calls for port master plan amendments to be certified in the same manner as master plans. Section 30711 of the Coastal Act states, in part, that a port master plan shall include all of the following:

- (1) The proposed uses of land and water areas, where known.
- (2) The proposed design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port

governing body.

- (3) An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact.
- (4) Proposed projects listed as appealable in Section 30715 in sufficient detail to be able to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of this division.
- (5) Provisions for adequate public hearings and public participation in port planning and development decisions.

The Commission finds that the proposed port master plan amendment conforms with the provisions of Coastal Act Section 30711. The proposed land and water uses are listed as "open space" and "open bay." There are adequate details in the port master plan submittal and the Environmental Impact Report (EIR) for the Commission to make a determination of the amendment's consistency with Chapter 3 policies.

The proposed project has been subjected to environmental review under the provisions of the California Environmental Quality Act (CEQA). The amendment EIR was subject to public review and hearing and was certified on January 19, 1988.

Public hearings on the proposed master plan amendment were held by the Port on June 10, 1986, December 15, 1987, and January 19, 1988. Numerous letters and petitions, as well as public testimony, was given regarding the master plan amendment.

4. Appealable Development. Section 30715 of the Coastal Act states that:

"... After a port master plan ... has been certified, ... approvals of any of the following categories of development by the port governing body may be appealed to the commission: ...

(4) Office and residential buildings not principally devoted to the administration of activities within the port; hotels, motels, and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes; commercial fishing facilities; and recreational small craft marina related facilities."

The existing piers are found to be "recreational small craft marina related facilities" and, therefore, are appealable development. The standard of review for this master plan amendment would, thus, be the policies of Chapter 3 of the Coastal Act.



5. Applicable Policies of California Coastal Act of 1976. The most applicable policies of Chapter 3 of the Coastal Act are Sections 30211, 30212.5, 30214, and 30223.

Section 30211 states that:

"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."

Section 30212.5 states:

"Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, or overcrowding or overuse by the public of any single area."

Section 30214 states:

"(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, regional commissions, 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."

Finally, Section 30223 states:

"Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible."

6. Inconsistency of Proposed Master Plan Amendment with Coastal Act Policies. The port's certified master plan classifies public access based upon site characteristics and the potential impact of the the access in adjacent areas. The amendment EIR states that:

"The shoreline areas adjacent to the project area are considered to be Class II public access areas:

"Class II applies to undeveloped shoreline, the property is generally unleased, and may be small, scattered parcels somewhat isolated, irregular in shape and difficult to develop. While a user fee is usually not involved, planning policy encourages limited use to meet the restraints of the limited carrying capacity of the natural resource area involved.

Class II applies to those shoreline areas shown on the Land and Water Use Maps of the Precise Plans as habitat replacement, wetlands, salt ponds, and in one instance (Kellogg-La Playa Beach) as open space. Of the total shoreline under the jurisdiction of the Port District, 8.26 miles of 24.95 percent is in Class II."

Port Master Plan text specific to the Project shoreline and beach areas states that "limited access to the beaches is to be maintained consistent with the existing isolated and low intensive recreational use orientation which is geared to serve the immediate neighborhood."

The EIR also states that "Current recreational opportunities in the project area consist of passive shoreline uses such as sunning, walking, jogging, picnicking, bike riding, etc. The piers are used for recreational boating by their lessees, and have also been used by invited community organizations for this purpose." The EIR also states:

"The piers do not physically restrict lateral access along the shoreline. Access is available along the top of the bank and is not limited by the layout of the piers. Beach access is dependent upon tidal conditions and is not restricted by the piers, however, lateral beach access is somewhat encumbered by a number of storm drain outfalls that are exposed at low tide. The piers do not interfere with any of the passive recreational opportunities currently available to the public nor with boating activities in the Shelter Island Yacht Basin. Their existing use for boat berthing is a very low intensity use that neither interferes with shoreline activities, nor creates a demand for additional public facilities or enhanced access requirements. No significant adverse impact to Public Recreation would occur as a result of the project, and no mitigation measures are necessary."

In a consideration of visual quality, the EIR states that "The piers are a visual amenity ... They provide points of visual reference along the shoreline that are in character with the surrounding views of boating activity. The shoreline, with the piers, is scenic enough to have been used in postcards and other photographic souvenirs of the area."

The EIR, in summary, concludes that:

"Removal of some or all of the piers could affect the scenic-visual quality of the shoreline, and result in the loss of the recreational opportunities provided by the piers. However, these effects are not considered to be individually or cumulatively "significant." Conversion of some or all of the piers to public use could cause increased traffic, parking, and upland-to-shoreline access requirements, and depending upon the kinds and intensities of public uses permitted, impacts upon the surrounding bayfront neighborhood could also result. The only parking and vehicular access available is on local residential streets which are limited in capacity.

Examples of higher intensity public uses which might be considered include the use of the piers for public fishing, in connection with small boat launching, as accommodation docks for regattas, etc. These uses would generate increased demands upon parking, traffic, and access in the area."

The certified EIR determines that the proposed project (the deletion of opening/removal language and the retention of the piers) would not result in any significant, adverse environmental impacts. The EIR also considers one alternative to the proposed project and evaluates its impacts. The alternative considered was the "no project" alternative, i.e. removal or public use conversion of the piers. The EIR, in its evaluation of this

alternative, states:

"The only alternative evaluated for purposes of this EIR is the "No Project Alternative", which would require either the removal of the piers or their conversion to public use. No other feasible alternatives have been identified that would meet the planning goals for the area.

The removal of some or all of the piers could affect the scenic-visual quality of the shoreline, and result in the loss of recreational opportunities traditionally provided by piers along the shoreline. While the piers are picturesque and established shoreline features, their removal would not diminish the scenic character of the Yacht Basin as seen from established vista points, nor result in a significant loss of recreational opportunity as numerous facilities for boat berthing are available in the Shelter Island area.

Recreational piers have been traditional features of the shoreline, but these piers are not associated with persons or events of local or regional historic importance, nor architecturally significant structures. Therefore, their removal would not constitute a substantial adverse impact upon historic resources or values.

The conversion of some or all of the piers to public use could cause increased traffic, parking, and upland-to-shoreline access requirements. Depending upon the kinds and intensities of public uses permitted, impacts upon the surrounding bayfront neighborhood could also result. Examples of higher intensity public uses which might be considered include the use of the piers for public fishing, in connection with small boat launching, as accommodation docks for regattas, etc. These uses would generate increased demands upon parking, traffic, and access in the area. The only parking and vehicular access available is on local residential streets which are limited in capacity. Conversion to public use could result in intensification of uses that maybe adverse. Therefore, conversion would require planning studies and, after the specific uses are decided upon, evaluation of the environmental consequences before project approval."

The proposed amendment is inconsistent with Section 30211 in that the existing development does interfere with public access along the shoreline and does interfere with the use of the public beach in this area. The opportunity exists, through the port's non-renewal of the existing leases, to correct the current interference and increase the opportunity for public access consistent with Section 30211.

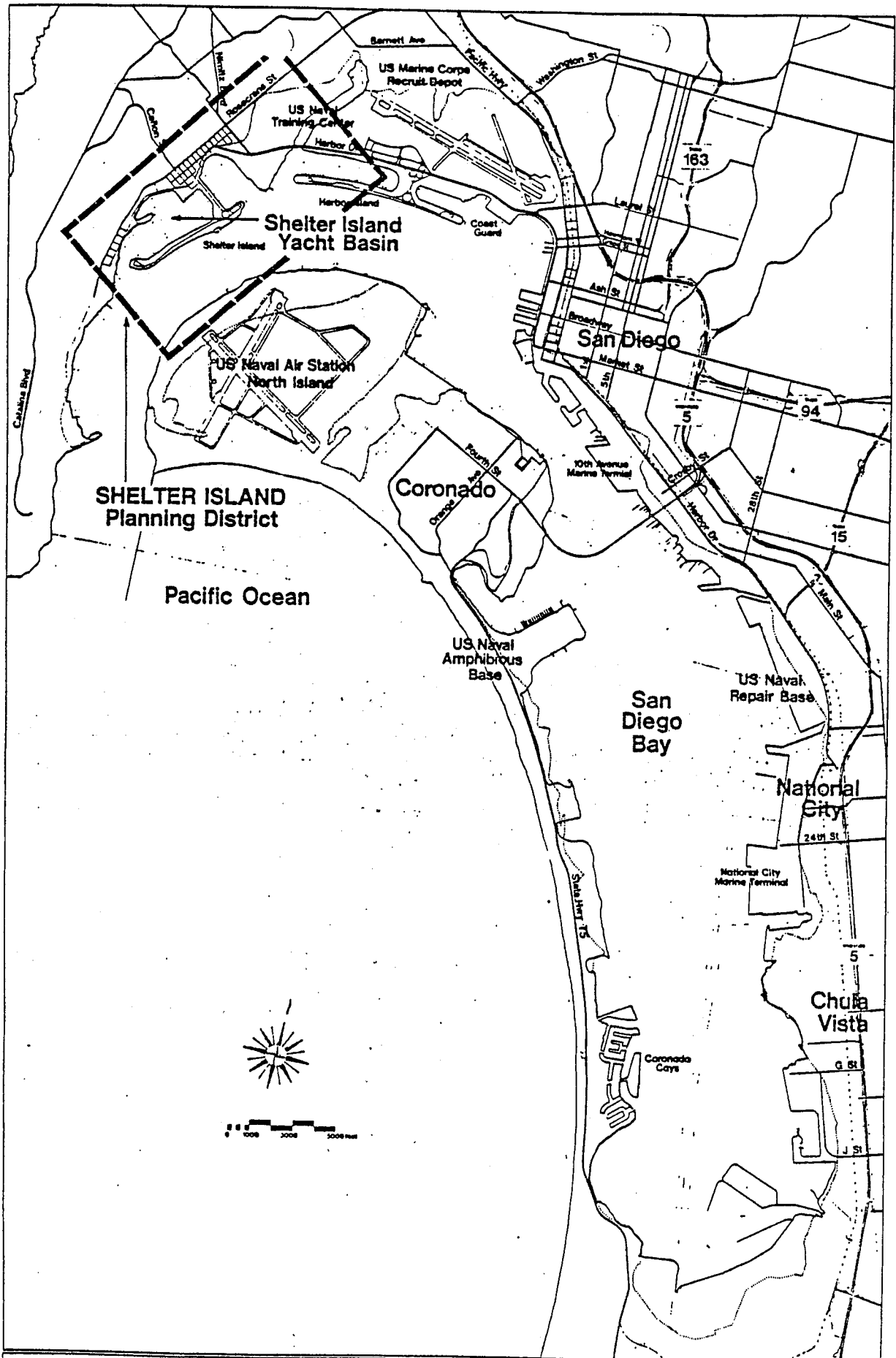
The potential exists for adverse impacts resulting from increased public use of the beach area. There are not now any significant reservoirs of parking in the area for beach users and there are not other support facilities, such as restrooms, in the area. However, the mere removal of the piers would not necessarily result in a significantly increased demand for public access. The conversion of the piers to public use could result in undesirable demands on parking, etc., depending upon the types of activities for which the piers are used. However, there has not been any study of the appropriate levels of uses and the types of support facilities which would be needed. The Commission finds that the Port's choice to exclude the public from full use of the area because of the absence of a knowledge of the appropriate level of public use and the support facilities which would be needed is unacceptable.

The Commission is not finding that a high level of beach use is necessarily desirable, but that the removal of the piers would be consistent with Section 30211. The retention of the piers and their opening to public use would also be consistent with Section 30211 in that public access in the area would be increased. The current proposal - to continue private use - is inconsistent with Sections 30212.5 and 30214 in that it completely excludes public use and does not balance an appropriate level of public use with a strategy to supply support facilities consistent with the desirable level of use.

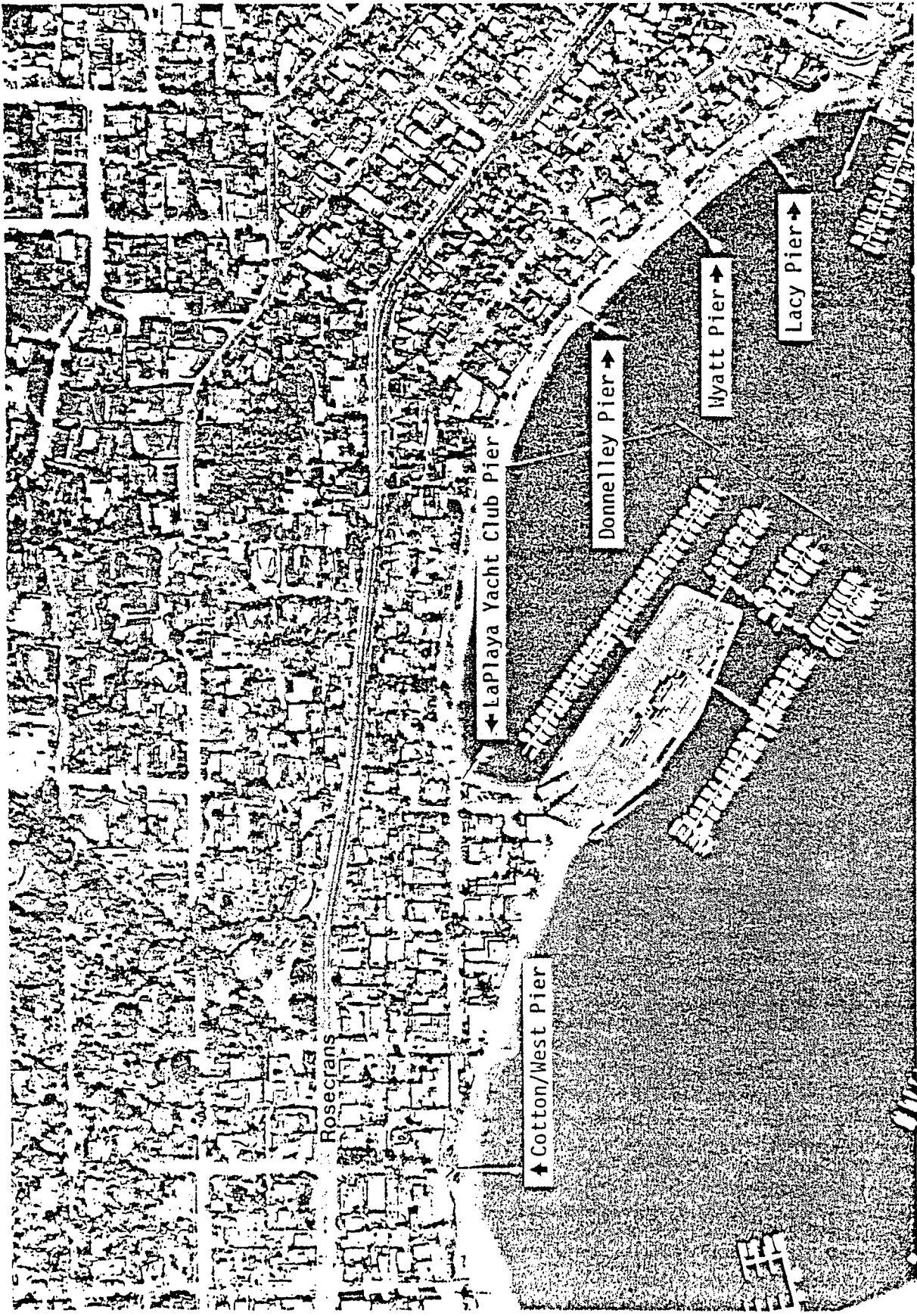
The Port has two options available to it under the policy language which is currently a part of the certified port master plan. The port can either remove the existing piers or convert their use to a public, rather than private one. If the conversion option has the potential of creating substantial adverse impacts, as the port argues that it does, then the removal option is available.




In consideration of the potential impacts from the alternative of the piers being removed, the EIR concludes that existing non-beach recreational opportunities or visual qualities will not be significantly decreased. The Commission finds that the availability of a beach area without significant impediments to lateral access could result in the pursuit of support facilities in the area.

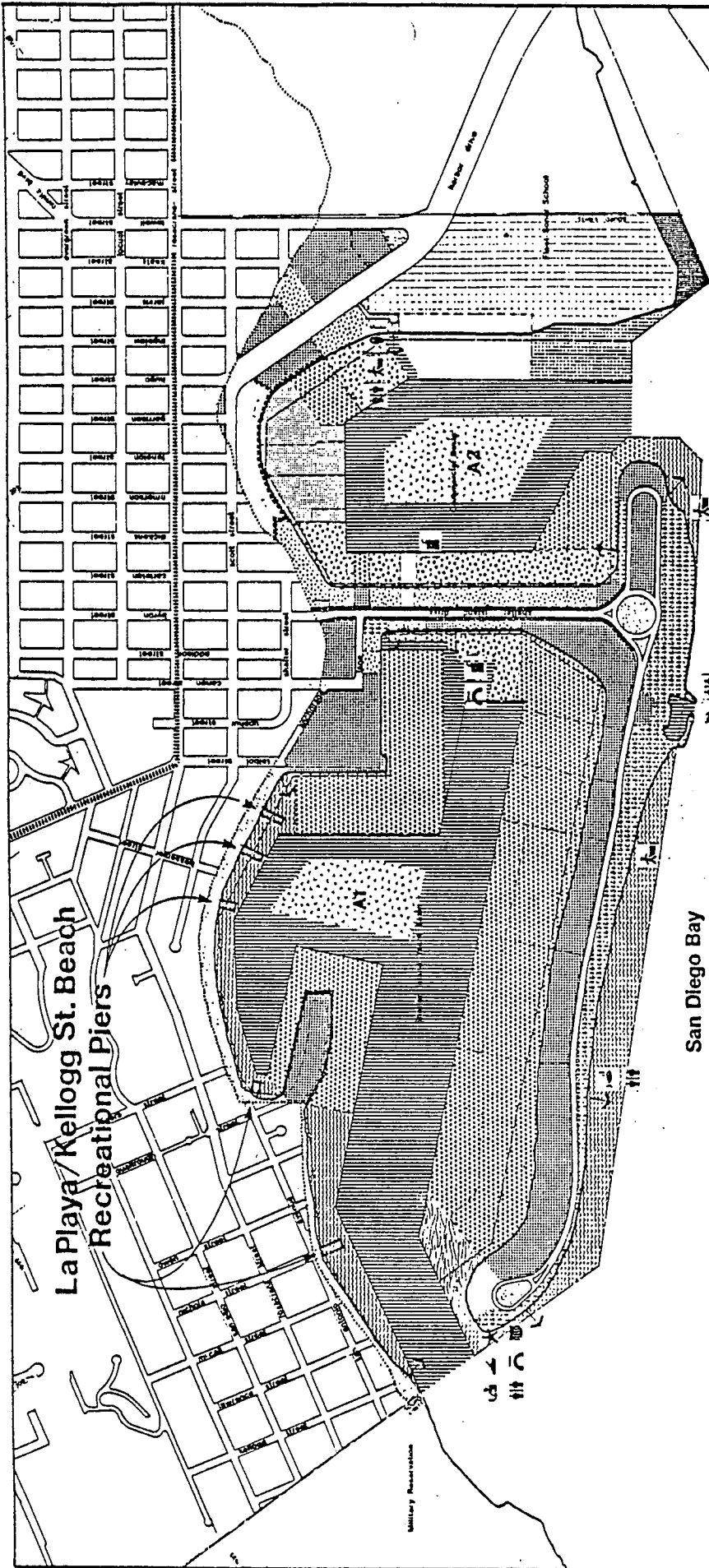
In summary, the Commission finds that continued private use of the area is not consistent with the public recreation and public access policies and goals of the Coastal Act. Removal of the existing piers or their conversion to public use would provide greater public access opportunities in the area and the level of public use could be commensurate with the support facilities available. The opportunity to provide greater public access and recreation opportunities is available to the port through compliance with the policy language of the certified port master plan.



<p>Figure 1</p> <p>Planning Department</p>	<p>LaPlaya Piers Plan Amendment</p> <p><b>Vicinity Map</b></p>	<p>Date 6/24/87</p>	
		<p>Drawn KCS</p>	
<p>Base</p>	<p>No.</p>		
<p>No.</p>	<p>No.</p>		



	Scale 	Planning Department
	<h3>La Playa Piers Plan Amendment - Figure 2</h3> <h2>Aerial View of Project Area &amp; Piers</h2>	
Date <u>6/27/67</u>	Revised _____	
Drawn <u>Check</u>	_____	
Base <u>CS</u>	_____	
No. _____	_____	



**PUBLIC FACILITIES**

- Harbor Services
- Harbor Police Station
- Comfort Station
- US Customs
- Anchorage Landing
- US Coast Guard
- Navy Fleet School
- Navy Small Craft Berthing
- Navy Ship Berthing

**MILITARY**

- Harbor Master Pier/Transient Berthing
- Boat Anchorage
- Boat Navigation Corridor
- Fireboat Station
- Sanitary Pumpout

**Land**

- Commercial Fishing
- Commercial Recreation
- Sportfishing
- Marine Sales & Services
- Park
- Promenade
- Open Space
- Public Access
- Vista Area

**COMMERCIAL**

- Commercial Fishing Berthing
- Recreational Boat Berthing
- Sportfishing Berthing
- Marine Services Berthing
- Fueling Dock

**Water**

- Open Bay
- Boat Launching Ramp
- Public Fishing Pier

**PUBLIC RECREATION**

**LEGEND**

- Mean High Tide Line
- US Purchased Land
- Combined US Purchased/Reclaimed Land
- Planning Public Lands
- Coastal Zone Boundary

Scale: 1" = 300'

planning department

Adopted by SDUPD Resolution No. 80-74 Date - March 18, 1980.



DATE	BY	REVISION
03/18/80	DK	20221
03/18/80	DK	20221
03/18/80	DK	20221

# La Playa Piers Plan Amendment - Figure 3 Master Plan Land & Water Uses

## Planning District 1 SHELTER ISLAND/LA PLAYA



**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT  
1333 CAMINO DEL RIO SOUTH, SUITE 125  
SAN DIEGO, CA 92108-3520  
(619) 297-9740



IMPORTANT PUBLIC HEARING NOTICE  
SAN DIEGO UNIFIED PORT DISTRICT MASTER PLAN AMENDMENT NO. 10  
(LA PLAYA PIERS)

HEARING DATE, TIME AND LOCATION

DATE and TIME: Thursday, April 14, 1988; 9:00 a.m.

LOCATION: Burton Chace Park, West end of Mindanao Way, Marina del Rey, CA

AMENDMENT DESCRIPTION

The Port proposes to amend the certified port master plan to allow four private piers in the Kellogg and La Playa Beach areas to remain in private use. The certified plan requires that the piers be either removed or opened to public use by June 30, 1986. The four piers and their locations are: 1) Cotton and West, foot of Nichols Street at San Antonio Avenue; 2) Donnelley, 180 feet west of Bessemer Street; 3) Wyatt, 195 feet east of Bessemer Street; 4) Lacy, 325 feet west of Talbot Street.

HEARING PROCEDURES

At the time of the public hearing, the Coastal Commission staff will make a brief oral presentation to the Commission. Immediately following the staff presentation representatives of the Port will address the Commission regarding the amendment. Upon conclusion of the Port's presentation, interested members of the public and agencies will have an opportunity to address the Commission and comment on the submittal. Following the public hearing, the Commission will discuss the proposed amendment; and, as there are preliminary recommendations and findings prepared for the Commission, the Commission may take final action on the amendment at this time.

STAFF RECOMMENDATION

A staff report has been prepared for the Commission. Staff is recommending that the Port Master Plan Amendment be denied.

AVAILABILITY OF STAFF REPORT

A staff report has been prepared for the Commission on the submitted Master Plan Amendment. Above is a summary of the staff recommendation; if you would like the full text of the staff report, please call or write the above-noted office and request the "San Diego Unified Port District Master Plan Amendment No. 10 Staff Recommendation." Questions regarding the report or hearing should be directed to Milton Phegley, Ports Coordinator, (619) 297-9740.

(3332A)

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT  
1333 CAMINO DEL RIO SOUTH, SUITE 125  
SAN DIEGO, CA 92108-3520  
(619) 297-9740



PUBLIC HEARING NOTICE (Continued Hearing)  
SAN DIEGO UNIFIED PORT DISTRICT MASTER PLAN AMENDMENT NO. 10  
(LA PLAYA PIERS)

HEARING DATE, TIME AND LOCATION

DATE and TIME: Thursday, May 12, 1988; 9:00 a.m.

LOCATION: Burton Chace Park, West end of Mindanao Way, Marina del Rey, CA

AMENDMENT DESCRIPTION

The Port proposes to amend the certified port master plan to allow four private piers in the Kellogg and La Playa Beach areas to remain in private use. The certified plan requires that the piers be either removed or opened to public use by June 30, 1986. The four piers and their locations are: 1) Cotton and West, foot of Nichols Street at San Antonio Avenue; 2) Donnelley, 180 feet west of Bessemer Street; 3) Wyatt, 195 feet east of Bessemer Street; 4) Lacy, 325 feet west of Talbot Street.

HEARING PROCEDURES

The public hearing on this matter was continued from the Commission meeting of April 14, 1988. At the conclusion of this continued hearing, the Commission may take final action on the amendment.

STAFF RECOMMENDATION

A staff report has been prepared for the Commission. The staff report of March 31, 1988, will not be modified for this hearing. Staff is recommending that the Port Master Plan Amendment be denied.

AVAILABILITY OF STAFF REPORT

A staff report has been prepared for the Commission on the submitted Master Plan Amendment. Above is a summary of the staff recommendation; if you would like the full text of the staff report, please call or write the above-noted office and request the "San Diego Unified Port District Master Plan Amendment No. 10 Staff Recommendation." Questions regarding the report or hearing should be directed to Milton Phegley, Ports Coordinator, (619) 297-9740.

# Attachment 3

**CALIFORNIA COASTAL COMMISSION**

45 Fremont St, Suite 2000  
San Francisco, CA 94105-2219  
Phone: (415) 904-5200  
Fax: (415) 904-5400

**W7b**

Staff: Daniel Nathan – SF

Date: July 20, 2017

**ADMINISTRATIVE PERMIT****Application No. 5-17-0526****Applicant: Bryan Sheehy****Agents: Swift Slip Dock and Pier Builders Inc.,  
Attention: Jacquelyn Chung****Project****Description:** Construct 14' x 10' pier and remove 1,080 square foot F-shaped dock float and replace with 1,138 square foot F-shaped dock float (the float's existing headwalk and one dock finger will be re-used), and install a 24' x 5' gangway. The dock system will be secured in place by seven 10-inch round steel pipe piles.**Project****Location:** 2495 Ocean Boulevard, Corona del Mar, City of Newport Beach (Orange County, APN: 052-013-32)**EXECUTIVE DIRECTOR'S DETERMINATION**

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

**Wednesday, August 9, 2017 9:00 am**  
**King Gillette Ranch Auditorium**  
**26800 Mulholland Highway**  
**Calabasas, CA 91302**

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

**BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.**

JOHN AINSWORTH  
Executive Director

By: Daniel Nathan  
Title: Coastal Program Analyst

**STANDARD CONDITIONS**

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**SPECIAL CONDITIONS: SEE PAGES FIVE THROUGH EIGHT.**

## **EXECUTIVE DIRECTOR'S DETERMINATION (continued):**

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

## **FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION**

### **A. PROJECT DESCRIPTION**

The proposed project involves the construction of a 140 square foot pier and the removal and replacement of a dock adjacent to a residential property in Corona del Mar, a neighborhood within the City of Newport Beach, Orange County ([Exhibit No. 1](#)). The existing 1,080 square foot F-shaped dock float will be partially dismantled, removed and replaced with a new 1,138 square foot F-shaped dock float to allow for the dock to be located in deeper waters near the pierhead line. The existing headwalk and one existing dock finger will be reused. A new dock finger will be installed, along with a new 24-ft. x 5-ft. gangway that will connect the dock float to the new 10-ft. x 14-ft. pier to provide storage space for boating-related items. All seven existing 10-inch round steel pipe piles will be removed from their existing locations and will be relocated and installed to support the new pier and dock float ([Exhibit No. 2](#)). The partial removal of the existing dock float and the installation of a new dock float will result in an increase of 58 square feet of water coverage, though much of this increase in water coverage will be due to the installation of the new pier and not the floating dock itself, which is 82 square feet smaller in size.

The proposed dock system is associated with the adjacent residence located at 2495 Ocean Boulevard and will be for recreational boating purposes. The proposed dock system will extend approximately 90 feet from the existing property line into Newport Bay near the Harbor Entrance, but will remain within the U.S. pierhead line. The dock is located on public tidelands that are under the jurisdiction of the County of Orange, but may partially extend onto public tidelands that are under the jurisdiction of the City of Newport Beach. Thus a "Newport Tidelands Encroachment Permit" from the County of Orange is required, while an encroachment permit from the City is not required since the City does not issue encroachment permits for private residential docks and the applicant has received its Harbor Permit/Approval in Concept from the City's Harbor Resources Division. This situation is similar to the docks in the adjacent area and is consistent with past Commission issued permits.

The proposed development is located seaward of the mean high tide and is within the Commission's original permit jurisdiction. The standard of review for development within the Commission's original permit jurisdiction is Chapter 3 of the Coastal Act. The City's certified LCP is advisory in nature and may provide guidance for development.

The project is being constructed on public tidelands and/or within an area subject to public trust doctrine. There is no direct public pedestrian access to public tidelands through the subject site as it is a private residential property with a private dock. However, public access to public tidelands is

available approximately 2000 feet to the south of the subject site at the Corona del Mar public beach. Therefore, the proposed project does not result in adverse impacts to public access. In order to preserve and maintain access to public tidelands, [Special Condition No. 4](#) is imposed stating that the approval of a coastal development permit for the project does not waive any public rights or interest that exist or may exist on the property.

The subject site was surveyed for eelgrass by Dive Works on June 1, 2017, within the requisite active growth phase surveying period (typically March through October) required by the City of Newport Beach Harbor Resources Division. Eelgrass was discovered in the project area, but is not anticipated to be impacted by the new dock system. Eelgrass surveys completed during the active growth phase of eelgrass are valid for 60-days with the exception of surveys completed in August-October, which shall be valid until the resumption of the next active growth phase (i.e., the following March). However, since the project is agendized for the August 2017 Coastal Commission Hearing, the existing eelgrass survey will no longer be valid. Therefore, in order to document existing conditions and ensure that the proposed development does not adversely affect coastal resources and biological productivity, [Special Condition No. 2](#) requires a new eelgrass survey and identifies the procedures necessary to be completed prior to beginning construction, in case the new survey also expires prior to commencement of construction. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit. In addition, the special condition identifies post-construction eelgrass procedures. These conditions will ensure that should impacts to eelgrass occur (though none are expected), the impacts will be identified and appropriate mitigation required under strict protocol provided in the "California Eelgrass Mitigation Policy and Implementing Guidelines" dated October 2014, which will ensure full mitigation of any impacts to eelgrass should the post-construction survey show that unforeseen eelgrass impacts occurred during construction.

A pre-construction *Caulerpa taxifolia* survey was also completed by Dive Works on June 1, 2017, as required by the City of Newport Beach Harbor Resources Division. No *Caulerpa taxifolia* was discovered in the project area and *Caulerpa taxifolia* surveys are valid for 90 days. Since the project is agendized for the August 2017 Coastal Commission Hearing, the *Caulerpa taxifolia* survey is still valid since 90-days have not passed since the survey was completed. However, an up-to-date *Caulerpa taxifolia* survey may be required if construction does not commence before the 90<sup>th</sup> day. Therefore, the Commission imposes [Special Condition No. 3](#), which identifies the procedures necessary to be completed prior to beginning any construction if construction is to commence after the 90<sup>th</sup> day of the original pre-construction *Caulerpa taxifolia* survey, as well as the procedures necessary to be completed prior to beginning any construction if *Caulerpa taxifolia* is found.

The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To ensure that all impacts (pre- and post- construction) to water quality are minimized, however, and to reduce the potential for construction related impacts on water quality, the Commission imposes [Special Condition No. 1](#), which requires, but is not limited to, appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters; and the continued use and maintenance of post construction BMPs.

## **B. MARINE RESOURCES**

The proposed project and its associated structures are an allowable and encouraged marine related use. The project design includes the minimum sized pilings and the minimum number of pilings necessary for structural stability. There are no feasible less environmentally damaging alternatives available. As conditioned, the project will not significantly adversely impact eelgrass beds and will not contribute to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. Further, as proposed and conditioned, the project, which is to be used for recreational boating purposes, conforms to Sections 30224 and 30233 of the Coastal Act.

## **C. WATER QUALITY**

The proposed work will be occurring on, within, or adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. To reduce the potential for post-construction impacts to water quality the Commission requires the continued use and maintenance of post construction BMPs. As conditioned, the Commission finds that the development conforms to Sections 30230 and 30231 of the Coastal Act.

## **D. LOCAL COASTAL PROGRAM (LCP)**

The City of Newport Beach LCP was effectively certified on January 13, 2017. The proposed development is located seaward of the mean high tide and is within the Commission's original permit jurisdiction. The standard of review for development within the Commission's original permit jurisdiction is Chapter 3 of the Coastal Act. The City's certified LCP is advisory in nature and may provide guidance for development. As conditioned, the proposed development is consistent with the Chapter 3 policies of the Coastal Act.

## **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

## **SPECIAL CONDITIONS**

This permit is granted subject to the following special conditions:

### **1. Water Quality**

#### **A. Construction Responsibilities and Debris Removal**

- (1) No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;



- (2) Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
- (3) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- (4) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
- (5) If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;
- (6) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;
- (7) Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
- (8) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- (9) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- (10) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- (11) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (12) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- (13) The discharge of any hazardous materials into any receiving waters shall be prohibited;
- (14) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- (15) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- (16) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

**B. Best Management Practices Program**

By acceptance of this permit the applicant agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

(1) Boat Cleaning and Maintenance Measures:

- a. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris;
- b. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls shall be prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and the amounts used minimized; and
- c. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

(2) Solid and Liquid Waste Management Measures:

- a. All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits will be disposed of in a proper manner and will not at any time be disposed of in the water or gutter.

(3) Petroleum Control Management Measures:

- a. Boaters will practice preventive engine maintenance and will use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed in accordance with hazardous waste disposal regulations. The boaters will regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. The use of soaps that can be discharged by bilge pumps is prohibited;
- b. If the bilge needs more extensive cleaning (e.g., due to spills of engine fuels, lubricants or other liquid materials), the boaters will use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids; and
- c. Bilge cleaners which contain detergents or emulsifiers will not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps.

**2. Eelgrass Survey(s)**

- A. Pre-Construction Eelgrass Survey. Pre-Construction Eelgrass Survey. A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed within 60 days before the start of construction. The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicant shall submit the eelgrass

survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

- B. Post-Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within 30 days of completion of construction if completion of construction occurs within the active growth period, or within the first 30 days of the next active growth period following completion of construction that occurs outside of the active growth period, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted by project construction, the applicant shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another appropriate location subject to the approval of the Executive Director, in accordance with the California Eelgrass Mitigation Policy. Any exceptions to the required 1.38:1 mitigation ratio found within CEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is legally required.

**3. Pre-construction *Caulerpa Taxifolia* Survey**

- A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit (the "project"), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.
- C. Within five (5) business days of completion of the survey, the applicant shall submit the survey:
- (1) for the review and approval of the Executive Director; and
  - (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through California Department of Fish & Wildlife (858/467-4218) National Marine Fisheries Service (562/980-4043).
- D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director, subject to concurrence by the Executive Director, that all *C. taxifolia* discovered within the project and buffer area has been eliminated in a manner that

complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**4. Public Rights**

The approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

**5. Resource Agencies**

The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

**ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS**

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date of Signing

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400  
TDD (415) 597-5885



**W7b**

**5-17-0526 (SHEEHY)**

**JULY 20, 2017**

**EXHIBITS**

**Table of Contents**

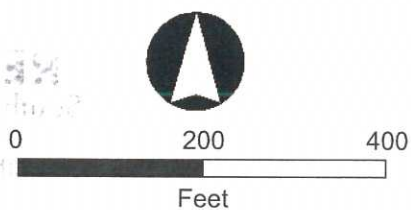
**Exhibit 1 – Project Location**

**Exhibit 2 – Site Plan**

# Exhibit 1



Newport  
Beach  
GIS



**Disclaimer:** Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

**Imagery:** 2009-2013 photos provided by Eagle Imaging [www.eagleaerial.com](http://www.eagleaerial.com)

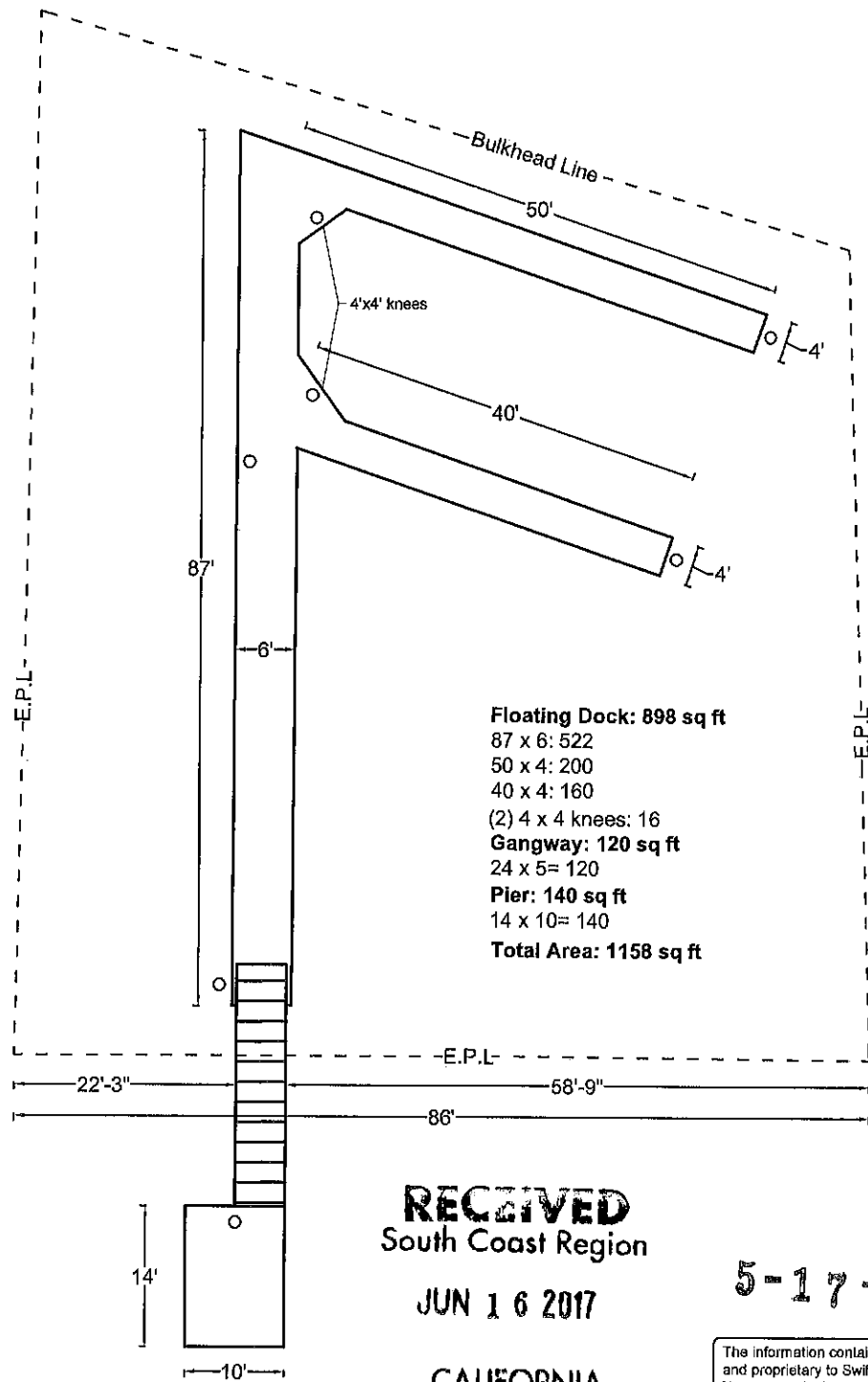
Proposed Exhibit 2



Swift Slip Dock & Pier Builders, Inc

642 Baker St, Costa Mesa, CA, 92626  
 Phone: (949) 631-3121  
 Fax: (714) 509-0618

CLIENT: Sheehy	EN DRAWN.	PS CHECKED.	REVISION.	5/26/17 DATE.	AMENDMENTS:			
SITE: 2495 Ocean Blvd, Corona Del Mar					REV:	DESCRIPTION:	BY:	DATE:



**Floating Dock: 898 sq ft**  
 87 x 6= 522  
 50 x 4= 200  
 40 x 4= 160  
 (2) 4 x 4 knees= 16  
**Gangway: 120 sq ft**  
 24 x 5= 120  
**Pier: 140 sq ft**  
 14 x 10= 140  
**Total Area: 1158 sq ft**

**RECEIVED**  
 South Coast Region

JUN 16 2017

5-17-0526

CALIFORNIA  
 COASTAL COMMISSION

The information contained in this drawing is confidential and proprietary to Swift Slip Dock & Pier Builders, Inc. No part of this drawing may be distributed, disclosed or reproduced in any form to any third party without consent from Swift Slip Dock & Pier Builders, Inc.

November 6, 2020

**Sent Via Email**

Board of Port Commissioners  
Ms. Ann Moore, Chair  
Ms. Randa Coniglio, President/CEO  
San Diego Unified Port Commission  
3165 Pacific Highway  
San Diego, CA 92101

Re: Construction of New Piers for Public Access

Dear Commissioners, Chair Moore, and President Coniglio:

As you are aware, our firm has submitted several comment letters (attached for your reference) and appeared at workshops and public meetings on behalf of Mr. Art Engel, a current resident of the La Playa community on Shelter Island, regarding the construction of a new public pier in the La Playa area. We have received and reviewed a copy of the revised Port Master Plan Update dated October 2020 and, while appreciative that the mandate for removal of all La Playa piers has now been removed, we are disappointed with the language prohibiting the construction of new piers: “No new quasi-private/quasi-public piers associated with residential properties, or for residential use, shall be allowed.” (PD1.3.)

Public access to the bay is a priority for both the Port District and the California Coastal Commission. The goals of the Port Master Plan have been to provide accessibility to the bay, provide vistas, allow for safe interaction with the water, promote shoreline walkways, provide direct shoreline access and provide recreation activities that attract visitors. New public piers would not be inconsistent with these goals, but would, in fact, help to promote these goals. It is noteworthy that in 1988, a Port-prepared EIR characterized the piers as a “visual amenity,” and stated that the piers provide:

“points of visual reference along the shoreline that are in character with the surrounding views of boating activity. The shoreline, with the piers, is scenic enough to have been used in postcards and other photographic souvenirs of the area.”

The Port’s EIR further recognized the scenic-visual quality of the shoreline offered by the piers, and the recreational opportunities provided by the piers. (*See Attachment 2 to letter of January 25, 2018.*)




Only in San Diego is the construction of new piers controversial. Along the coastline of California, the Coastal Commission has approved new public and private piers. Since 2009, the Coastal Commission has approved the construction of more than 25 **new** piers along the California coastline, including in San Diego, Coronado, Newport Beach, Huntington Beach, Long Beach, Morro Bay, Oxnard, Redondo Beach, Humboldt and other locations. Since 2017, the Coastal Commission has approved the replacement of more than 27 piers along the California coast. These Coastal Commission project approvals demonstrate that the Coastal Commission is not averse to the construction of new piers, so long as public access is made a priority.

A particularly relevant example includes a 2019 Coastal Commission approval of the construction of a twenty-nine-foot pier with a private dock float, gangway landing and staircase in Long Beach. The approved pier and dock are associated with the adjacent single-family residence and would be used for recreational boating purposes. (*See Attachment to letter of April 29, 2019.*) Similarly, a private pier, gangway and dock float in Corona del Mar was approved by the Coastal Commission in 2017. Much like the pier proposed by Mr. Engel, the proposed dock and pier system was associated with the adjacent residence and was intended for recreational purposes. The Coastal Commission permit specifically notes that “the project is being constructed on public tidelands and/or within an area subject to the public trust doctrine.” (*See Attachment 3 to letter of January 25, 2018.*) The Coastal Commission found that the proposed pier and dock did not impair public access and was not a violation of the public trust doctrine.

The Port District has no reasonable basis to ignore the express actions of the Coastal Commission in allowing for the construction of new piers while ensuring continued public access to the ocean, shoreline, and scenic vistas. PD1.3 in the Port Master Plan Update which prohibits the construction of new piers in the La Playa area should be removed. We appreciate the Board’s consideration of this issue.

Yours very truly,

ENVIRONMENTAL LAW GROUP LLP  
VARCO & ROSENBAUM



Suzanne R. Varco

SRV/ssr

Attachments:

1. January 25, 2018 Letter to Board of Port Commissioners with attachments.
2. April 29, 2019 Letter to Board of Port Commissioners with attachments.

cc: Mr. Stephen Padilla, California Coastal Commission (via email to [stephen.Padilla@coastal.ca.gov](mailto:stephen.Padilla@coastal.ca.gov))  
Mr. Arthur Engel (via email)  
Ms. Rebecca Harrington, Port Counsel (via email to [rharrington@portofsandiego.org](mailto:rharrington@portofsandiego.org))

Board of Port Commissioners:

Ann Moore, Chair ([amoore@portofsandiego.org](mailto:amoore@portofsandiego.org))  
Michael Zucchet, Vice Chair ([mzucchet@portofsandiego.org](mailto:mzucchet@portofsandiego.org))  
Dan Malcolm ([dmalcolm@portofsandiego.org](mailto:dmalcolm@portofsandiego.org))  
Rafael Castellanos ([rcastellanos@portofsandiego.org](mailto:rcastellanos@portofsandiego.org))  
Garry J. Bonelli ([gbonelli@portofsandiego.org](mailto:gbonelli@portofsandiego.org))  
Marshall Merrifield ([mmerrifield@portofsandiego.org](mailto:mmerrifield@portofsandiego.org))  
Robert Valderrama ([rvalderrama@portofsandiego.org](mailto:rvalderrama@portofsandiego.org))

Randa Coniglio, President/CEO ([rconiglio@portofsandiego.org](mailto:rconiglio@portofsandiego.org))



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**From:** Abby Rosenthal <abby5679@yahoo.com>  
**Sent:** Thursday, February 15, 2024 4:21 PM  
**To:** Dennis Campbell; Lesley Nishihira  
**Subject:** Quick Question from 1205 Pacific Hwy Resident on 12th Floor

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Dennis and Lesley,

Thanks for the information about the SD Port Master Plan.

Question:

Can you please tell me what is in the works for the old Navy Building? - the one whose lease was just shortened, and now the Navy has to vacate?

It is important for my future plans that I know what to expect to happen to that site - i.e. high rise? how many stories?

That's it.

Thanks in advance for your quick response to my question.

Abby

Abby Rosenthal  
CPA  
1205 Pacific Highway Resident  
Unit 1201



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**From:** Harper Hatheway <harperhatheway@gmail.com>  
**Sent:** Thursday, February 15, 2024 4:52 PM  
**To:** Dennis Campbell  
**Subject:** Re: Notice of Completion - Final Draft Port Master Plan Update

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening Dennis,  
I received this email and was concerned that it might be in regard of the Coronado Yacht Club leasehold.  
Can you give me an idea of what it is about.  
Thanks,  
Harper Hatheway  
Coronado Yacht Club

On Feb 15, 2024, at 3:31 PM, Dennis Campbell <dcampbell@portofsandiego.org> wrote:

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**From:** Dennis Campbell  
**Sent:** Thursday, February 15, 2024 3:19 PM  
**To:** Dennis Campbell <dcampbell@portofsandiego.org>  
**Subject:** FW: Notice of Completion - Final Draft Port Master Plan Update

Good afternoon,

In addition to the “responses to comments” that were included in the Final Program EIR [to the Port Master Plan Update] published on December 6, 2023 (see below email), the following response (referred to as Comment I97-5) is also added to respond to an attachment to Comment Letter I97 (from Raymond Richardson), which was unintentionally omitted from the published Final Program EIR. That attachment, which is referred to as Comment I97-5, follows Page 2-837 (pdf page 849) of Volume 1 of the Final Program EIR, which is available here: [pantheonstorage.blob.core.windows.net/ceqa/20231206\\_SD\\_Port\\_Final\\_PEIR\\_V1.pdf](https://pantheonstorage.blob.core.windows.net/ceqa/20231206_SD_Port_Final_PEIR_V1.pdf). The San Diego Unified Port District’s response to Comment I97-5 is as follows:

**Response to Comment I97-5**

This comment letter provided comments related to the PMPU, prior to the public review period of the Draft PEIR, and does not raise any environmental issues requiring a response pursuant to CEQA. The District further notes that the previous comments attached to the letter predate the release of the PMPU Draft PEIR. (See Sierra Club v. City of Orange (2008) 163 Cal.App.4th 523, 538 [Comments submitted before the release of the Draft EIR did not constitute comments on the adequacy of that document].) Please note that with the exception of the following topics, none of the comments from this City comment letter are repeated in the January 6, 2022, City of Coronado public review comment letter. mobility hubs, water-based transfer points, micromobility, and parking rates. The District responses to those similar topics are found starting at page 2-175 of the Final PEIR, Volume 1 of 4. Specifically, please see responses A6-2 to A6-3 and A6-9 (mobility hubs), A6-4 (water-based transfer points), A6-5 (micromobility), and A6-8 (parking rates). The remainder of the comments do not change the conclusions of the Program Environmental Impact Report and therefore, do not need responses.

The previously-published response to Comment Letter I97, as well as the attachment related to the above Response to Comment I97-5, is attached to this email; and the Response to Comment I97-5 will be added to the Errata to the Final Program EIR, which will be published with the staff report for the Special Board of Port Commissioners' (Board) meeting scheduled for February 28, 2024. When available, a link to that Errata to the Final Program EIR, as well as the staff report for the February 28, 2024 Board meeting, will be added to the PMPU webpage: [www.portofsandiego.org/pmpu](http://www.portofsandiego.org/pmpu). As a reminder, the comment letters regarding the Draft Program EIR for the Port Master Plan Update, and the San Diego Unified Port District's responses to those comments, are provided in Volume 1, Chapter 2 of the Final Program EIR, which is available at the following link: [pantheonstorage.blob.core.windows.net/ceqa/20231206 SD Port Final PEIR V1.pdf](http://pantheonstorage.blob.core.windows.net/ceqa/20231206 SD Port Final PEIR V1.pdf) [scroll to pdf page 13] The other 3 volumes of the Final Program EIR are also available on the PMPU webpage ([www.portofsandiego.org/pmpu](http://www.portofsandiego.org/pmpu)).

At the February 28, 2024, Board meeting, Port District staff will request the Board conduct a public hearing and take the following actions related to the Port Master Plan Update:

1. Certify the Final Program EIR (including an Errata), adopt Findings of Fact and a Statement of Overriding Considerations, adopt Mitigation Monitoring and Reporting Program, and direct filing of the Notice of Determination
- b) Approve the draft Port Master Plan Amendment (titled "Final Draft Port Master Plan Update") and direct filing with the California Coastal Commission for Certification

The Board meeting will begin at 10:00 a.m. at the District Administration Building located at 3165 Pacific Highway, San Diego, California 92101. The public is welcome to attend in person, or watch via livestream on the Granicus Agenda & Meeting Link and/or the Microsoft Teams Meeting Link on the District's website at <https://www.portofsandiego.org/about-port-san-diego/board-meetings>. For additional information on the Board meeting and how you can participate, please visit the above webpage. You can also contact the Office of the District Clerk at [PublicRecords@portofsandiego.org](mailto:PublicRecords@portofsandiego.org) or (619) 686-6206 for additional assistance.

For questions, please contact Lesley Nishihira at (619) 686-6469 or via email at [lnishih@portofsandiego.org](mailto:lnishih@portofsandiego.org) or Dennis Campbell at (619) 686-7218 or via email at [dcampbell@portofsandiego.org](mailto:dcampbell@portofsandiego.org).

Best Wishes,

**Dennis Campbell, AICP**

Program Manager, Planning

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.7218  
(c) 619.980.7081

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This email may contain public information and may be viewed by third parties pursuant to the Cal. Public Records Act.

Port administration offices are open Monday-Thursday and [every other Friday](#) from 8am-5pm.

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**From:** Dennis Campbell  
**Sent:** Wednesday, December 6, 2023 5:53 PM  
**To:** Dennis Campbell <[dcampbell@portofsandiego.org](mailto:dcampbell@portofsandiego.org)>  
**Subject:** Notice of Completion - Final Draft Port Master Plan Update

Hello,

The San Diego Unified Port District (Port District) has published a “Notice of Completion and Public Hearing” for the Final Draft Port Master Plan Update (PMPU) and has also made the associated Final Program Environmental Impact Report (Final PEIR) available to the public. The Notice is attached to this email and both the PMPU and the Final PEIR may be accessed at [www.portofsandiego.org/pmpu](http://www.portofsandiego.org/pmpu). In addition, next week, the Port District will hold two virtual meetings to provide the public and interested parties with an update on the PMPU and the next steps for the PMPU. These virtual meetings will be held on the following days/times:

1. Tuesday, December 12: 6:00 P.M. start, VIRTUAL Meeting #1
  1. RSVP and get meeting link here: <https://forms.office.com/r/HyQBkxCd8u>; and
2. Thursday, December 14: 1:00 P.M. start, VIRTUAL Meeting #2
  2. RSVP and get meeting link here: <https://forms.office.com/r/ytkPeW8sb0>

Port District staff will include the comments and feedback received at these virtual meetings during the presentation to the Board of Port Commissioners, at a Special Board meeting scheduled for February 28, 2024. A time for this meeting has not yet been determined.

For questions, please contact Lesley Nishihira at (619) 686-6469 or via email at [lnishih@portofsandiego.org](mailto:lnishih@portofsandiego.org) or Dennis Campbell at (619) 686-7218 or via email at [dcampbell@portofsandiego.org](mailto:dcampbell@portofsandiego.org).

Best Wishes,

**Dennis Campbell, AICP**

Program Manager, Planning

3165 Pacific Highway, San Diego, CA 92101  
(o) 619.686.7218  
(c) 619.980.7081

<image001.png>

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<Response to Comment I97 (Raymond Richardson).pdf>